

# VIII

## BAVLI TRACTATE YOMA CHAPTER EIGHT

### FOLIOS 73B-88A

#### 8:1-2

#### 8:1

- A. On the Day of Atonement it is forbidden to (1) eat, (2) drink, (3) bathe, (4) put on any sort of oil, (5) put on a sandal, (6) or engage in sexual relations.
- B. But a king and a bride wash their faces.
- C. “And a woman who has given birth may put on her sandal” the words of R. Eliezer.
- D. And sages prohibit.

#### 8:2

- A. He who eats a large date’s bulk [of food], inclusive of its pit —
- B. [or] he who drinks the equivalent in liquids to a mouthful
- C. is liable.
- D. All sorts of foods join together to form the volume of the date’s bulk,
- E. and all sorts of liquids join together to form the volume of a mouthful.
- F. He who eats and he who drinks —
- G. [these prohibited volumes] do not join together [to impose liability for eating or for drinking, respectively].

#### **I.1 A. On the Day of Atonement it is forbidden...:**

- B. Is it merely forbidden? The man is subject to the penalty of extirpation!
- C. Said R. Ila, and some say, R. Jeremiah, “The statement is required to deal with one’s eating only half of the minimum volume to incur culpability.” [That is forbidden, even though extirpation is not incurred.]
- D. *That poses no problem to him who has said, “Eating half of the requisite volume to incur culpability is forbidden by the law of the Torah.” But from the perspective of him who has said, “Eating half of the requisite volume to incur culpability is in fact permitted by the law of the Torah,” what is to be said?*

- E. *For it has been stated:*
- F. As to half of the requisite volume of forbidden substance —
- G. R. Yohanan said, “It is forbidden by the law of the Torah.”
- H. And R. Simeon b. Laqish said, “It is permitted by the law of the Torah.”
- I. So the proposed explanation poses no problem to R. Yohanan, but from the perspective of R. Simeon b. Laqish, what is to be said?
- J. R. Simeon b. Laqish concurs that it is forbidden by the law of the Rabbis.
- K. *Well, if that's the case, then one should not be liable on account of such a volume to offer a sacrifice in connection for an oath [that one has taken not to eat less than the requisite volume of forbidden food; such an oath should have no force and one should not have to present a sin-offering for the inadvertent violation thereof]. Then then how come we have learned in the Mishnah: “**I swear that I won't eat,**” but he ate carrion and terefah meat, abominations and creeping things — he is liable. R. Simeon declares him exempt [M. 3:4D-E]. And we reflected on this matter: “Why is he liable, since the oath was already in place from Mount Sinai?” Rab, Samuel, and R. Yohanan all said, “It is because he has encompassed permitted things with forbidden things.” [Silverstone: if he had sworn, “I swear I shall not eat carrion,” this oath would not have taken effect in addition to the oath of Sinai, but he said, “I swear I shall not eat,” meaning, even permitted things, and since that oath does take effect on permitted things, it covers also prohibited ones, for this oath is more inclusive than the one taken at Sinai; and when the second oath is more inclusive than the first, it takes effect over the first.] And R. Simeon b. Laqish said, “You find that he should be liable only if he expressly stated half of the legal volume, *in accord with rabbis, or if his statement was left without further articulation, [74A] in accord with the position of R. Aqiba*, who maintains that someone in an oath left unarticulated may prohibit even a minute quantity.” Now if you maintain that since it is permitted by the Torah, the law governing sacrifice for an oath is operative, [making a distinction between things forbidden by the Torah, the oath re-forbids the same to oneself would be inoperative and would free the one who took such an oath from the obligation to offer a sacrifice, and things permitted by the Torah, to which the oath would apply, so that if one swore not to eat less than the legal minimum, which, because it is below the legal quantity, would be permitted by the Torah and forbidden only by rabbinic decree, the oath would operate and in the case of transgression he would have to bring a sacrifice (Jung)], have we not learned in the Mishnah: **an oath of testimony applies only to those who are suitable to bear witness**, and we reflected on this matter in the following way: excluding what class of persons? Said R. Pappa, “Excluding the king.” And R. Aha bar Jacob said, “Excluding a gambler” — and lo, a gambler is qualified to bear witness so long far as the Torah is concerned, and it is only rabbis who declared such a person unacceptable as a witness, and yet the oath does not apply to him!*
- L. *That case is different, since Scripture has said, “If he does not utter it” (Lev. 5: 1) — and this man does not make a valid utterance.*

**I.2.** A. *And is it the fact that in any passage in which the Tannaite formulation declares the penalty to be extirpation, the language of prohibition is not used at all [as is the premise of the opening question]? And has it not been taught on Tannaite authority: Even though all of these are forbidden on the Day of Atonement, the penalty of extirpation is incurred only on account of eating, drinking, and working?*

B. *This is the sense of that statement: when they said that it is forbidden, they made that statement solely concerning half of the requisite volume, but if one has eaten or drunk the requisite volume to incur a penalty, the penalty is extirpation. And even though the penalty is extirpation, the penalty of extirpation applies only to eating, drinking, and performing acts of labor alone.*

C. *And if you wish, I shall say: when “forbidden” was stated in the Tannaite formulation, that pertains to the remainder of the matters, for Rabbah and R. Joseph and the other compilations of the household of the master [Jung: the school of Rab] repeated as a Tannaite statement:*

D. *How do we know that on the Day of Atonement it is forbidden to wash, anoint oneself, put on leather shows, and have sexual relations? Scripture states, “It is a Sabbath of solemn rest to you” (Lev. 16:31).*

**I.3.** A. *Reverting to the body of the foregoing:*

B. *As to half of the requisite volume of forbidden substance —*

C. *R. Yohanan said, “It is forbidden by the law of the Torah.”*

D. *And R. Simeon b. Laqish said, “It is permitted by the law of the Torah.*

E. *R. Yohanan said, “It is forbidden by the law of the Torah:” since it is suitable to be joined to form the minimum forbidden volume, the man is thereby eating what is forbidden.*

F. *And R. Simeon b. Laqish said, “It is permitted by the law of the Torah:” the Torah has spoken of an act of eating, and that is not present in this situation.*

G. *R. Yohanan objected to R. Simeon b. Laqish, “I know only that whatever is subject to a penalty is subject to an admonition. As to a koy [a hybrid of a deer and a gazelle], and as to one half of the requisite volume of a forbidden food, since such as these are not subject to a penalty, is it possible that they are not subject to an admonition? Scripture states, “no fat” (Lev. 7:23). [That is, even less than the legal minimum is subject to the prohibition.]*

H. *That is only by the authority of rabbis, and the verse of Scripture serves as a pretext. And that stands to reason, for if it should enter your mind that the ruling stands on the authority of the Torah, well, a koy is a creature that is subject to doubt as to its status, and no verse of Scripture would be required to cover such a case that is subject to doubt [which is automatically subject to the law].*

I. *If that were the only consideration, there would be no issue, for it would be held that [74B] a koy is a species unto itself. For if you do not maintain that view, lo, said R. Idi bar Abin, “‘also all’ includes the koy, since the koy is subject to doubt, and a verse of Scripture is not required to cover a case of doubt. “ So you must say it is a species unto itself and that is exceptional, and here too you must say that a species unto itself is an exceptional case.*

## **Composite on the Affliction of Souls on the Day of Atonement, in particular through fasting**

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

- B. “You shall afflict your souls” (Lev. 16:29) —
- C. might one suppose that a person should therefore sit in the sun or in the cold so as to suffer anguish?
- D. Scripture says, “and you shall do no manner of work” (Lev. 16:29) — Just as the prohibition of work means, sit and do nothing, so the commandment to afflict one’s soul means, sit and do nothing [by abstinence].
- E. *But say: if one is sitting in the sun and gets hot, one may not say to him, Get up and go sit in the shade,” or if he is sitting in the shade and gets cold, one may not say to him, “Get up and go sit in the sun”?*
- F. *The pertinent analogy is the prohibition of labor.* Just as in the case of an act of labor, there is no making distinctions, so in afflicting the soul, you should make no distinctions.

### **I.5.** A. *It has further been taught on Tannaite authority:*

- B. “You shall afflict your souls” (Lev. 16:29) —
- C. might one suppose that a person should therefore sit in the sun or in the cold so as to suffer anguish?
- D. Scripture says, “and you shall do no manner of work” (Lev. 16:29) — Just as the prohibition of work covers a matter for which in another context one would incur liability [on the Sabbath in particular], so the affliction of the soul covers something for which in another context one would incur liability. And what might that be? This would refer to eating meat of a sacrifice that has been subjected by the officiating priest to an improper intention or eating meat that has been left over and not burned at the required time.
- E. I shall include under the law then the act of eating meat of a sacrifice that has been subjected by the officiating priest to an improper intention or eating meat that has been left over and not burned at the required time, which are subject to the penalty of extirpation. But I shall not encompass within the stated prohibition the eating of utterly untithed produce, which is not subject to the penalty of extirpation.
- F. To the contrary, Scripture states, “You shall afflict,” “and you shall afflict your souls,” which serves as inclusionary language.
- G. I shall then encompass within the law the eating of totally untithed produce, which is subject to the death penalty, but I shall not encompass under the law eating carrion, which is not subject to the death penalty.
- H. To the contrary, Scripture states, “You shall afflict,” “and you shall afflict your souls,” which serves as inclusionary language.
- I. I shall then encompass within the law carrion, which is subject to a negative prohibition, but I shall not encompass under the law the eating of unconsecrated food, which is not subject to any negative prohibition.
- J. To the contrary, Scripture states, “You shall afflict,” “and you shall afflict your souls,” which serves as inclusionary language.

- K. I shall encompass the eating of unconsecrated produce, which is not subject to the commandment, “Arise, eat,” but I shall not encompass the eating of food in the status of priestly rations, which is subject to the commandment, “Go, eat.”
- L. To the contrary, Scripture states, “You shall afflict,” “and you shall afflict your souls,” which serves as inclusionary language.
- M. I shall then encompass under the prohibition the eating of food in the status of priestly rations, which is not subject to the commandment against leaving any over, but I shall not include under the prohibition the eating of Holy Things, which are subject to the commandment against leaving anything over.
- N. To the contrary, Scripture states, “You shall afflict,” “and you shall afflict your souls,” which serves as inclusionary language.
- O. But if you prefer [a different proof]: lo, Scripture says, “And I will destroy that soul” (Lev. 23:30) — what is required is an affliction that causes the destruction of life, and what might that be? It is abstention from eating and drinking.
- P. *What is the consideration behind the inclusion, But if you prefer [a different proof]?*
- Q. *Should you raise the objection that it is with the issue of consanguineous relationships that the verse of Scripture concerns itself, then* — lo, Scripture says, “And I will destroy that soul” (Lev. 23:30) — what is required is an affliction that causes the destruction of life, and what might that be? It is abstention from eating and drinking.

**I.6.** A. *A Tannaite statement of the household of R. Ishmael:*

- B. [“You shall afflict your souls” (Lev. 16:29)] — here we find a reference to affliction, and elsewhere we find a reference to the same matter. Just as elsewhere, the affliction concerns hunger, so here the affliction must concern hunger.
- C. But why not form the governing analogy in this way: “If you shall afflict my daughters” (Gen. 31:50)?
- D. We draw an analogy from a form of affliction that is public from a case in which the form of affliction is public, but we draw no analogy for a case of affliction that is public from the governing metaphor of a case that is individual.
- E. And why not draw the governing analogy from the affliction that took place in Egypt, concerning which it is written, “And the Lord saw our affliction” (Deu. 26: 7), *and we said*, This refers to abstinence from sexual relations?
- F. We draw an analogy from a case of affliction that involves Heavenly action from another case of affliction that involves Heavenly action, but we do not find an analogy for affliction that involves Heavenly action from the case of affliction that is imposed by human action.

## **Appendix on the Affliction that Involves Eating: The Case of Manna**

- I.7.** A. “Who fed you in the wilderness with manna...that he might afflict you” (Deu. 8:16) —
- B. R. Ammi and R. Assi —
  - C. *One said*, “One who has a loaf of bread in his basket is not the same as one who has no loaf of bread in his basket.

- D. *And the other said*, “One who sees what he is eating is not the same as one who does not see while he is eating.” [Jung: the one who ate the manna did not see what he was tasting.]
- E. Said R. Joseph, “Here we find an indication that the blind eat but are not sated.”
- F. *Said Abbaye*, “Therefore one who has a meal should eat only by day.”
- G. *Said R. Zira*, “What is the relevant verse of Scripture? ‘Better is the seeing of the eyes than the wandering of the desire’ (Qoh. 6: 9).”
- H. Said R. Simeon b. Laqish, “It’s more fun to look at a woman than do the deed with her: ‘Better is the seeing of the eyes than the wandering of the desire’ (Qoh. 6: 9).”

**I.8.** A. “When it gives its color in the cup, when it glides down smoothly” (Pro. 23:31) —

B. R. Ammi and R. Assi —

- C. *One said*, “Whoever looks [75A] at ‘the cup’ — all incestuous relationships look smooth [and unhindered] to him.”
- D. *And the other said*, “Whoever indulges in the cup — the whole world looks smooth to him.”

**I.9.** A. “Care in the heart bows it down” (Pro. 12:25) —

B. R. Ammi and R. Assi —

- C. *One said*, “He should force it down [and so remove it].”
- D. *And the other said*, “He should ventilate it with others.”

**I.10.** A. “And as to the snake, dust will be its bread” (Isa. 65:25) —

B. R. Ammi and R. Assi —

- C. *One said*, “Even if he were to eat all the delicacies in the world, he would taste of them only the taste of dirt.”
- D. *And the other said*, ““Even if he were to eat all the delicacies in the world, his mind would not be satisfied until he ate dirt.”

**I.11.** A. *It has been taught on Tannaite authority*:

- B. Said R. Yosé, “Come and take note that the attribute of the Holy One blessed be he is not like the attribute of mortals. The attribute of mortals is, if one has a fight with his neighbor, he descends in the struggle even to attack his livelihood, but the Holy One, blessed be he, is not that way. He cursed the snake. But if he goes up to the roof, he finds his food there. If he goes down, he finds his food there.
- C. “He cursed Canaan [as a slave], but nonetheless, he eats what his master eats and drinks what his master drinks.
- D. “He cursed woman, but everybody goes running after her.
- E. “He cursed the earth, but everybody gets nourishment from it.”

**I.12.** A. “We remember the fish that we used to eat in Egypt for nothing” (Num. 11: 5)

—  
B. Rab and Samuel —



- C. *One said, "This really means fish."*
- D. *And the other said, "It refers to fornication."*
- E. *The one who said, "This really means fish," cites the verse, "that we used to eat."*
- F. *And the other, who said, "It refers to fornication," refers to, "...for nothing."*
- G. *But as to the other, who said, "It refers to fornication," is it not written, "that we used to eat"?*
- H. *That is just a euphemism, in line with the usage, "She 'eats' and wipes her mouth' and says, I have done no wickedness" (Pro. 30:20).*
- I. *And in the view of the who said, "This really means fish," what is the meaning of "...for nothing"?*
- J. *They were brought from common property [and ownerless, hence not sold but given away].*
- K. *For a master has said, "When the women would go to draw water, the Holy One, blessed be he, would provide little fishes for their jars, [and they would draw half water and half fish and come and heat up two pots, one to warm the water, the other for the fish. These they would bring to their husbands in the fields, and they would wash them and anoint them and feed them [fish] and give them water to drink, and then have sexual relations with them among the sheepfolds]."*
- L. *Now there is no problem for him who has said that it refers to real fish, for as to fornication, they were not licentious, in line with the verse, "A garden that is locked up is my sister" (Son. 4:12). But from the perspective of him who says that it refers to fornication, what is the sense of "A garden that is locked up is my sister"?*
- M. *They did not fornicate through incest.*
- N. *Now there is no problem who says that the reference is to fornication, for that is in line with the verse, "And Moses heard the people weeping for their families" (Num. 11:10). This means, concerning matters having to do with their families, for it was forbidden for them to lie with them any more. But from the perspective of him who has said that the reference is to real fish, what is the meaning of the verse, "And Moses heard the people weeping for their families" (Num. 11:10)?*
- O. *Both in point of fact are covered [that is, real fish, but also fornication].*

**I.13.** A. "The cucumbers and the melons" (Exo. 11: 5) —

- B. R. Ammi and R. Assi —
- C. *One said, "In the manna they tasted every sort of food but not the taste of the five specified items, cucumbers, melons, leeks, onions, and garlic."*
- D. *And the other said, "In the manna they tasted the taste and substance of all foods, but of the five listed, they tasted the taste but not the substance."*

**I.14.** A. "Now the manna was like coriander seed" (Num. 11: 7) —

- B. Said R. Assi, "It was round like coriander seed and white like pearl."

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

- B. ["Now the manna was like coriander seed" (Num. 11: 7):] — the letters for the word for coriander bear the meaning that the manna was like flax seed in its capsules.

- C. Others say, “The letters for the word for coriander bear the meaning that it was comparable to lore, which appeals to peoples’ emotions, even like water.”

**I.16.** A. *It further has been taught on Tannaite authority:*

- B. The letters for the word for coriander bear the meaning that the manna told the Israelites whether an infant was born at nine months, after intercourse with the first husband, or at seven months, after intercourse with the second husband.
- C. “...white...” — that it whitens the dark sins of the Israelites.

**I.17.** A. *It has been taught on Tannaite authority:*

- B. R. Yosé says, “Just as the prophet told the Israelites what was to be found in clefts or holes, so manna would reveal to Israelites what was in the clefts and holes. How so? Two came before Moses for judgment. This one says, ‘You stole my slave,’ and that one says, ‘You sold him to me.’ Moses would say to them, ‘Tomorrow morning will be the judgment.’ The next day, if his slave’s “omer-measure for collecting the manna was found in the house of the first master, it would be ample proof that the other had stolen him; if it was found in the house of the second, it proved that the former had sold him to the other.
- C. “And so in the case of a man and woman who came before Moses for judgment. This one says, ‘She has cuckolded me,’ and she says, ‘He has been unfaithful to me.’ Moses would say to them, ‘Tomorrow morning will be the judgment.’ The next day, if her “omer-measure for collecting the manna was found in the house of her husband, it was proof that she had cuckolded him, if it was found in the house of her father, it was proof that he had been unfaithful to her.” [Jung: the ‘omer-measure would be found in the home of him who deserved it.]

**I.18.** A. It is written, “And when the dew fell upon the camp in the night, the manna fell upon it” (Num. 11: 9). “And the people shall go and gather” (Exo. 16: 4). “The people went about and gathered it” (Num. 11: 8) — how so?

- B. As to the righteous, it came down at the door of their houses. As to the middling folk, “And the people shall go and gather” (Exo. 16: 4). As to the wicked, “The people went about and gathered it” (Num. 11: 8).

**I.19.** A. It is written “bread” and also “dough of cakes” and “they ground it” (Num. 11: 8) — how so?

- B. For the righteous, it was bread; for middling folk, it was cakes; for the wicked, “they ground it in a mill.”

**I.20.** A. “...or beat it in mortars” (Num. 11: 8) —

- B. Said R. Judah said Rab, and some say, R. Hama bar Hanina, “This teaches that with the manna there descended for the Israelites women’s cosmetics, that is, things that are ground in a mortar.”

**I.21.** A. “And boiled it in pots” (Num. 11: 8) —

- B. Said R. Hama, “This teaches that with the manna there descended for the Israelites the makings of a pudding.”

**I.22.** A. “And they brought yet to him freewill offerings every morning” (Exo. 36: 3) —



- B. *What is the meaning of* every morning?
- C. Said R. Samuel bar Nahmani said R. Jonathan, “It derived from those that descended morning by morning, meaning, together with the manna descended for the Israelites precious stones and pearls: ‘And the princes brought onyx stones,’ and a Tannaite statement adds, ‘The word for princes means, actually, clouds’ [which uses the same letters], and so Scripture states, ‘As clouds and winds without rain’ (Pro. 25:14).”

**I.23.** A. “And the taste of it was like the taste of a cake baked with oil” (Num. 11: 8) —

- B. Said R. Abbahu, “[Since the word for cake uses the same letters as the word for breast, the meaning is:] Just as the infant tastes at the breast any number of tastes, so for the manna, whenever the Israelites ate it, they found in it a whole variety of flavors.”
- C. *There are those who say the meaning is*, literally, a demon [which is spelled with the same letters], meaning, just as just as the demon can change into many colors, so the manna changed into a whole range of flavors.

**I.24.** A. “And Moses said, This shall be when the Lord shall give you in the evening meat to eat and in the morning bread to the full” (Exo. 16: 8) —

- B. *A Tannaite statement in the name of R. Joshua b. Qorhah*: “Meat, for which they asked not in the right way, was given to them at the wrong time. **[75B]** Bread, for which they asked in the right way, was given to them at the right time.”
- C. In that way the Torah has given instruction in right conduct: people should eat meat only at night.
- D. *But didn’t Abbayye say, “Someone who has a meal to eat should eat it only by day?”*
- E. *The meaning is, as in daylight.*
- F. Said R. Aha bar Jacob, “In the beginning the Israelites were like chickens, pecking about in the dung heap, until Moses came and assigned for them particular times for meals.”

**I.25.** A. “While the meat was yet between their teeth” (Num. 11:33). And it is written, “But a whole month” (Num. 11:20) — how so?

- B. The middling folk died on the spot, the wicked suffered pain for a whole month.

**I.26.** A. “And they spread them all abroad” (Num. 11:32) —

- B. Said R. Simeon b. Laqish, “Don’t read, ‘they spread abroad’ but read the same letters with the vowels that yield, ‘they were slaughtered.’ This teaches that the Israelites incurred the penalty of being slaughtered.”

**I.27.** A. [“And they spread them all abroad” (Num. 11:32) —]

- B. *A Tannaite statement in the name of R. Joshua b. Levi*: “Don’t read, ‘they spread abroad’ but read the same letters with the vowels that yield, slaughtered. This teaches that with the manna there came down for Israel something that required proper slaughter.” [That shows quail requires ritual slaughter]
- C. Said Rabbi, “But do you derive that lesson from this passage? But is it not stated in so many words, ‘He caused meat also to rain upon them as the dust and winged fowl as the sand of the sea’ (Psa. 78:27).”

- D. *And it has been taught on Tannaite authority:*
- E. Rabbi says, “[If the place which the Lord your God will choose to put his name there is too far from you], then you may kill any of your herd or your flock, which the Lord has given you, as I have commanded you; [and you may eat within your towns as much as you desire]” (Deu. 12:21). This teaches us that Moses was commanded concerning [the requirement to slaughter by cutting] the gullet and the windpipe [and the requirement to slaughter] the majority of one organ for a bird and the majority of two organs for a beast.”
- F. Rather, what is the meaning of Scripture’s statement, “And they spread them all abroad” (Num. 11:32)?
- G. This teaches that the quail came down so as to form layers.
- I.28.** A. It is written, “bread,” and also “oil,” and also “honey” (Exo. 16:29, 31, Num. 11: 8). [Which was it?]
- B. Said R. Yosé b. R. Hanina, “For the young, bread; for the old, oil, for the children, honey.”
- I.29.** A. The word for quail is written to be pronounced *shlaw* but we pronounce it as *slaw*. [What does this mean?]
- B. Said R. Hanina, “When the righteous eat it, it is at ease, but when the wicked eat it, it is like thorns for them.”
- I.30.** A. Said R. Hanan bar Raba, “There are four kinds of quail, and these are they: thrush, partridge, pheasant, and quail. *The best is the thrush, the worst, the quail, which is like a little bird.* [Following Jung:] *One stuffs it, puts it in the oven, and it expands and gets so big as to fill the oven. Then one puts it on top of twelve loaves of bread, and even the lowest one of them cannot be eaten without some other food together with it [the bread being so greasy].*”
- B. R. Judah would find them among jars. R. Hisda would find them among twigs.
- C. *To Raba his sharecropper would bring some every day. One day he didn’t bring any. He said, “How come?” He went up to the roof and heard a child reciting, “When I heard my inward parts trembled” (Hab. 3:16). He said, “That bears the inference that R. Hisda has died. And that is in line with what people say, “By the grace of the master the disciple eats.”*
- I.31.** A. It is written, “And when the layer of dew was gone up” (Exo. 16:14) and also, “And when the dew fell” (Num. 11: 9).
- B. Said R. Yosé b. R. Hanina, “Drew on top, dew on the bottom; it looked like something put in a box.”
- I.32.** A. “A fine scale-like thing” (Num. 11: 9) —
- B. Said R. Simeon b. Laqish, “It is something that melts on the palm of the hand.”
- C. R. Yohanan said, “It is something that is absorbed by the two hundred and forty-eight parts of the human body.”
- D. *But the numerical value of the letters that make up “scale-like” is not two hundred and forty-eight but much more than that.*
- E. *Said R. Nahman bar Isaac, “The word is written defectively.”*
- I.33.** A. *Our rabbis have taught on Tannaite authority:*

- B. “‘Man did eat the bread of the mighty’ (Psa. 78:25) —
- C. “It is the bread that the ministering angels eat,” the words of R. Aqiba.
- D. Now when these statements were said before R. Ishmael, he said to them, “Go and say to Aqiba, “Aqiba, you are wrong. For do the ministering angels eat bread at all? And is it not stated in Scripture, ‘I did neither eat bread nor drink water’ (Deu. 9:18)? So how do I interpret the statement, ‘Man did eat the bread of the mighty’? It is bread that is absorbed by the two hundred and forty-eight parts [limbs of the body, and the words for mighty and limbs use the same consonants].
- E. “And how do I interpret the further statement, ‘And you shall have a paddle among your weapons’ (Deu. 28:14)? [If the manna was so completely absorbed, there should have been no excrement to bury]. It refers to food that the gentile merchants were selling them.”
- F. R. Eleazar b. Perata says, “Even things that the gentile merchants were selling to them the manna would counteract. But what is the point of ‘And you shall have a paddle among your weapons’ (Deu. 28:14)? This was after they had offended [against the manna, at Num. 21: 5]. Said the Holy One, blessed be he, ‘I had intended that they be like ministering angels. Now I shall impose upon them the inconvenience of walking three parasangs [to defecate].”
- G. “And they pitched by the Jordan from Beth-Yeshimoth even to Abel-shittim” (Num. 33:49), *and said Rabbah bar bar Hannah, “I myself saw that place, and it is three parasangs in dimension.”*
- H. *And a Tannaite statement: when they defecate, they went neither forward nor sideways but rearwards.”*

**I.34.** A. “But now our soul is dried away, there is nothing at all” (Num. 11: 6) —

- B. They said, “This manna is going to dry up their bowels. For is there any born of woman who takes in but doesn’t excrete?” [supply: the words of R. Aqiba.]
- C. Now when these statements were said before R. Ishmael, he said to them, “Go and say to Aqiba, “Aqiba, you are wrong. For do the ministering angels eat bread at all? And is it not stated in Scripture, ‘I did neither eat bread nor drink water’ (Deu. 9:18)? So how do I interpret the statement, ‘Man did eat the bread of the mighty’? It is bread that is absorbed by the two hundred and forty-eight parts.
- D. “And how do I interpret the further statement, ‘And you shall have a paddle among your weapons’ (Deu. 28:14)? [If the manna was so completely absorbed, there should have been no excrement to bury]. It refers to food that comes from overseas.”
- E. Another matter: “Man did eat the bread of the mighty” (Psa. 78:25) — **[76A]** this refers to Joshua, for whom as much manna descended as for all of Israel.
- F. *Here is written, “man” and elsewhere, “Take Joshua, son of Nun, a man in whom is spirit” (Num. 27:18).*
- G. *But maybe reference is to Moses: “Now the man Moses was very meek” (Num. 12: 3)?*
- H. We draw an analogy from a reference to “man” but not from a reference to “now the man.”

- I.35.** A. His disciples asked R. Simeon b. Yohai, “How come the manna did not come down to the Israelites only once a year [rather than day by day]?”
- B. He said to them, “Let me tell you a parable: to what is the matter to be compared? It is like the case of a mortal king who has one son. He arranged an allowance for him once a year, and the son greeted his father only once a year. The father went and gave him his allowance day by day, and the son greeted the father every day. So too with Israel, he who had four or five children would water about them and say, ‘Maybe manna won’t come down tomorrow, and all of them will die of famine. So it turned out that all of them directed their hearts to their father in heaven.
- C. “Another matter: they would then eat it hot.
- D. “Another matter: it was because of the trouble of transporting it [in large volume on their journeys].”
- I.36.** A. Now R. Tarfon and R. Ishmael and sages were in session, dealing with the passage on manna, and R. Eleazar the Modite was in session among them. R. Eleazar the Modite responded and say, “The manna that came down for Israel was sixty cubits high.”
- B. Said R. Tarfon to him, “Modite — how long are you going to sweep up empty words and bring them to us.”
- C. He said to him, “My lord, I am interpreting a verse of Scripture. [The proof is as follows:]
- D. “‘Fifteen cubits upward did the waters prevail and the mountains were covered’ (Gen. 7:20) — and where they fifteen cubits high in the valley and fifteen cubits on the mountains? *Were the waters standing like a series of walls?* Furthermore, how could the ark have come to the top of the mountains? Rather, all the fountains of the great deep came up first until the water was level with the mountains; then the water rose fifteen more cubits.
- E. “Which measure is greater? That of goodness or that of punishment? One must say, it is the measure of goodness that is greater than the measure of punishment.
- F. “With regard to the measure of punishment it is written, ‘And the windows of heaven were opened’”(Gen. 7:11) [Freedman, *Sanhedrin*, p. 680, n. 5: ‘Doors’ implies a greater opening than windows; God metes out reward more fully than punishment.]
- G. “With regard to the measure of goodness it is written, ‘And he commanded the clouds from above, and opened the doors of heaven and rained down manna upon them to eat’ (Psa. 78:23-24).
- H. “How many windows does a door have? Four. So ‘doors’ means that there are eight. So it emerges that the manna that fell on Israel was sixty cubits high.”

**I.37.** A. *It has been taught on Tannaite authority:*

- B. Issi b. Judah says, “The manna that came down for Israel kept ascending until all the kings of the east and west saw it, as it is said, ‘You prepare a table before me in the presence of my enemies, my cup runs over’ (Psa. 23: 5, 6).”
- C. [“my cup runs over.”] *Said Abbayye, “That yields the inference that the cup of King David in the world to come will contain two hundred and twenty-one logs, as*

*it is said, 'my cup runs over,' and the numerical value of the letters for 'run over' is as stated."*

**I.38.** *A. But there is no real comparison, for in that case, it took forty days, and here it took only one hour [between the flood and the manna (Jung)]. There it was for all the world, here it was only for Israel — and it should have been higher still. Rather, R. Eleazar the Modite derived his lesson from the verbal analogy based on "opened" [Gen. 7:11 and Psa. 78:23].*

**II.1 A. ...to (1) eat, (2) drink, [(3) bathe, (4) put on any sort of oil, (5) put on a sandal, (6) or engage in sexual relations]:**

*B. As to these five afflictions, to what do they correspond?*

*C. Said R. Hisda, "They correspond to the five afflictions mentioned in the Torah, as follows: 'And on the tenth day' (Num. 29: 7), 'howbeit on the tenth day' (Lev. 23:27), 'a Sabbath of solemn rest' (Lev. 23:32), 'it is a Sabbath of solemn rest' (Lev. 16:31), 'and it shall be unto you' (Lev. 16:29)."*

*D. But these are five, and our Mishnah lists six!*

*E. Drinking is encompassed within eating.*

*F. For said R. Simeon b. Laqish, "'How on the basis of Scripture do we know that drinking falls into the category of eating? As it is said, "And you shall eat before the Lord your God in the place which he shall choose for a dwelling place for his name, the tithe of your grain, your wine" (Deu. 14:23). Now wine of course is drunk, and yet Scripture says, "you shall eat..."'"*

*G. But perhaps Scripture refers to elaiogaron [a sauce that contains wine which is a food, and so is eaten, not drunk, but perhaps drinking is in general not classified as an act of eating]?*

*H. For said Rabbah bar Samuel, "Elaiogaron is juice of beet roots, oxygaron is juice of any other boiled vegetables."*

*I. Rather, said R. Aha bar Jacob, "Proof that drinking falls into the category of eating derives from this verse: 'And you shall bestow the money for whatever your soul desires, for oxen or sheep or fine or strong drink...and you shall eat there' (Deu. 14:26). Now wine here certainly means wine, and yet it is written, 'and you shall eat there'!"*

*J. But perhaps here too Scripture refers to elaiogaron!*

*K. But "strong drink" is stated as well, something that can inebriate!*

*L. Perhaps what is meant is Keilah-figs, for it has been taught on Tannaite authority:*

*M. If one ate pressed figs from Keilah, or drank honey or milk, and went into the sanctuary and performed an act of divine service, [76B] he is flogged.*

*N. Rather, derive the rule by verbal analogy established through the use of "strong drink" in the case of the Nazirite. Just as in that context, we find that "strong drink" means wine, so in the present context, strong drink means wine.*

*O. But does "strong drink" refer to wine? And has it not been taught on Tannaite authority:*

- P. He who takes a vow not to drink strong drink is forbidden to drink any kind of sweet drink but may use wine.
- Q. *But isn't it wine? Surely it is written, "And strong drink makes the maids flourish" (Zec. 9:17), something that derives from strong drink makes maids flourish.*
- R. But isn't it written, "And your vats shall overflow with strong drink" (Pro. 3:10)?
- S. Your vats will overflow with what is derived from strong drink.
- T. But it is written, "Harlotry, wine, and strong drink take away the heart" (Hos. 4:11).
- U. *Rather, everybody concurs that strong drink is classified as wine, but when it comes to vows, we must be guided by the usages of everyday speech.*
- V. *Then why would it be called wine, and why would it be called strong drink?*
- W. It is called wine because it brings lamentation into the world, and strong drink because one who uses it is impoverished. [The letters for wine yield "woe" and of strong drink yield "poor."]

**II.2.** A. R. Kahana contrasted verses of Scripture, "It is written, Tirash, but we read, tirosh [for the word for wine]."

B. "If one had merit, he is made a head (rosh). If not, he becomes poor (rash)."

C. Raba contrasted verses of Scripture, "It is written, 'And wine makes desolate the heart of man' but it is read, 'rejoices the heart of man.' If one has merit, wine makes him glad, if not, it makes him sad."

D. *And this is in line with what Raba said, "Wine and spice makes one wise."*

**III.1** A. [Supply: (3) bathe, (4) put on any sort of oil:] *How on the basis of Scripture do we know that refraining from bathing or putting on oil is classified as affliction?*

B. "I ate no pleasant bread, nor did meat or wine come into my mother, nor did I anoint myself at all" (Dan. 10: 3).

**III.2.** A. *What is the meaning of "I ate no pleasant bread"?*

B. Said R. Judah b. R. Samuel bar Shilat, "Even bread made of pure wheat he did not eat."

**III.3.** A. *How on the basis of Scripture do we know that refraining from putting on oil is classified as affliction?*

B. "Then he said to me, Fear not, Daniel, for from the first day that you set your heart to understand and to afflict yourself before your God, your words were heard and I have come because of your words" (Dan. 10:12).

**III.4.** A. *So we find the fact governing abstention from anointing oneself. How do we know about abstention from washing?*



- B. Said R. Zutra b. R. Tobiah, “Said Scripture, ‘And it has come into his inner parts like water and like oil into his bones’ (Psa. 109:18).”
- C. *But maybe this pertains to drinking it?*
- D. *The comparison is drawn to oil: just as oil is put on the surface, so the water referred to here is on the surface [and not drunk].*
- E. *But lo, the Tannaite authority reverses matters, for we have learned in the Mishnah: “How do we know that on the Day of Atonement anointing is tantamount to drinking? Even though there is no direct proof of the proposition, there is a hint at that proposition, since it says, ‘And it came into his inward parts like water and like oil into his bones’ (Psa. 109:18)” [M. Shab. 9:4A-C].*
- F. *Rather, said R. Ashi, “The prohibition of washing derives from the body of Scripture itself, since it says, ‘nor did I anoint myself at all’ (Dan. 10: 3).*

**III.5.** A. *What is the meaning of the statement, “And I have come because of your words”?*

- B. *That is in line with the verse, “And there stood before them seventy men of the elders of the house of Israel, and in the midst of them stood Jazaniah son of Shaphan, every man with his censer in his hand and a thick cloud of incense went up” (Eze. 8:11). “And the form of a hand was put forth and I was taken by a lock of my head and a spirit lifted me up between the earth and the heaven and brought me into the visions of God to Jerusalem to the door of the gate of the inner court that looks toward the north, where [77A] there was the seat of the image of jealousy which provokes to jealousy” (Eze. 8: 3). “And he brought me into the inner court of the Lord’s house and behold at the door of the Temple of the Lord between the porch and the altar were about twenty-five men with their backs toward the temple of the Lord and their faces toward the east, and they worshipped the sun toward the east” (Eze. 8:16).*
- C. *Now from the implication of the statement, “and their faces toward the east,” don’t I know, “...with their backs toward the temple of the Lord”? So what is the point of Scripture’s saying, “with their backs toward the temple of the Lord”? This teaches that they uncovered themselves and took a crap “below” [meaning, above, showing disrespect for heaven]. [Therefore] said the Holy One, blessed be he, to [Israel’s guardian angel,] Michael, “Michael, your nation has gone rotten.”*
- D. *He said to him, “Lord of the world, let the good ones among them suffice [to save them all].”*
- E. *He said to him, “I am going to burn them up — and the good ones among them too — forthwith.”*
- F. *“And he spoke to the man clothed in linen and said, Go in between the wheel-work, even under the cherub, and fill both your hands with coals of fire from between the cherubim and dash them against the city, and he went in my sight” (Eze. 10: 2). “And the cherub stretched forth his hand between the cherubim to the fire that was between the cherubim and took thereof and put it into the hands of him that was clothed in linen, who took it and went out” (Eze. 10: 7).*

- G. Said R. Hana bar Bizna said R. Simeon the Pious, "Were it not for the fact that the coals in the hand of the cherub lost some heat as they passed into the hands of Gabriel, not a single Israelite would have remained or escaped, for it is written, 'And behold, the man clothed in linen, who had the inkhorn on his side, reported, saying, I have done according to all that you have commanded me' (Eze. 9:11)."
- H. Said R. Yohanan, "At that time they too, Gabriel from behind the curtain *and they gave him forty fiery strokes. They said to him, 'If you had not done your duty, so you would not have done your duty at all. But if you were going to do it, why didn't you do it as you were commanded to. And, further, don't you know, They don't bring back word of a disaster [I have done according to all that you have commanded me]! They brought Dubiel, the guardian angel of the Iranians, and put in his place, and he officiated for twenty-one days. That is in line with the verse of Scripture, 'But the prince of the kingdom of Persia withstood me twenty-one days, but lo, Michael, one of the chief princes, came to help me, and I was left over there beside the kings of Persia' (Dan. 10:13).*"
- I. *Twenty-one provinces and the port of Mashmahig were given to him. So he said, "Write Israel down for me for the poll tax." They wrote Israel down for him. "Write rabbis down for me for the poll tax." They wrote them down [as owing him the poll tax].*
- J. *When they wanted to inscribe them, Gabriel stood up from behind the curtain and said, "It is vain for you to rise early and sit up late, you that eat the bread of toil; so he gives to his beloved in sleep" (Psa. 127: 2).*
- K. *What is the meaning of the statement, so he gives to his beloved in sleep?*
- L. Said R. Isaac, "This refers to the wives of disciples of sages, who give up sleep in this world but acquire the world to come."
- K. But they paid no attention to him. He said before him, "Lord of the world, if all of the sages of the nations of the world were on one side of the scale, and Daniel, that most pleasant man, were on the other side, would he not outweigh them all?"
- L. Said the Holy One, blessed be he, "Now who is this, who finds reason to accord grace to my children?"
- M. They said before him, "Lord of the world, it is Gabriel."
- N. He said to them, "Let him come in: 'And I am come in because of your words.'"
- O. *He said to them, "Bring him in." They brought him in. He came and found Dubiel holding the document in his hand, and he wanted to take it from him, but the other swallowed it.*
- P. *There are those who say, it had been written but not sealed.*
- Q. *There are those who say, it had even been sealed, but when he swallowed it, the signature was blotted out.*
- R. *And that is why, in the kingdom of Iran, there are those who pay the head tax and there are those who do not pay the head tax.*

- S. “And when I go forth, the prince of Greece shall come” (Dan. 10:20) — *he dried and cried but no one paid any attention to him.*

**III.6.** A. *And if you prefer, I shall say, how on the basis of Scripture we we know that not washing is classified as affliction? It is on the basis of the following verse of Scripture: “And to Abiathar the priest the king said, Go to Anathoth, to your own field, for you are deserving of death, but at this time I will not put you to death, because you carried the ark of the Lord God before David my father, and because you were afflicted in all wherein my father was afflicted” (1Ki. 2:26), and concerning David it is written, “For they said, the people is hungry and faint and thirsty in the wilderness” (2Sa. 17:29) — “hungry” for bread, “thirsty “ for water, “faint” for what? Would you not say, because of not washing?*

- B. *How so? Maybe it refers to not wearing leather sandals.*  
C. *Rather, said R. Isaac, “Proof derives from here: ‘As cold water to a faint soul’ (Pro. 25:25).”*  
D. *But maybe that refers to not drinking.*  
E. Does Scripture say, “into a faint soul”? What is says is, “upon a faint soul.”

**IV.1 A. ...(5) put on a sandal:**

- B. *How on the basis of Scripture do we know that refraining from putting on sandals is a form of affliction?*  
C. As it is written, “And David went up by the ascent of the Mount of Olives and wept as he went up and he had his head covered and went bare” (2Sa. 15:20) — *for what? Would you not say, because of not wearing sandals?*  
D. *How so? Maybe it means, bare of horse and whip?*  
E. *Rather, said R. Nahman bar Isaac, “Proof derives from here: ‘Go and loose the sack-cloth from off your loins and put your shoe from off your foot’ (Isa. 20: 2). And it is written, ‘And he did so, walking naked and bare’ (Isa. 20: 2). Now, bare of what? Obviously bare of sandals.”*  
F. *How so? Maybe it means, he was wearing patched up shoes. For if you don’t take that position, then you also would have to say that “naked” means, literally bare-assed! Rather, it means in torn garments, and here too, it means, in patched up shoes.*  
G. *Rather, said R. Nahman bar Isaac, “Proof derives from here: ‘Withhold your foot from being unshod and your throat from thirst’ (Jer. 2:25) — keep yourself from sin, lest your food become unshod, and keep your tongue from idle gossip, lest your throat become dry with thirst.”*

**V.1 A. ...(6) or engage in sexual relations]:**

- B. *How on the basis of Scripture do we know that refraining from sexual relations is a form of affliction?*  
C. “If you shall afflict my daughters, and if you shall take wives [77B] besides my daughters” (Gen. 31:50) — “if you shall afflict” refers to denying sexual relations; “if you shall take” refers to taking co-wives.  
D. *But might I say that both afflictions concern co-wives?*  
E. *Is it written, “if you take”? What is written is, “and if you take....”*

- F. *And might one say, both refer to not waking co-wives [as the form of affliction to which reference is made], one referring to no wives among his own, the other, co-wives that may come later on, so that “if you shall afflict” becomes the same as “if you shall take”?*
- G. *Is it written, “If you take...and if you afflict...” What is written is, “if you afflict...and if you take....”*
- H. *Said R. Pappa to Abbaye, “Lo, sexual relations themselves are classified as affliction, as it is written, ‘And he lay with her and afflicted her’ (Gen. 34: 2).”*
- I. *He said to him, “In that case, he afflicted her by means of other forms of intercourse.”*

## **Appendix on the Prohibition against Washing on the Day of Atonement**

- V.2.** A. *Our rabbis have taught on Tannaite authority:*
  - B. It is equally forbidden to wash part of one’s body as the whole of one’s body. But if one’s hands were filthy with mud or shit, he may wash in the usual manner and not concern himself.
  - C. It is equally forbidden to anoint part of one’s body as the whole of one’s body. But if one was sick or had scabs on his head, he may anoint himself in the usual manner and not concern himself.
- V.3.** A. *A Tannaite statement by a member of the household of Manasseh:*
  - B. R. Simeon b. Gamaliel says, “A woman may rinse one hand in water to give bread to an infant and need not concern herself.
  - C. They said concerning Shammai the Elder that he did not want to feed the infant with one hand, so sages decreed that he had to feed the infant with two hands.
  - D. *How come?*
  - E. *Said Abbaye, “It was because of fear of [an evil spirit] Shibta.”*
- V.4.** A. *Our rabbis have taught on Tannaite authority:*
  - B. **[If] he was going to receive his father, master, [or] disciple [Bavli: one who is greater than he], he crosses over the sea or river in the normal way, even up to his neck, and need not scruple [T. Kip. 4:5E-F].**
- V.5.** A. *The question was raised: when the master goes to the disciple, what is the rule?*
  - B. *Come and take note of what R. Isaac bar bar Hannah said, “ [on the Day of Atonement] I saw Zeiri who went to R. Hiyya bar Ashi, his disciple” [doing just that].*
  - C. *R. Ashi said, “That in fact was R. Hiyya bar Ashi, who went to Zeiri, his master.”*
  - D. *[On the Day of Atonement] Raba permitted the people of the Right Bank to cross the vier on the Day of Atonement to guard the crop.*
  - E. *Said Abbaye to Raba, “There is a teaching on Tannaite authority that supports your ruling, namely: Those who guards the crops may on the Day of Atonement walk through water up to their necks without scruple.”*
  - F. *R. Joseph permitted the people of Be Tarbu to cross through water to come to the public discourse, but he didn’t permit them to go back home again.*

- G. *Said to him Abbayye, "If so, you will cause them to stumble on some future occasion [since, knowing they can't go home, they won't come at all]."*
- H. *There are those who say, he permitted them to come and he permitted them to go. Said to him Abbayye, "Now there is no problem with permitting them to come, that is well and good. But how come you will let them go home again? It must be so that you will not cause them to stumble on some future occasion [since, knowing they can't go home, they won't come at all]."*
- I. *[On the Day of Atonement] R. Judah and R. Samuel bar R. Judah were standing at the bank of Papa Canal at the ford of Hazdad, and R. Ammi bar Papa was standing on the other side. He shouted across, "What is the rule on my coming across to come to you to ask about a tradition?"*
- J. *Said to him R. Judah, "Both Rab and Samuel say, 'One may cross, on condition that one not take one's hand out of the bosom of his shirt'" [Jung: to throw his cloak over his shoulder, since it would look as if he were carrying it rather than wearing it].*
- K. *There are those who said, said to him R. Samuel bar R. Judah, "There is a Tannaite statement: 'One may cross, on condition that one not take one's hand out of the bosom of his shirt.'"*
- V.6.** A. *[As to walking through water up to one's neck] objected R. Joseph to this ruling, "But even on a weekday is such an action permitted? And is it not written in Scripture, 'He measured a thousand cubits and he caused me to pass through the waters, waters that were to the ankles' (Eze. 47: 3) — On the strength of that statement, we learn that it is permitted to pass through water up to the ankles. 'Again he measured a thousand and led me through the water, and it was knee deep' (Eze. 47: 4). This teaches that a man may go through water up to his knees [without facing danger of drowning]. 'Again he measured a thousand, and led me through the water, and it was up to the loins' (Eze. 47: 4). This teaches that a man may go through water up to his loins [without danger]. 'Again he measured a thousand, and it was a river that I could not pass through, or the water had risen; it was deep enough to swim in, a river that could not be passed through' (Eze. 47: 5)."*
- B. *[Replying to the objection,] said Abbayye, "The case of a river is different, because the water flows rapidly."*
- C. **Is it possible to interpret that one might not go through by foot, but one could pass over by swimming? [No, for] Scripture says, "For the water had risen, it was deep enough to swim in."**
- D. *What is the meaning of the word for "swim" It means, "swimming" since a swimmer is called so.*
- E. **Is it possible to interpret that one might not pass over by swimming, but one might cross in a small boat? [No, for] Scripture says, "A river that could not be passed through" — even in a boat.**
- E. **Is it possible to interpret that one might not cross in a small boat, but one might pass over in a large boat? Scripture says, "[But there the Lord in majesty will be for us, a place of broad rivers and streams, where no galley with oars can go, nor stately ship can pass" (Isa. 33:21).**

- F. *What's the implication that makes the point?*
- G. *It is as R. Joseph translates, "No fishing boat goes there, no big boat crosses it."*
- H. *Said R. Judah b. Pazzi, "Even the angel of death has not got permission to cross it. Here it is written, 'Wherein no galley with oars shall go' (Job. 1: 7), and elsewhere, 'from going to and fro in the earth' (Job. 1: 7)."*
- I. *Said R. Phineas in the name of R. Huna of Sepphoris, "The spring that flows from the Holy of Holies at the outset looks like the antennae of locusts; when it reaches the entrance of the sanctuary it becomes like the thread of the warp, when it reaches the hall, it becomes like the thread of woof, when it reaches the entry to the courtyard, it becomes as large as the mouth of a small flask."*
- J. *That is in line with what we have learned in the Mishnah: **R. Eliezer b. Jacob says, "And through it the waters trickled forth [Eze. 47: 2] [78A] and in the future will issue out from under the threshold of the house [Eze. 47: 1]" [M. Mid. 2:6/O-P].***
- K. *"From that point onward, it continually gains forth until it reaches the entrance to the house of David. When it reaches the entrance to the house of David, it turns into a swiftly running brook, so that male-Zabs and female-Zabs, menstruating women, and women after parturition, may immerse for cultic purification, in line with the verse, 'On that day there shall be a fountain opened for the house of David and the inhabitants of Jerusalem to cleanse them from sin and uncleanness' (Zech. 13: 1)."*
- L. *Said R. Joseph, "On this basis we find an indication that a menstruating woman has to sit down in the water up to her neck," but the law does not accord with his opinion.*

- V.7.** A. *And what is the rule concerning the Sabbath, on which people may wear sandals? [May they walk through water wearing them?]*
- B. *Said Nehemiah, son-on-law of the household of the patriarch, "I saw R. Ammi and R. Assi, who came to a pool of water and crossed it fully shod."*
  - C. *That settles the question when it comes to shoes, but what is to be said about sandals? [Jung: shoes are laced and will not fall off, but sandals might slide off.]*
  - D. *Said R. Rihumi, "I saw Rabina who passed through water fully shod."*
  - E. *R. Ashi said, "As to wearing a sandal under such circumstances, to begin with one may not do so."*
  - F. *The exilarch visited Hagronia, coming to the household of R. Nathan. Rafram and all the rabbis came to the address. Rabina did not come. On the next day Rafram wanted to get Rabina off the mind of the exilarch [to show that he had not intended to insult the official], so he said to him, "How come the master didn't come to the lecture [in honor of the exilarch]?"*
  - G. *He said to him, "I had a sore foot."*
  - H. *"You should have put on shoes."*
  - I. *"It was at the back of the foot."*



- J. *"You should have put on sandals."*
- K. *"There was a pool of water in the way."*
- L. *"You should have crossed it wearing them."*
- M. *"Don't you concur, sir, with the opinion of R. Ashi, As to wearing a sandal under such circumstances, to begin with one may not do so?"*

**V.8.** A. *Judah bar Gerogerot repeated as a Tannaite rule: "On the Day of Atonement it is forbidden to sit in mud."*

- B. Said R. Joshua b. Levi, *"That is mud that wets people sitting on it."*
- C. Said Abbaye, *"That is mud that is sufficiently moist to moisten other things."*

**V.9.** A. Said R. Judah, *"On the Day of Atonement it is permitted to cool off by sitting on fruit."*

- B. *R. Judah would cool off by sitting on squash.*
- C. *Rabbah would cool off by sitting on fresh twigs.*
- D. *Raba would cool off by sitting on a silver cup.*
- E. *Said R. Pappa, "Doing so with a full silver cup is forbidden, with one that lacked contents is permitted. On an earthen utensil one way or the other it is forbidden because the unglazed surface lets moisture ooze."*
- F. *R. Ashi said, "An unfilled cup also is forbidden because it may be upset."*

**V.10.** A. *Zeira bar Hama was the host of R. Ammi, R. Assi, R. Joshua b. Levi, and all the rabbis of Caesarea. Said he to R. Joseph, son of R. Joshua b. Levi, "Son of a great figure, come and I shall tell you a lovely thing that your father would do. He had a towel from the eve of the Day of Atonement, which he would soak in water and make into a kind of dry cloth; the next day with it he would wipe off his hands and feet and face. On the eve of the ninth of Ab he would soak it in water. The next day he would pass it across his eyes.*

- B. *When Rabbah bar Mari came, he said, "On the eve of the ninth of Ab they bring him a cloth, and he soaked it in water and put it under his head. The next day he would use it to wipe his face, hands, and feet. On the eve of the Day of Atonement they brought him a towel, which he soaked in water and made into a kind of dry cloth, and the next day he passed it across his eyes."*
- C. *Said R. Jacob to R. Jeremiah bar Tahalipa, "You said it to us in reverse order, and we refuted you by appeal to the fact that it is prohibited to wring something out."*

## **Appendix on the Prohibition of Wearing Shoes on the Day of Atonement**

**V.11.** A. Said R. Amram said Rabbah bar bar Hannah, *"They asked R. Eleazar, 'Does an elder, a member of the session, have to get permission to permit firstlings [by reason of a permanent blemish, to be eaten buy their owners], or does he not have to do so?'"*

- B. *What's the point of their question?*
- C. *This is the point of their question, in line with what R. Idi bar Abin said, "This matter they left in the hands of the Patriarch as a means of distinguishing himself,*

the question being, Must the elder receive permission, or, perhaps, since he is an elder and a member of the session, does he not need to do so?"

- D. R. Sadoq b. Haloqa then stood up and said, "I myself saw R. Yosé b. Zimra, who was an elder and a member of the session, and he stood higher than the grandfather of this patriarch of ours [referring to Judah the Patriarch II, grandson of Judah the Patriarch responsible for the Mishnah], and he went and got permission to examine and so permit firstlings."
- E. Said to him R. Abba, "That is not what the case involved, but this was the case: R. Yosé b. Zimra was a priest, *and this is the question that he raised: does the decided law follow R. Meir, who says, "He who is suspect in a given matter neither judges nor bears witness in that matter" [M. Bekh. 4:5G]? Or perhaps the decided law accords with Rabban Simeon b. Gamaliel, who says, "He [a priest] is believed concerning another's [firstling] but is not believed concerning his own" [M. Bekh. 4:5F]* R. Meir says, "He who is suspect in a given matter neither judges nor bears witness in that matter" [M. Bekh. 4:5G]? *And he settled the matter for him, "The law accords with Rabban Simeon b. Gamaliel."*
- F. "And he further raised the following question for him: on the Day of Atonement, what is the law as to going out in a sandal [78B] made of bamboo?"
- G. R. Isaac bar Nahman stood on his feet and said, "I myself saw R. Joshua b. Levi going out on the Day of Atonement in sandals made of bamboo. *And I said to him, 'On a public fast day, what is the law?' And he said to me, 'There is no difference [the law is the same, that it is permitted to do so].'*"
- H. Rabbah bar bar Hanah said, "I saw R. Eleazar of Nineveh going out on a public fast day in sandals made of bamboo. *And I said to him, 'On the Day of Atonement what is the law?' And he said to me, 'There is no difference [the law is the same, that it is permitted to do so].'*"
- I. R. Judah went forth in sandals made of reeds.
- J. Abbaye went out in sandals made of palm branches.
- K. Raba went out in sandals made of twisted reeds.
- L. Rabbah bar bar Hannah tied a piece of cloth around his legs and that is how he went out.
- J. Objected R. Ammi bar Hama, "[On the Sabbath] a cripple [lacking a leg] goes forth with his wooden stump," the words of R. Meir. And R. Yosé prohibits it [M. Shab. 6:8A-B]. *And a Tannaite ruling on that matter states, And they concur that it is forbidden to go out on the Day of Atonement wearing it."*
- K. Said Abbaye, "That is a case in which it has pads, and the prohibition concerning using them on the Day of Atonement is because of the excess enjoyment one would get on that account."
- L. Said to him Raba, "But if it were not an object of wear without them, would the pads make it so? And furthermore, is any comfort not coming from shoes forbidden on the Day of Atonement? Didn't Rabbah bar bar Hannah tie a piece of cloth around his legs and that is how he went out? And furthermore, since the concluding part of the same passage states on Tannaite authority, **And if it has a**

**receptacle for pads, it is susceptible to uncleanness, it follows that the opening clause deals with those that have no such pads."**

- M. *Rather, said Raba, "In point of fact all parties concur that an artificial leg is not classified as a shoe, but as to the Sabbath, this is what is subject to dispute: the one authority makes a precautionary decree lest it fall off and lead him to carry it for four cubits in public domain, and the other master maintains that we make no such precautionary decree."*

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

- B. **Minors are permitted to do all of them except putting on sandals, for appearance's sake [T. Kip. 4:1C].**
- C. *What differentiates putting on sandals from all of the other modes of affliction? Because people might say, "Adults made them do so"? But then in all the other cases too people might say, Adults made them carry out these acts also.*
- D. *As to washing and anointing, one might say, they can do them the prior day.*
- E. *Well then, as to putting on sandals, one might say that they can have been put on the preceding day.*
- F. *It isn't possible to put on the sandal the preceding day, for said Samuel, "Someone who wants to see what death tastes like should put on shoes and sleep in them."*
- G. *But as to these other matters in any event, these are declared permitted to begin with [and not only after the fact]!*
- H. *Rather, these are things that have no bearing on their normal growth, so rabbis made a precautionary decree regarding them, while as to matters that have a bearing on their natural growth, rabbis made no such precautionary decree.*
- I. *For said Abbaye, "Mother told me, the natural growth of a child involves bathing in warm water and rubbing with oil; when he grows a bit, an egg with sour milk, bread crusts, and salt; when he grow more, breaking of clay utensils."*
- J. *So too Rabbah would buy clay utensils that were seconds for his children to break.*

**VI.1** A. **But a king and a bride wash their faces. "And a woman who has given birth may put on her sandal" the words of R. Eliezer. And sages prohibit.**

- B. *Who is the authority behind this anonymous Mishnah-rule?*
- C. *It is R. Hanania b. Teradion, for it has been taught on Tannaite authority:*
- D. **A king and a bride may not wash their faces.**
- E. **R. Hanania b. Teradion says in the name of R. Eliezer, "A king and a bride may wash their faces, and a woman who has given birth may not put on her sandal."**
- F. **R. Hanania b. Teradion says in the name of R. Eliezer, "A woman who has given birth may put on her sandal."**
- G. *As to the king, what is the pertinent verse of Scripture?*
- H. **"Your eyes shall see the king in his beauty" (Isa. 33:17).**
- I. *What is the operative consideration governing in the case of the bride?*
- J. **It is so that she will not become repulsive to her husband.**
- K. **Said Rab to R. Hiyya, "How long does a bride remain in that status?"**

- L. *He said to him, "It is in line with that which has been taught on Tannaite authority: They do not withhold make-up from a bride for the entire first thirty days of the marriage."*
- M. *"A woman who has given birth may put on her sandal" — because of the cold.*
- N. *Said Samuel, "If it is because of the danger of scorpions, it is permitted to wear sandals."*

**VII.1 A. He who eats a large date's bulk [of food], inclusive of its pit...:**

- B. *R. Pappa raised the question, [79A] "As to the date's bulk of which they have spoken, does it include the pit or does it not include the pit?"*
- C. *R. Ashi raised the question, "As to the bone as big as a barley-seed, does it include the husk or not? Is it moist or dried?"*
- D. *R. Ashi did not raise the question presented by R. Pappa, since the language of the rule is, a large date's bulk, meaning, so long as it is full-sized. R. Pappa did not raise the question of R. Ashi, since one that is moist is called shibolet, and one without the husk is not called "a barley seed."*

**VII.2. A. Said Rabbah said R. Judah, "The large date of which they have spoken is bigger than an egg's bulk, and it is an established fact for our rabbis that by that means one's hunger is sated, but with less than that volume one's hunger will not be sated."**

- B. *An objection was raised: They brought Rabban Yohanan b. Zakkai some cooked food to taste, and to Rabban Gamaliel two dates and a dipper of water. And they said, "Bring them up to the sukkah." And when they gave to R. Sadoq food less than an egg's bulk, he took it in a cloth and ate it outside of the sukkah and said no blessing after it [M. Suk. 2:5A-B]. And a Tannaite formulation in that connection is as follows: It is not because that is the law, but because they wanted to impose a strict rule upon themselves. **And when they gave to R. Sadoq food less than an egg's bulk, he took it in a cloth and ate it outside of the sukkah and said no blessing after it. Lo, [79B] it follows that food in the volume of an egg's bulk has to be eaten in the Sukkah [as a valid meal].** Now, if it should enter your mind that the large date of which they have spoken is bigger than an egg's bulk, then if two dates without the pits are not so large as one egg, now could a large date with the pit be the same volume as an egg?*
- C. *Said R. Jeremiah, "Indeed so — two dates without the pits are not so large as one egg, but a large date with the pit comprises the same volume as an egg."*
- D. *Said R. Pappa, "That's in line with what people say: two qabs of dates have as much as one qab of pits and a bit more." [Jung: because the pits are larger in bulk than the dates.]*
- E. *[As to the cited case,] said Raba, "The operative consideration in that instance is that the food was made up of fruit, and fruit does not have to be eaten in a Sukkah [as a formal meal does]."*
- F. *An objection was raised: said Rabbi, "When we were studying Torah with R. Eleazar b. Shammua, they brought before us figs and grapes and we ate them outside the Sukkah, a random snack [not a formal meal]. It follows that if they are*

*eaten as a random snack, they may be eaten outside of the Sukkah, but not if they are eaten as a formal meal!*

- G. Say: we ate them as a random snack outside of the Sukkah.
- H. *And if you prefer, say: We ate them as a formal meal, and we also ate bread in a sufficiently small quantity to be considered as a random snack with them outside of the Sukkah.*
- I. [Reverting to B:] *may we say that the following supports that interpretation: If, therefore, one has made up [a missing meal] with various kinds of desserts, he has carried out his obligation. Now, should it enter your mind that fruit has to be eaten in the Sukkah, why not formulate the matter in terms of fruit.*
- J. *What are these specified “various kinds of desserts”? They are nothing other than fruit.*
- K. *And if you wish, I shall say, reference is made to a place where fruit is not abundant.*

**VII.3.** A. R. Zebid said, “The large date of which they have spoken is less in volume than an egg, *for we have learned in the Mishnah: The House of Shammai say, ‘Leaven in the volume of an olive’s bulk, and what is leavened in the volume of a date’s bulk [may not be kept in Israelites’ domains on Passover (Exo. 13: 7)]’ [M. Bes. 2:1C].* And we reflected on this matter: *What is the reasoning of the House of Shammai [in claiming that different measures apply to the prohibition against maintaining in one’s house that which is leavened and leaven itself]? [The reason is that] if [contrary to the Shammaites’ claim] it were the case [that both items are forbidden in the same measure], Scripture should have mentioned [the prohibition against keeping in one’s house] that which is leavened, but would not have had to refer [explicitly] to leaven [itself] [Exo. 13:7: ‘Nothing that is leavened shall be seen with you, and no leaven shall be seen with you’].’ Now [if only that which is leavened were explicitly prohibited by Scripture] I would have reasoned: If that which is leavened, which does not have a high level of acidity, [is forbidden in a volume of] an olive’s bulk, how much the more so should leaven, which does have a high level of acidity, [be forbidden in the quantity of an olive’s bulk]. Why [therefore] do I require Scripture’s [explicit] reference [to leaven]? It is to inform you that the quantity in which this [leaven is forbidden] is not the same as the quantity in which that [which is leavened is forbidden]. Now, since the All-Merciful has found it necessary to deal with them separately, it has indicated to you that the requisite volume of the one is not the same as the requisite volume of the other: **Leaven in the volume of an olive’s bulk, and what is leavened in the volume of a date’s bulk.** But if you think that the large date mentioned in our Mishnah-passage is larger than an egg’s bulk, then, since the House of Shammai are trying to find a quantity larger than that of an olive, why not have them formulate matters in terms of an egg; and even if the two of them are the same size, let them formulate the matter as “that of an egg.” So must we not draw the conclusion that the date of which our Mishnah speaks is smaller than an egg?*

- B. *But how does that necessarily follow? In point of fact, I shall say to you, The large date of which they have spoken is bigger than an egg’s bulk, but the ordinary*



*one in general would be the size of an egg, and the House of Shammai has mentioned one of the two [possible standard measures, rather than the other].*

- C. *Rather, one may prove that the big date is less than an egg's volume from the following proof:*
- D. **What is the least [that one must eat in order to] invite others [to recite a blessing on his account]? At least an olive's bulk. R. Judah says, "At least an egg's bulk" [M. Ber. 7:2B-D].** *What is at issue between them? R. Meir takes the view that the verse, 'and you shall eat' (Deu. 8:10) refers to eating; 'and be satisfied' refers to drinking,' so eating involves an olive's bulk in volume at a minimum. R. Judah maintains that the verse, 'and you shall eat and be satisfied' (Deu. 8:10) refers to eating that satisfies, and how much food is that? The volume of an egg's bulk. Now, if it should enter your mind that the date of which our Mishnah speaks is bigger than an egg, if the volume of an egg will sate one's appetite, will not the volume of a large date prove restorative as well? So does that not yield the conclusion that the large date of which they have spoken is less in volume than an egg; the volume of an egg will sate one's appetite, the volume of a large date will prove restorative as well.*

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

- B. Rabbi says, [80A] "All standard measures for foods are the bulk of an olive, except for the minimum volume required for food to contract uncleanness, because in that case Scripture has used a different expression, on which account sages have imposed a distinct volume. Proof for the view derives from Scripture's presentation of the law of the Day of Atonement [Jung: where a change in expression involved a change in the fixed minimum standard]."
- C. *In what way did Scripture use a difference expression?*
- D. "For whatsoever soul it be that shall not be afflicted" (Lev. 23:29) [rather than, whoever eats...].
- E. *And how did sages impose a distinct volume [from the prevailing one]?*
- F. It is the volume of the fig.
- G. *And what is the proof that derives from Scripture's presentation of the law of the Day of Atonement?*
- H. *One could have said, here we deal with the usual word-choice of Scripture.*

**VII.5.** A. *How on the basis of Scripture do we know that the minimum volume required for food to contract uncleanness is an egg's bulk?*

- B. Said R. Abbahu said R. Eleazar, "Said Scripture, 'All food therein that may be eaten' (Lev. 11:34) — this refers, then, to food that derives from that which also is edible, and what might that be? It is the egg of a hen."
- C. *But say: it is a kid?*
- D. That would lack proper slaughtering.
- E. *But say: it is an animal removed alive from the womb of the mother after she had been slaughtered [which does not require an act of slaughter]?*
- F. That yet requires tearing open.
- G. *But say: it is an egg of a bar-yuknani [a huge bird, which lays huge eggs, rather than the standard egg's-bulk measure that sages employ]?*



- H. If you grab too much, you grab nothing, but if you grab what you can hold, you have grabbed something.
- I. *But say it is the egg of a small bird, which would be quite tiny?*
- J. R. Abbahu *in his own name* said, “Said Scripture, ‘All food therein that may be eaten’ (Lev. 11:34) — this refers, then, to food that you can eat in a single gulp, and sages estimated that the esophagus can hold no more than the egg of a chicken.”

**VII.6.** A. Said R. Eleazar, “He who eats forbidden fat at this time must record the volume, since another court may come along and impute to the requisite measures a larger volume.” [If the Temple is rebuilt, a new court may go into session,<sup>1</sup> and they would possibly revise the requisite measures. One who becomes aware of having eaten forbidden fat therefore must put down the exact quantity to see whether his violation involves the obligation of a sin-offering such as the new court may impose (Jung)].

- B. *What is the sense of, impute to the requisite measures a larger volume? If we should propose that one might become liable for an offering for having eaten forbidden fat of the size of a small olive’s bulk, has it not been taught on Tannaite authority:* “And he did with regard to one of all the commandments of the Lord that are not to be done and is guilty” (Lev. 4:22) — He who would retract if he knew [and would not deliberately violate the law] presents an offering for his unintentional transgression; he who would not retract if he knew does not bring an offering for his unintentional transgression [Jung: but he who does not repent when he finds out his transgression does not bring a sacrifice for his error]. [This person became aware of what he had done before the new definitions were promulgated, so the quantity of a small olive does not apply, being a new minimum that is less than he had consumed; so he has not “found out his transgression” and does not have to offer a sacrifice.]
- C. Rather, *the sense of, impute to the requisite measures a larger volume is, they would declare an offering obligatory only if he had eaten a volume as large as a large olive.*
- D. *And as to that which formed the assumption to begin with, that one might be liable for an offering on account of eating a small olive’s bulk of forbidden fat, what is the sense of, impute to the requisite measures a larger volume, anyhow?*
- E. They might increase the obligation of offerings on account of the established measures [requiring a more elaborate penance].

**VII.7.** A. Said R. Yohanan, “The [laws covering] measurements [of minimal quantities], and penalties constitute law revealed to Moses at Sinai.”

- B. *[But to the contrary] the laws governing penalties derive from the Torah [‘s written rules, not from revelation orally transmitted].*
- C. *Rather, this is the sense of what he said:* The measurements [of minimal quantities of penalties constitute law revealed to Moses at Sinai..
- D. *So too it has been taught on Tannaite authority:*

- E. The measurements [of minimal quantities of penalties constitute law revealed to Moses at Sinai.
- F. Others say, "The court of Yabes ordained them."
- G. But isn't it written, "These are the commandments" (Lev. 27:34) — indicating that from now on a prophet is not permitted to innovate in any way?
- H. They forget them and then they established them afresh.

**VIII.1 A. ...[or] he who drinks the equivalent in liquids to a mouthful is liable:**

- B. Said R. Judah said Samuel, "Not literally 'a mouthful,' but the volume is any case in which if he moved the liquid to one side of his mouth it would look like a mouthful [would be a violation]."
- C. *But lo, in the Mishnah we learn: to a mouthful!*
- D. *Say: equivalent to a mouthful.*
- E. *An objection was raised: How much must one have drunk to incur liability?*
- F. The House of Shammai say, "A quarter-log."
- G. And the House of Hillel say, "A mouthful."
- H. R. Judah says in the name of R. Eliezer, "Equivalent to a mouthful."
- I. R. Judah b. Betera says, "As much as one can swallow in a single instant."
- J. *So is this superior to our Mishnah-paragraph, which we have established as meaning, ...so that it would look like a mouthful? So this too means, it would look like a mouthful.*
- K. *If so, then what we have is nothing other than R. Eliezer's opinion [so why should there be a dispute]?*
- L. *At issue between them is the case of an exact mouthful [Jung: according to the House of Hillel, which insists, a mouthful, it is enough if it looks like a generous mouthful when moved to one cheek; according to Eliezer, the appearance of an act mouthful is required].*
- M. *An objection was raised by R. Hoshai, "If so, you would have a further case to add to the lenient rulings of the House of Shammai and the strict rulings of the House of Hillel!"*
- N. *He said to him, [80B] "When the question was raised, it was raised with reference to a giant such as King Og of Bashan, in which case that left the House of Shammai in the more stringent position."*
- O. *Objected R. Zira, "What differentiates the minimal volume that applies to eating, in which case the requisite volume for every one is the same, namely, a date, from the case of drinking, in which instance everyone is subject to his own measure of what is a minimum volume for incurring liability [such differentiation among individuals being implied by the foregoing reference to an exceptionally large person?]"*
- P. *Said to him Abbaye, "For rabbis it is an established fact that the volume of a date suffices to appease the hunger of every person, while less than that leaves one hunger, but in the case of drinking, what suffices to appease the thirst of this one may not serve to appease the thirst of that one?"*

- Q. *Objected R. Zira, "But is it the fact that everyone in the world finds sufficient for appeasing hunger food in the volume of a date, and King Og of Bashan likewise does?"*
- R. *Said to him Abbaye, "For rabbis it is an established fact that the volume of a date suffices to appease the hunger of every person, while less than that leaves one hunger, but while everyone is more satisfied at that point, King Og of Bashan is less so."*
- S. *Objected R. Zira, "Fat meat in the volume of one date and wine-branches also in the quantity of one date?"*
- T. *Said to him Abbaye, "For rabbis it is an established fact that the volume of a date suffices to appease the hunger of every person, while less than that leaves one hunger, but when one eats fat meat, he is more satisfied, while the same quantity of wine-branches leave him less so."*
- U. *Objected Raba, "An olive's bulk is the measure of the time required for eating a half-loaf, and a date is the measure of the time required for eating a half loaf?" [Jung: ought not a longer period be allowed for the quantity of a date?]*
- V. *Said to him Abbaye, "For rabbis it is an established fact that with that volume one's hunger is appeased, with more than that, one's hunger is not appeased."*
- W. *Objected Raba, "The quantity of a date during the time required for eating a half loaf and half a half loaf during the time required for eating a half loaf?" [Jung: if one has eaten half a half loaf of unclean food during the time it takes to eat a half loaf of food, one is considered unclean and may not eat cultic food.]*
- X. *Said to him R. Pappa, "Omit reference to the uncleanness affecting the body, the rules governing which do not derive from the Torah."*
- Y. *But could R. Pappa have made such a statement? And is it not written in Scripture, "Neither shall you make yourselves unclean with them that you not be defiled thereby" (Lev. 11:43), on which R. Pappa himself commented, "From this passage derives the Torah's laws on the body's contracting cultic uncleanness through unclean foods"?*
- Z. *In his view the laws derive from the authority of rabbis, who found a proof-text in Scripture.*

**IX.1 A. All sorts of foods join together to form the volume of the date's bulk, and all sorts of liquids join together to form the volume of a mouthful.**

- B. *Said R. Pappa, "If one ate a piece of raw meat with salt, they join together to form the requisite volume to incur liability, and that is so even though salt is not really classified as a food, for, since people do eat it, it joins together."*

**IX.2. A. Said R. Simeon b. Laqish, "The brine on green vegetables joins with the vegetables to form the requisite volume to incur liability for a date's bulk on the Day of Atonement."**

- D. *That is obvious!*
- E. *What might you otherwise have supposed? It is classified as drink, not food? So we are informed to the contrary, that whatever serves to render food moist and therefore susceptible to uncleanness is classified as food.*

- IX.3.** A. Said R. Simeon b. Laqish, “He who eats too big a meal on the Day of Atonement is exempt from penalty. How come? ‘...who does not afflict...’ (Lev. 23:29) is what Scripture has said, excluding the eating of a meal that brings discomfort.”
- B. Said R. Jeremiah said R. Simeon b. Laqish, “A non-priest who ate food in the status of priestly rations in an excessive meal pays the principal but does not have to pay the added fifth. ‘And if a man eat’ (Lev. 22:14) — excluding the eating of a meal that brings discomfort.”
- C. Said R. Jeremiah said R. Yohanan, “A non-priest **[81A]** who chews barley-seed in the status of priestly rations pays the principal but does not have to pay the added fifth. ‘And if a man eat’ (Lev. 22:14) — excluding the eating of a meal that brings discomfort.”
- D. Said R. Shizbi said R. Yohanan, “A non-priest who swallowed jujubes in the status of priestly rations and then spit them out, and someone else ate them — the former pays the principal and the added fifth, but the latter pays only their value for burning as fuel.”

**X.1 A. He who eats and he who drinks — [these prohibited volumes] do not join together [to impose liability for eating or for drinking, respectively].**

- B. *Who is the Tannaite authority behind this statement?*
- C. Said R. Hisda, “It was set forth as subject to controversy and represents the position only of R. Joshua, *for we have learned in the Mishnah: A general principle did R. Joshua state, ‘All things that are alike in the [duration of] uncleanness of each and in the requisite measure of each join together. [If they are alike] (1) in [duration of] uncleanness but not in requisite measure, (2) in requisite measure but not in [duration of] uncleanness, (3) neither in [duration of] uncleanness nor in requisite measure, they do not join together [to form the volume that is necessary to convey uncleanness]’ [M. Me. 4:3E-G].*”
- D. *R. Nahman said, “You may even say that this represents the view of rabbis in opposition to R. Joshua. Rabbis take the contrary position that they do in the cited passage only when it comes to the matter of cultic uncleanness, for the category of cultic uncleanness is unitary, but here, where it is a matter of sating one’s appetite, and the quantity of a large date when made up of both food and drink does not sate an appetite in the way in which solely solid food would.”*
- E. And so said R. Simeon b. Laqish, “It was set forth as subject to controversy and represents the position only of R. Joshua, *for we have learned in the Mishnah: A general principle did R. Joshua state, ‘All things that are alike in the [duration of] uncleanness of each and in the requisite measure of each join together. [If they are alike] (1) in [duration of] uncleanness but not in requisite measure, (2) in requisite measure but not in [duration of] uncleanness, (3) neither in [duration of] uncleanness nor in requisite measure, they do not join together [to form the volume that is necessary to convey uncleanness]’ [M. Me. 4:3E-G].*”
- F. *And R. Yohanan said, “You may even say that this represents the view of rabbis in opposition to R. Joshua. Rabbis take the contrary position that they do in the*

*cited passage only when it comes to the matter of cultic uncleanness, but here, where it is a matter of sating one's appetite, and the quantity of a large date when made up of both food and drink does not sate an appetite in the way in which solely solid food would."*

While no one who has studied the entire Bavli can fail to have his or her favorite tractates, everyone must concede that Bavli-tractate Yoma takes a place at the top of every list, and this composite shows why. Here we have an absolutely standard repertoire of the Bavli's hermeneutical program: not only Mishnah-exegesis in a narrow sense, but Mishnah-transformation in a rich and generous framework. We find amplification of the phrases and clauses of the Mishnah, and this is done in a systematic and thorough way, nothing being omitted. In that amplification of what the Mishnah actually says, we note pretty much every familiar initiative that occurs somewhere or other: a challenge to the wording of the rule, as at I:1, with a systematic challenge to the proposed response, as at I:2; an explanation of the broader setting of a rule, as at II:1, the Scriptural foundations for rules of the Mishnah, as at III:1, IV:1, V:1, an inquiry into the authority behind anonymous rules, with an interest in showing that the collectivity of sages can concur, as at VI:1 and X:1; and, finally, secondary amplification of Mishnah-statements, as at VII:12, VIII:1, along with the introduction of parallel rules of supplement, as at IX:1-3. If there are initiatives of exegesis that the Bavli regularly takes beyond these classifications, I am not able to define what they might be. And the Bavli is so regular and repetitive a work of exegesis that I doubt there can be many. But the Bavli conducts not only a lower criticism of Mishnah-exegesis, but also a higher criticism of hermeneutical recasting of the Mishnah, and this we see here in an unusually generous measure. I:4-6 form a secondary composite on the afflictions of souls on the Day of Atonement through fasting; that, further, is expanded at I:7-38 into a massive exercise in the presentation of the theme of the Manna. The appendix at V:2-12 on not washing and not wearing shoes does not equivalently recast the subject but merely amplifies it. In the aggregate, this massive composite serving M. Yoma 8:1-2 must be singled out as a full account of what the Talmud really accomplishes.

### 8:3

- A. [If] one ate and drank in a single act of inadvertence, he is liable only for a single sin offering.
- B. [If] he ate and did a prohibited act of labor, he is liable for two sin offerings.
- C. [If] he ate foods which are not suitable for eating,
- D. or drank liquids which are not 'suitable for drinking —
- E. [if] he drank brine or fish brine —
- F. he is exempt.

**I.1** A. [If one ate and drank in a single act of inadvertence, he is liable only for a single sin offering. If he ate and did a prohibited act of labor, he is liable for two sin offerings:] [Explaining the absence of "you shall not" in connection with the prohibition of eating or drinking or acts of labor,] said R. Simeon b. Laqish, "Now come no explicit admonition is mentioned in connection with the commandment to afflict oneself? *It is because it is not possible to formulate one.*

*How should it be written? Should the All-merciful have said, 'He shall not eat'? But eating involves at least an olive's bulk of food. Should the All-merciful have said [in a negative formulation, as is required], 'He shall not afflict oneself'? But that bears the undesired inference, 'Go eat'!"*

- B. *Objected R. Hoshaiah, "But let the All-Merciful use the formulation, "Take heed, lest you not afflict yourself?"*
- C. *If so, that would encompass a variety of negative prohibitions [and that would not serve the purpose].*
- D. *Objected R. Bibi bar Abbaye, "But let the All-Merciful use the formulation, "Take heed concerning the commandment of affliction'?"*
- E. But "take heed" involves a positive commandment, if attached to a commandment, or a negative commandment, if attached to a negative one [Jung: as at Deu. 24: 8 vs. Lev. 13: 2].
- F. *Objected R. Ashi, "Let Scripture write, 'Do not depart from afflicting yourself.'"*
- G. *That is a valid objection to the stated hypothesis.*

**I.2.** A. *And a Tannaite formulation produces such a valid admonition from the following:*

- B. **"And you shall afflict your souls; you shall do no manner of work" (Num. 29: 7) —**
- C. **Might one suppose that the punishment of extirpation is involved for one who ignores the addition of the Day of Atonement [e.g., time added fore and aft] by doing an act of labor?**
- D. **Scripture states, "For any soul that does any manner of work in that same day shall be cut off" (Lev. 23:30) — for the day itself the penalty of extirpation is incurred, but the penalty of extirpation is not incurred for the additional time that is assigned to the day, fore and after.**
- E. **Might one suppose that the penalty of extirpation should not apply to acts of work done during the additional time assigned to the day, but he should be subject to the penalty of extirpation for the failure to undertake upon himself affliction during that additional time?**
- F. **Scripture states, "For any soul that does any manner of work in that same day shall be cut off" (Lev. 23:30) — for the day itself the penalty of extirpation is incurred, but the penalty of extirpation is not incurred for the failure to undertake upon himself affliction during that additional time.**
- G. **Might one imagine that no penalty at all pertains, but admonition concerning the additional time during which acts of labor are forbidden should come into play in the cited verse?**
- H. **Scripture states, "For any soul that does any manner of work in that same day shall be cut off" (Lev. 23:30) — for the day itself one is subject to a negative admonition, but one is not subjected to such a negative admonition for the additional time during which acts of work are forbidden.**
- I. **Might one suppose that while one is not subjected to such a negative admonition for the additional time during which acts of work are forbidden, but one should be subject to a negative admonition concerning afflicting oneself during the additional time assigned to the holy day? The opposite**



proposition is a matter of an argument a fortiori: if for the prohibition of labor that applies to Sabbaths and festivals, one is not subject to an admonition, the matter of affliction, which does not apply to Sabbaths and festivals, surely should not be subject to a negative admonition.

- J. Now, then, an admonition concerning affliction on the Day of Atonement itself we have not yet derived from Scripture. Whence do we learn it?
- K. Let Scripture not make reference to the penalty for forbidden acts of labor, which may be inferred from the commandment of affliction. If not afflicting oneself, a commandment not pertinent to the Sabbath or festival days, brings the penalty of extirpation, then performed forbidden acts of labor, a prohibition that does apply to the Sabbath and festival days, all the more so should be punished with extirpation.
- L. Why then is the penalty stated?
- M. It is left available for interpretation, allowing the drawing of analogies or the formulation on the basis thereof of a comparison:
- N. we find a reference to penalty in connection with the commandment of afflicting oneself, and we find reference to a penalty in the context of the prohibition of acts of labor. Just as carrying out acts of labor is punished only after an admonition, so the failure to afflict oneself is punishable only after an admonition.
- O. But one may find the following fault: the distinguishing trait of afflicting oneself is that there is no exception from the general rule, but can you say the same about the performance of acts of labor, since in that case, there are exceptions from the governing rule [as at Lev. 23:28]?
- P. Rather, let Scripture omit reference to a penalty in the case of the affliction of the soul, which may be derived by analogy drawn to the prohibition of acts of labor, viz., if acts of labor, for which exemptions are made, are subject to the penalty of extirpation, the matter of afflicting the soul, for which there are no exemptions to the general rule, all the more so should be subject to the penalty of extirpation.
- Q. Why then is the penalty stated?
- R. It is left available for interpretation, allowing the drawing of analogies or the formulation on the basis thereof of a comparison:
- S. But one may find the following fault: the distinguishing trait characteristic of the prohibition of labor is that that same prohibition applies on Sabbaths and Festivals, but will you say that the rule governing that classification pertains to afflicting the soul, which does not apply to Sabbaths and Festivals? [cf. Sifra CCXXXV:I.25, 7].
- T. *Said Rabina, "This Tannaite authority derives the rule from the occurrence of 'selfsame,' so the phrase must be available for that purpose, for were it not available, one might raise the objection earlier could be raised here too. So it must be available for that purpose."*
- U. *There are five verses of Scripture that are stated with reference to the prohibition of labor, one for an admonition for work by day, one for the admonition for work by night, one to specify the penalty by day, one to specify the penalty by night,*

*and one remains free to allow for inference from the prohibition of labor for the commandment of afflicting oneself both by day and by night.*

- I.3.** A. *A Tannaite authority of the household of R. Ishmael stated, “Here we find a reference to afflicting the soul, and elsewhere we find reference to afflicting the soul. Just as in the latter case, there is no penalty unless there has been a prior admonition, so here too there can be no penalty unless there is a prior admonition.*
- I.4.** A. R. Aha bar Jacob said, “We derive the fact by analogy between the phrase, ‘a solemn day of rest’ that occurs in connection with an everyday Sabbath and the same usage that occurs with reference to the Day of Atonement. Just as in the that case, there is no penalty unless there has been a prior admonition, so here too there can be no penalty unless there is a prior admonition.”
- B. R. Pappa said, **[81B]** *“The Day of Atonement itself is called the Sabbath, for said Scripture, ‘In the ninth day of the month, from evening to evening, you shall keep your Sabbath’ (Lev. 23:32).”*
- C. *Now it is not difficult to understand why R. Pappa did not state matters as does R. Aha bar Jacob, for a verse of Scripture that is written in connection with the topic itself is superior for the purpose. But how come R. Aha bar Jacob did not formulate the proof in the manner of R. Pappa?*
- D. *He requires the cited verse utilized by R. Pappa for the purpose stated in that which has been taught on Tannaite authority:*
- E. **["And the Lord said to Moses, But on the tenth day of this seventh month is the Day of Atonement; it shall be for you a time of holy convocation, and you shall afflict yourselves and present an offering by fire to the Lord. And you shall do no work on this same day, for it is a Day of Atonement, to make atonement for you before the Lord your God. For whoever is not afflicted on this same day shall be cut off from his people. And whoever does any work on this same day, that person I will destroy from among his people. You shall do no work; it is a statute for ever throughout your generations in all your dwellings. It shall be to you a Sabbath of solemn rest, and you shall afflict yourselves; on the ninth day of the month beginning at evening, from evening to evening, shall you keep your Sabbath" (Lev. 23:26-32).]**
- F. **"...and you shall afflict yourselves; on the ninth [day of the month beginning at evening, from evening to evening, shall you keep your Sabbath]":**
- G. **Might one suppose that the beginning of the self-affliction is the ninth day of the month?**
- H. **Scripture says, "beginning at evening."**
- I. **If "beginning at evening," might one suppose it is after it has gotten dark?**
- J. **Scripture says, "and you shall afflict yourselves; on the ninth [day of the month]."**
- K. **How so?**
- L. **One begins the affliction while it is still light on the ninth day,**
- M. **for people do add time from the profane day to the holy day.**
- N. **I know that that is to be done at the beginning of the holy day. How do I know that the same is to be done at the end of the holy day?**

- O. Scripture says, “from evening to evening.”
- P. I know that this is the rule for the Day of Atonement. How do I know that the same rule applies to the Sabbath that celebrates creation?
- Q. Scripture says, “shall you keep your Sabbath.
- R. How do I know that that is the rule also for festival days?
- S. Scripture says, “your Sabbath,”
- T. lo, in connection with every act of Sabbath rest that you undertake, you add time from the profane day to the holy day both at the beginning of the holy day and at the end of the holy day [Sifra CCXXXV:I.6]
- U. *And the Tannaite authority who produces the rule by the analogy of the appearance of “selfsame” in the two passages — how does he interpret the language, “in the ninth of the month”?*
- V. *He requires it for use in connection with that which Hiyya bar Rab of Difta formulated as a Tannaite statement, for Hiyya bar Rab of Difta formulated the following Tannaite statement:*
- W. “...you shall afflict yourselves; on the ninth day of the month beginning at evening, from evening to evening, shall you keep your Sabbath” (Lev. 23:26-32) — but is it on the ninth that people are to afflict themselves, and is it not on the tenth that they afflict themselves? Rather, this is to say to you, whoever eats and drinks on the ninth is treated by Scripture as though he had afflicted himself on both the ninth and the tenth.

## **II.1 A. [If] he ate foods which are not suitable for eating:**

- B. Said Raba, “One who chews pepper on the Day of Atonement is exempt [from punishment]. If he chewed ginger on the Day of Atonement, he is exempt.”
- C. *An objection was raised: R. Meir would say, “Since it is said, ‘You shall count the fruit thereof as forbidden’ (Lev. 19:23), do I not know whether it falls into the category of a tree that is used for food? But what is the sense of the statement of Scripture, ‘A tree that is eaten’? It serves to encompass a tree, the taste of the wood and the fruit of which is the same. And what would that be? It is pepper.*
- E. “It thereby teaches you that pepper trees are liable to the prohibition of the fruit of a tree in the first three years after it is planted.
- F. “And it serves to teach you that the Land of Israel lacks for nothing, for it says, ‘And land wherein you shall eat bread without scarcity, you shall not lack anything in it’ (Deu. 8: 9).” [Thus pepper falls into the category of produce of a tree that yields food, as against Raba’s view that pepper is not food.]
- G. *There is no contradiction anyhow, since the one statement [treating pepper as food] speaks of moist [pepper], the other to dried pepper.*
- H. *Rabina said to Maremar, “But lo, has not Raba said, ‘Preserved ginger which comes from India is permitted, and we recite the blessing, Who creates the fruit of the ground’?” [This shows that ginger is food, so one should be liable for chewing it on the Day of Atonement.]*
- I. *As before, there is no contradiction, since the statement [prohibiting ginger] speaks of moist, the one permitting it speaks of dry [ginger].*

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

- B. If one on the Day of Atonement ate vine calamus leaves, he is liable; if he ate vine leaves, he is liable.
- C. What is the definition of vines?
- D. Said R. Isaac Magdelaah, "It is any that sprouts between the New Year and the Day of Atonement."
- E. And R. Kahana said, "It is any that sprouted during the first thirty days."
- F. *It has been taught on Tannaite authority in accord with the view of R. Isaac Magdelaah:*
- G. If one ate calamus leaves he is exempt for liability; if he ate vine leaves, he is liable. What is the definition of vines? It is any that sprouts between the New Year and the Day of Atonement."

### **III.1 A. [if] he drank brine or fish brine — he is exempt:**

- B. *Lo, that bears the implication, if he drank vinegar, he is liable. Then who is the Tannaite authority behind our Mishnah-rule?*
- C. *It represents the view of Rabbi, for it has been taught on Tannaite authority:*
- D. Rabbi says, "Vinegar restores the soul."

### **III.2. A. Expounded R. Giddal bar Manasseh of Biri in Neresh, "The law does not accord with Rabbi."**

- B. *The next year everybody went out and mixed and drank vinegar mixed with water.*
- C. *R. Giddal heard and was outraged. He said, "Granted that I have said that after the fact, such a thing is all right, but to begin with, who has said that it is acceptable? I spoke, further, only of a small volume, but did I speak of a large one? I referred only to raw vinegar, but did I speak of vinegar mixed with water?"*

I:1-4 present a set of systematic theoretical expositions, aimed at showing the scriptural foundations for the law. The entire composite better serves the cited passages of Sifra than it does our Mishnah-paragraph. Units II and III provide minor glosses to the Mishnah's rule.

## **8:4**

- A. As to children, they do not impose a fast on them on the Day of Atonement.**
- B. But they educate them a year or two in advance, so that they will be used to doing the religious duties.**

### **I.1 A. Since they educate the children two years in advance, can there be any question about doing so one year in advance? [Of course we do so, and why should the Mishnah include that detail?]**

- B. Said R. Hisda, "That presents no problem, the one span of time applies to a sick child, the other to a healthy one."

### **I.2. A. Said R. Huna, "In the case of girls, at the age of eight and nine, they educate them to fast for a few hours of the day, at the age of ten and eleven, they finish out the day, by the authority of rabbis, and at twelve, they finish out the day by the authority of the Torah."**

- B. And R. Nahman said, "In the case of boys, at the age of nine and ten, they educate them to fast for a few hours of the day, at the age of eleven and twelve they finish

out the day, by the authority of rabbis, and at thirteen, they finish out the day by the authority of the Torah.”

- C. And R. Yohanan said, *“As to completing the fast by the authority of the rabbis, there is no rule at all. At the age of ten and eleven, they educate them to fast for a few hours of the day, at the age of twelve, they finish out the fast on the authority of rabbis.”*
- D. *We have learned in the Mishnah: As to children, they do not impose a fast on them on the Day of Atonement. But they educate them a year or two in advance, so that they will be used to doing the religious duties. Now, from the perspective of R. Huna and R. Nahman, doing so a year earlier is in accord with the ruling of sages, and doing so two years earlier is in accord with the ruling of sages, but for R. Yohanan, there is a real problem!*
- E. *R. Yohanan will say to you, “What is the meaning of the language, a year or two in advance? It means, in general terms, close to the time of puberty.”*
- F. *Come and take note of that which Rabbah bar Samuel framed as a Tannaite statement: As to children, they do not afflict them on the Day of Atonement, but they educate them for a year or two prior to their puberty.*
- G. *Now that statement poses no problem to R. Yohanan, but to R. Huna and R. Nahman it presents a problem.*
- H. *The rabbis will say to you, what is the meaning here of “educate”? It means, fasting to the end of the day.*
- I. *But is “educate” in context regarded as “completing the fast for the whole day”? And lo, it has been taught on Tannaite authority: What is the definition in context of “educate”? If he was used to eating at the second hour, they feed him at the third, at the third, they feed him at the fourth.*
- J. *Said Raba bar Ulla, “There are two kinds of ‘education.’”*

I:1 clarifies the language of the Mishnah, and I:2 explains the application of its law and organizes the received authoritative sayings into a coherent statement.

## 8:5

- A. **A pregnant woman who smelled food [and grew faint] — they feed her until her spirits are restored.**
- B. **A sick person — they feed him on the instruction of experts.**
- C. **If there are no experts available, they feed him on his own instructions,**
- D. **until he says, “Enough.”**
- I.1. A. **[A pregnant woman who smelled food [and grew faint] — they feed her until her spirits are restored:] Our rabbis have taught on Tannaite authority:**
  - B. A pregnant woman who smelled meat in the status of Holy Things or pig meat — for her they stick a reed into the juice and put it on her mouth. If she recovers, well and good, and if not, they feed her the gravy itself. If she recovers, well and good, but if not, they feed her the permitted fat itself, for there is nothing at all that stands ahead of the saving of life,
  - C. except for the matters of idolatry, incest, and murder.
  - D. *How so we know that that is the case for idolatry?*

- E. *It is as has been taught on Tannaite authority:*
- F. R. Eliezer says, "If it is said, 'With all your soul,' why is it also said, 'With all your might'? And if it is said, 'With all your might,' why is it also said, 'With all your soul'? But if there is someone who places greater value on his body than on his possessions, for such a one it is said, 'With all your soul.' And if there is someone who places greater value on his possessions than on his life, for such a one it is said, 'With all your might.'"
- G. *Fornication or murder, as has been taught on Tannaite authority:* Rabbi says, "'For as when a man rises against his neighbor and slays him, even so is this matter' (Deu. 22:26). What has a murderer to do with a betrothed maiden? Lo, this comes to teach a lesson but turns out also to be subject to a lesson, namely: there is an analogy to be drawn between the murderer and the betrothed girl. Just as in the case of the betrothed girl, it is permitted to save her at the cost of the attacker's life, so the murderer may be saved from sin at the cost of his life. And an analogy is further to be drawn between the case of the betrothed girl and that of the murderer. Just as in the matter of murder, one should be killed and not commit murder, so as to a betrothed girl, let her be slain but not violate the law. How do we know that there is the case for the murderer himself? *It is a matter of reasoning.*"
- H. *That is in line with the case of one who came before Raba and said to him, "The master of my town has said to me, 'Go and kill so-and-so, and if you do not do so, I shall kill you.'"*
- I. *He said to him, "Let him kill you, but do not kill. Who will say that your blood is redder than his. Perhaps the blood of that man is redder [than yours]."*

- I.2.** A. *There was a pregnant woman who smelt something. They came before Rabbi. He said to them, "Go and whisper to her that today is the Day of Atonement."*
- B. *They whispered to her and she heard the whisper, and he recited in her regard, "Before I formed you in the womb I knew you" (Jer. 1: 5).*
- C. *From her was born R. Yohanan.*
- D. *There was a pregnant woman who smelt something. They came before R. Hanina. He said to them, "Go and whisper to her that today is the Day of Atonement."*
- B. *They whispered to her and she did not heard the whisper, and he recited in her regard, [83A] "The wicked are estranged from the womb" (Psa. 58: 4).*
- C. *From her was born Shabbetai, the grain-speculator.*

- II.1** A. **A sick person — they feed him on the instruction of experts. If there are no experts available, they feed him on his own instructions, until he says, "Enough."**
- B. Said R. Yannai, "If the patient says he needs and the physician says he does not need food, they obey the patient. *What is the relevant verse of Scripture?* 'The heart knows its own bitterness' (Pro. 14:10)."
- C. *That is self-evident.*
- D. *What might you otherwise have supposed? The physician knows what he's talking about. So we are informed to the contrary.*



- E. If the physician says he needs food, and the patient says he does not need food, they listen to the physician. *How come? Stupor has seized the patient.*

**II.2.** A. *We have learned in the Mishnah: A sick person — they feed him on the instruction of experts. Are we then to conclude, on the instruction of experts yes, but on his own initiation no? On the instruction of a plurality of experts yes, but on the instruction of a single expert no?*

- B. *Here with what sort of a situation do we deal? It is a case in which he says, “I don’t need it.”*

- C. *In any event, Why not in any event feed him on the instructions of only a single expert?*

- D. *It was necessary to specify the rule to deal with a case in which there is another expert along with this one, who says, he does not need the food.*

**II.3.** A. *...they feed him on the instruction of experts — that’s obvious! We’re dealing with a case of doubt concerning the saving of life, and a doubt concerning the saving of life is resolved in a lenient way.*

- B. *The ruling is required to deal with a situation in which there are two other experts with him who say that he does not need the food. And even though R. Safra stated, “As to the principle that a hundred persons are equivalent to two, and two to one hundred, pertains to testimony, but as to making assessments of true value, we go by the opinions that are expressed,” that statement concerns estimates of true value, but here we deal with the matter of doubt concerning the saving of life.*

- C. *But since in the concluding clause it is stated, **If there are no experts available, they feed him on his own instructions, until he says, “Enough.”**, it follows that in the opening part of the formulation, we deal with a case in which he said it is necessary to eat.*

- D. *There is a lacuna in the formulation, and this is the way in which matters should be set forth in their Tannaite version:*

- E. *Under what circumstances? In a case in which the patient said, “I don’t need to eat.” But if he said, “I need to eat,” then, if there are not two experts present but one who says, He does not need it, then in that case **they feed him on his own instructions, until he says, “Enough.”***

**II.4.** A. *Mar bar R. Ashi said, “In any case in which the patient said, ‘I need to eat,’ even though there are a hundred who say he does not need to eat, we listen to him, since it is said, ‘The heart knows its own bitterness’ (Pro. 14:10).”*

- B. *We have learned in the Mishnah: **If there are no experts available, they feed him on his own instructions.** The operative consideration is that there are no experts. So if there are experts, that is not the rule!*

- C. *This is the sense of the statement: Under what circumstances? In a case in which the patient said, “I don’t need to eat.” But if he said, “I need to eat,” if there are no experts there at all, **they feed him on his own instructions**, since it is said, “The heart knows its own bitterness” (Pro. 14:10).*

I:1 provides a Tannaite supplement to the law at hand, extending its principle to other cases, and I:2 illustrates the Mishnah-law in particular. II:1-4 provide a set of searching readings of the Mishnah-rule.

## 8:6-7

### 8:6

- A. He who is seized by ravenous hunger — they feed him, even unclean things, until his eyes are enlightened.
- B. He who was bitten by a crazy dog — they do not feed him a piece of its liver's lobe.
- C. And R. Matia b. Harash permits doing so.
- D. Further did R. Matia b. Harash say, "He who has a pain in his throat — they drop medicine into his mouth on the Sabbath,
- E. "because it is a matter of doubt as to danger to life.
- F. "And any matter of doubt as to danger to life overrides the prohibitions of the Sabbath."

### 8:7

- A. He upon whom a building fell down —
- B. it is a matter of doubt whether or not he is there,
- C. it is a matter of doubt whether [if he is there], he is alive or dead,
- D. it is a matter of doubt whether [if he is there and alive] he is a gentile or an Israelite —
- E. they clear away the ruin from above him.
- F. [If] they found him alive, they remove the [remaining] ruins from above him.
- G. But if they found him dead, they leave him be [until after the Sabbath].

**I.1.** A. He who is seized by ravenous hunger — they feed him, even unclean things, until his eyes are enlightened.

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

C. How do they know that his eyes are enlightened?

D. Sufficient so that he knows the difference between good and bad [food] [T.

**Kip. 4:4H-I]**

E. *Said Abbaye, "That is by its taste."*

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

B. He who was seized by blinding hunger [M. Yoma 8:6A] — they feed him [that which violates the law in] least [possible measure].

C. How so?

D. [If] there were before him untithed produce and carrion, they feed him carrion.

E. Untithed produce and produce of the Seventh Year, they feed him produce of the Seventh Year.

- F. **...carrion and heave-offering — [Tosefta's version: they feed him heave-offering. heave-offering and produce of the Seventh Year, they feed him produce of the Seventh Year (T. Kip. 4:4A-F)].**
- G. [Bavli's version:] **...carrion and heave-offering** — *it is a matter of conflict among Tannaite formulations, as has been taught on Tannaite authority:*
- H. They feed him untithed produce but they do not feed him food in the status of heave-offering [a.k.a., priestly rations].
- I. Ben Tema says, "They feed him heave offering and not untithed produce."
- J. *Said Rabbah, "In a case in which it is possible to do so with unconsecrated food, all parties concur that they prepare it for him and feed it to him. Where there is a dispute, it concerns a case in which it is not possible to do so with unconsecrated food. The one authority maintains that the prohibition of eating totally untithed produce is the more severe, and the other authority takes the position that food in the status of heave offering is subject to the more stringent rule.*
- K. *"The one authority maintains that the prohibition of eating totally untithed produce is the more severe: but as to heave-offering, it is in any event suitable food for the priest [while untithed produce is suitable for no Israelite whatsoever].*
- L. *"...and the other authority takes the position that food in the status of heave offering is subject to the more stringent rule: but as to untithed food, it surely is possible to adjust it's status [by tithing it, after all].*
- M. **[83B]** *as to untithed food, it surely is possible to adjust it's status — that's obvious!*
- N. *No, it was necessary to make that point with reference to the Sabbath [when it would not be permitted to designate the portions that are heave offering].*
- O. *As to the Sabbath, that too is obvious! For [tithing falls into the category of moving something on the Sabbath, and] moving it about is forbidden only on the authority of rabbis.*
- P. *Here with what case do we deal? It is a pot that is not perforated, the obligation to tithe the produce grown therein being decreed merely on the authority of rabbis. The one authority takes the view that, in any event, the prohibition of eating the produce untithed is the more severe, and the other authority maintains that the prohibition of a non-priest's eating the heave-offering is the more severe.*
- R. *May we say that we deal with a conflict of Tannaite formulations, for it has been taught on Tannaite authority:*
- S. "He whom a snake has bitten [on the Sabbath] — they call a physician for him to come from another locale [on the Sabbath] and they tear open a hen for him or cut a leak from the ground for him, then they give him the food without separating the tithe that should be designated therefrom," the words of Rabbi.
- T. R. Eleazar b. R. Simeon says, "He is not to eat it until it is tithed."
- U. *May we now say that R. Eleazar b. R. Simeon is represented in the statement before us, and not Rabbi?*

- V. *You may say that even Rabbi is represented in the rule. Rabbi takes the view that he does there only when it comes to tithing vegetables, which derives from the authority of rabbis, but as to tithing grain that has been left untithed, that requirement derives from the Torah, in which case, even Rabbi would concur. For if you permit him to eat without tithing in the case of a pot that is not perforated, he will end up eating without tithing what comes from a pot that is perforated.*

**I.3.** A. *Our rabbis have taught on Tannaite authority:*

- B. He who was seized by blinding hunger — they feed him honey and all kinds of sweets, for honey and sweets enlighten one's eyes. And while there is no direct proof for that proposition, there is at least an intimation: "See, I pray you, how my eyes are brightened because I tasted a little of this honey" (1Sa. 14:29).
- C. *What is the meaning of the statement, And while there is no direct proof for that proposition, there is at least an intimation?*
- D. *In the cited case, blinding hunger had not seized hold of him.*
- E. Said Abbaye, "That pertains only after a meal, but before hand, such things even increase the appetite, as it is said: 'And they found an Egyptian in the field and brought him to David and gave him bread and he ate, and they gave him water to drink, and they gave him a piece of cake of figs and two clusters of raisins, and when he had eaten, his spirit was restored, for he had eaten no bread nor drunk any water for three days and three nights' (1Sa. 30:11-12)."

**I.4.** A. Said R. Nahman said Samuel, "He who was seized by blinding hunger — they feed him the fat tail with honey."

- B. R. Huna b. R. Joshua said, "Also pure flour with honey."
- C. *R. Pappa said, "Even barley-flour with honey."*

**I.5.** A. Said R. Yohanan, "Once I was seized by blinding hunger, so I ran to the east side of a fig tree, thus realizing in my own person the saying, 'Wisdom preserves the life of him who has it' (Qoh. 7:22), for R. Joseph stated as a Tannaite rule, 'He who wants to taste the taste of a fig should turn to the east side thereof, as it is said, "And for the precious things of the fruits of the sun" (Deu. 33:14).'"

**I.6.** A. *R. Judah and R. Yosé were going along the way, and R. Judah was seized by blinding hunger. He robbed a shepherd and ate his bread. Said to him R. Yosé, "You have robbed a shepherd."*

- B. *When they got to the place where they were going, a blinding hunger seized R. Yosé. They brought him all kinds of foods and dishes. Then said to him R. Judah, "I robbed a shepherd, but you have jumped the whole town!"*
- C. *And further, R. Meir and R. Judah and R. Yosé were going along the way. Now R. Meir was precise about learning names, while R. Judah and R. Yosé were not precise about learning names. When they came to a certain place, they asked for a place to stay, which they were given. They said to [the innkeeper], "What is your name?"*
- B. He said to them, "Kidor."

- C. He said, "That name [ki-dor = that is a generation] leads to the inference that he is wicked, for it is said, 'For a generation that is unstable are they' (Deu. 32:20)."
- D. *R. Judah and R. Yosé deposited their purses with him, but R. Meir did not do so. Rather, he went and put it on the grave of the man's father. The man saw a vision in his dream, which said, "Go, take the purse lying at the head of this man [me]."*
- E. *The next day he said to them, "This is what was shown to me in my dream."*
- F. *They said to him, "A dream that comes on the Sabbath night has no substance."*
- G. *R. Meir went and waited there all day long and then he took the purse with him. In the morning the others said to the man, "Give us our purses."*
- H. He said to them, "There was never any such transaction."
- I. *Said to them, "Why didn't you pay close attention to his name?"*
- J. *They said to him, "Why didn't the master say a thing to us?"*
- K. *He said to them, "I regarded the matter of the name as just suspect, but I didn't regard it as an established fact."*
- L. *They took the host into a shop and gave him some wine; they saw lentils on his moustache. They went to his wife and told her as a sign of earnest that he had eaten lentil soup, and they got their purses from her and took them back. He went and killed his wife.*
- M. *That is in line with that which has been taught on Tannaite authority: On account of neglect of the washing of hands before meals, someone ate pork, on account of the neglect of washing hands after meals, someone was killed.*
- N. *So ultimately they too paid close attention to names.*
- O. *When they got to a house owned by a man named Balah, they would not enter, saying, "That name implies that he is wicked, as it is written, 'Then I said of her that was worn out by adulteries' (Eze. 23: 4) [the name balah and 'worn out' sharing the same consonants]."*

**II.1** A. He who was bitten by a crazy dog — they do not feed him a piece of its liver's lobe. And R. Matia b. Harash permits doing so.

### Appendix on the Topic of Mad Dogs

- B. *Our rabbis have taught on Tannaite authority:*
- C. Five statements were made concerning a mad dog: [1] its mouth is open, [2] its spit drips, [3] its ears flap, [4] its tail drops between its legs, [5] it walks on the edge of the road.
- D. Some say, "Also, it barks without making a sound."
- II.2.** A. *What is the source of the madness in a dog?*
- B. Rab said, "Witches are playing a game with it."
- C. Samuel said, "An evil spirit is dwelling upon it."
- D. *What is at issue between these two explanations?*
- E. *At issue between them [84A] is whether to kill it by throwing something at it.*
- F. *It has been taught on Tannaite authority in accord with the position of Samuel:*
- G. When they kill it, they till it only with something that is thrown.

- H. *One against whom it rubs itself is in danger, one whom it bites dies.*
- I. *One against whom it rubs itself is in danger: what is his remedy?*
- J. *Let him take off his clothing and run.*
- K. *R. Huna b. R. Joshua — a mad dog rubbed itself against him in the marketplace. He stripped off his clothes and ran, saying, “In myself I have carried out the statement, ‘Wisdom preserves the life of him who has it’ (Qoh. 7:12).”*
- L. *one whom it bites dies: what is his remedy?*
- M. *Said Abbaye, “Let him get the skin of a male hyena and write on it, ‘I, So-and-so, the son of such-and-such woman, write on the skin of a male hyena, ‘Kanta kanti Keloros. ‘ And some say, ‘Kandi kandi kleros.’ ‘God, God Lord of Hosts, Amen Amen Selah.’ Then let him take off all his clothes and bury them at a grave for twelve months of a year. Then he should take them and burn them in an oven and scatter the ashes. During these twelve months, when he drinks water, he should drink it only out of a copper straw, lest he see a shadow of the demon and be endangered.”*
- N. *So the mother of Abba bar Marta, that is, Abba bar Minyumi, made for him a straw of gold.*

**III.1 A. Further did R. Matia b. Harash say, “He who has a pain in his throat — they drop medicine into his mouth on the Sabbath:”**

- B. *R. Yohanan suffered from scurvy. He went to a certain matron. She made him something on Thursday and on Friday. He said to her, “So what should I do on the Sabbath?”*
- C. *She said to him, “You won’t need it any more.”*
- D. *He said to her, “So if I do need it, what should I do?”*
- E. *She said to him, “Swear by the God of Israel that you will not tell anybody else,” so he swore, “To the God of Israel I shall not reveal it.”*
- F. *She told it to him and he went out and made a public exposition of it in address.*
- G. *But he had sworn to her!*
- H. *Sure, and what he swore was, “To the God of Israel I shall not reveal it.” [And that further means,] “But to his people [the oath implies] I shall reveal it.”*
- I. *But this is a profanation of the Divine Name!*
- J. *In fact he had explained it to her to begin with.*
- K. *And what was she giving him?*
- L. *Said R. Aha b. R. Ammi, “Water of leaven, olive oil, and salt.”*
- M. *R. Yemar said, “Leaven itself, olive oil, and salt.”*
- N. *R. Ashi said, “The fat of a goose wing.”*
- O. *Said Abbaye, “I did them all and wasn’t healed, until a Tai-Arab said to me, ‘Take the pits of olives that have not ripened a third of their cycle, burn them in a fire on a new rake, and put them inside of the gums.’ I did that and I was cured.”*
- P. *What is its etiology?*
- Q. *It comes from eating very hot wheat-bread and from eating leftovers of a fish hash and flour pie.*



R. *What is its symptom?*

S. *One's gums bleed if he puts anything between his teeth.*

**III.2.** A. *When R. Yohanan suffered from scurvy, he would put on this remedy on the Sabbath and was healed.*

B. *But how could R. Yohanan have done such a thing anyhow?*

C. *Said R. Nahman bar Isaac, "Problems with the teeth are exceptional, since it starts with the mouth but ends up in the intestines."*

D. *Said R. Hiyya bar Abba to R. Yohanan, "In accord with whom do you act? It is in accord with R. Matia b. Harash say, **"He who has a pain in his throat — they drop medicine into his mouth on the Sabbath."***

E. *He said to him, "For I say, it is in this case but in no other [that sages will concur with Matia.]"*

F. *May we say that the following supports his view:*

G. *"He who suffers an attack of jaundice is given the meat of a donkey to eat; if he was bitten by a mad dog, they give him the lobe of its liver to eat; he who has pain in his mouth may be given medicine on the Sabbath," the words of R. Matia b. Harash.*

H. *And sages say, "These do not fall into the category of cures."*

I. *Now what does "these" actually exclude? Is it not to exclude medicine [which does heal and therefore may be used on the Sabbath]?*

J. *No, it excludes the matter of letting blood in a case of asphyxia. And that stands to reason, for it has been taught on Tannaite authority:*

K. *Three things did R. Ishmael b. R. Yosé say, which he had heard from R. Matia b. Harash: "They let blood in the case of asphyxia on the Sabbath. He who was bitten by a mad dog, they give him the lobe of its liver to eat; he who has pain in his mouth may be given medicine on the Sabbath."*

L. *And sages say, "These do not fall into the category of cures."*

M. *Now what does "these" actually exclude? Is it not to exclude the two latter items but not the first one?*

N. *No, what it means to exclude is the first two items but not the third.*

O. **[84B]** *Come and take note of that which Rabbah bar Samuel presented as a Tannaite statement: If a pregnant woman smelled food, they feed her until her spirits are restored. He who was bitten by a mad dog — they give him the lobe of its liver to eat; he who has pain in his mouth may be given medicine on the Sabbath," the words of R. Eliezer b. R. Yosé, which he stated in the name of R. Matia b. Harash.*

P. *And sage say, "In this case but not in another."*

Q. *To what does "In this case" refer? Should we propose that it speaks of the pregnant woman? But that is obvious, since is there any authority who takes the contrary view? So does it not refer to the medicine?*

R. *That proves the point.*

S. *R. Ashi said, "Our Mishnah-rule also, when closely examined, yields the same point, namely: **Further did R. Matia b. Harash say, "He who has a pain in his throat — they drop medicine into his mouth on the Sabbath."** And we note*

*that rabbis do not express any difference of opinion on that item. But if rabbis did differ from him, the framer of the passage should group the whole lot together [the ones with which rabbis differ], and then say that rabbis differ."*

T. *That proves the point.*

**IV.1 A. ...because it is a matter of doubt as to danger to life. And any matter of doubt as to danger to life overrides the prohibitions of the Sabbath."**

B. *Why was it necessary to go on and say further, And any matter of doubt as to danger to life overrides the prohibitions of the Sabbath?*

C. Said R. Judah said Rab, "Not only of a doubt concerning danger to human life on this Sabbath did they speak, but even of a doubt concerning danger to human life on some other Sabbath later on."

D. *What would be an illustration?*

E. *If the physicians made an estimate that the person would face a crisis of eight days, the first of which coincides with the Sabbath, what might you have supposed? Hold up until the night, so that on the man's account two successive Sabbaths should not have to be desecrated? So we are informed that that is not the case.*

F. *So too it has been taught on Tannaite authority:*

G. **They heat water for a sick person on the Sabbath, whether to give it to him to drink or to heal him with it. And they do not say, "Wait on him, perhaps he'll live [without it]." But a matter of doubt concerning him overrides [the prohibitions of] the Sabbath. And the doubt need not be about this Sabbath, but it may be about another Sabbath [T. Shab. 15:16A-D], because any matter of doubt as to danger to life overrides the prohibitions of the Sabbath. And not only of a doubt concerning danger to human life on this Sabbath did they speak, but even of a doubt concerning danger to human life on some other Sabbath later on. And they do not say, Let the matters be done by gentiles or children, but they should be done by adult Israelites. And they do not say, "Let these matters be done by the testimony of women, by Samaritans." But they join the opinion of Israelites with them [to decide to save a life by violating the Sabbath] [T. Shab. 15:15F-H].**

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

B. **They remove debris for one whose life is in doubt on the Sabbath. And the one who is prompt in the matter, lo, this one is to be praised. And it is not necessary to get permission from a court. How so? [If] one saw a child fall into the ocean and cannot climb up, or [if] his ship is sinking in the sea, and he cannot climb up, he spreads a net and pulls him out of there. And it is not necessary to get permission from a court [T. Shab. 15:11].**

B. *And that is the case even though he catches fish in the net.*

C. *If he saw a child fall into a well, he breaks loose a segment of the wall around the wall and pulls him up. And the one who is prompt in the matter, lo, this one is to be praised. And it is not necessary to get permission from a court.*

D. *And that is the case, even though he turns out to make stairs.*

- E. If he saw that a door was closing on a child, he may break it down so as to get the child out. And the one who is prompt in the matter, lo, this one is to be praised. And it is not necessary to get permission from a court.
- E. *And that is the case, even though he thereby is deliberately making chips of wood.*
- F. People put out or isolate a fire on the Sabbath. And the one who is prompt in the matter, lo, this one is to be praised. And it is not necessary to get permission from a court.
- G. *And that is so, even though he thereby puts out the fire.*
- H. *And these several cases had to be articulated. For had we heard the case concerning the sea, we might have supposed that it is permitted to rescue the child with a net, since in the interim the child might be swept away in the water, but that does not apply to the case of the child's falling into a pit, since once there, it stays there, so one might have supposed that he might not save the child without permission of the court. So it was necessary to specify that case as well.*
- I. *And if we had been informed only of the case of the pit, one might have supposed that in that case there is no need to get the court's permission since the child is frightened, but in the case of the door's closing on it, one might sit outside and keep the child occupied by making a noise with nuts. It was therefore necessary to specify that case in so many words.*
- J. With reference to the statement, people put out or isolate a fire on the Sabbath: why specify both "put out" and "isolate"?
- K. *Even if it was to the benefit of some other court [one may do so].*

- IV.3.** A. Said R. Joseph said R. Judah said Samuel, "In matters having to do with danger to life, they are not guided by the condition of the majority."
- B. *How am I to imagine the case that is contemplated here? If I should say that there are nine Israelites and one Samaritan among them, then a majority is made up of Israelites. If it is half and half, then a matter of doubt is resolved in a lenient fashion [and there is no issue but that life is to be saved]. So it must refer to a case in which there are nine Samaritans and a single Israelite.*
  - C. *But that too is self-evident! For you have a stationary mass, and wherever we have a stationary mass, it is regarded as a situation in which one half comprises one classification, the other half the other.*
  - D. *No, the ruling still is necessary to cover a case in which someone has gone off to another courtyard [where he became buried in debris]. What might you have supposed? Whoever has gone off has gone off from the majority, and in this case that would then be made up of outsiders. So we are informed: In matters having to do with danger to life, they are not guided by the condition of the majority.*
    - E. Now is this true? And has not R. Assi said R. Yohanan said, "If there are nine Samaritans and one Israelite in the same courtyard, on the Sabbath they clear away debris; if it is in another courtyard, on the Sabbath they do not clear away debris"?
    - F. *There is no contradiction. In the one case everyone had gone off [before the buildings collapsed], in the other only a few had gone away. [Jung: in the former case, since they all had left the former court, the principle of stationary presence no longer operates, and so the condition of the majority*

is decisive, but in the latter case, since a number of those of the former court still remains, we invoke the principle of stationarity, and the debris has to be removed.]

- G. *But did Samuel make any such statement? And have we not learned in the Mishnah: [If] one found in it an abandoned child, if the majority is gentile, it is deemed a gentile. And if the majority is Israelite, it is deemed an Israelite. Half and half — it is deemed an Israelite. R. Judah says, “They follow the status of the majority of those who abandon babies” [M. Mak. 2:7]. And said Rab, “This rule only has to do with providing for the food and care of the child, but as to genealogy, that is not the case.” [85A] But Samuel said, “It has to do only with removing debris [on the Sabbath] for its sake [to dig it out of a ruin].”*
- H. *When Samuel’s statement was made, it pertained to the opening clause, namely: if the majority is gentile, it is deemed a gentile. Samuel said, “When it has to do with removing debris [on the Sabbath] for its sake [to dig it out of a ruin], that is not the case. [Whatever the majority, we dig the child out on the Sabbath.]”*
- I. *[if the majority is gentile, it is deemed a gentile:] for what practical purpose is the foregoing set forth?*
- J. *Said R. Pappa, “It has to do with whether or not to feed him carrion meat.”*
- K. *[And if the majority is Israelite, it is deemed an Israelite:] for what practical purpose is the foregoing set forth?*
- L. *Said R. Pappa, “It has to do with whether or not it is required to return to him something out of the lost-and-found.”*
- M. **Half and half — it is deemed an Israelite:** *for what practical purpose is the foregoing set forth?*
- N. *Said R. Simeon b. Laqish, “In regard to a case of damages.”*
- O. *What sort of a case can be in mind? If I should say that one of our oxen has gored one of his oxen, then just tell him, “Bring evidence that you’re an Israelite and collect what is coming to you”!*
- P. *Not at all, the rule is required to cover a case in which an ox of his gored and ox of ours. Half he pays, and with respect to the other half, he says to the Israelite claimant, “Bring proof that I’m not an Israelite and I’ll pay you.”*
- V.1 A. He upon whom a building fell down — it is a matter of doubt whether or not he is there, it is a matter of doubt whether [if he is there], he is alive or dead, it is a matter of doubt whether [if he is there and alive] he is a gentile or an Israelite — they clear away the ruin from above him.**
- B. *What’s the point of this statement [of hypothetical cases]?*
- C. *The intention is to state a series of cases that go without saying, not only is debris removed if one is in doubt as to whether he is there or not, as long as one knows he is alive if he is there; but even if we do not know for sure that he is alive or dead, the debris must be cleared away..*
- D. *Further, not only if we do not know for sure whether he is alive or dead, so long as we know he is an Israelite, do we clear away debris, but even if we do not know for sure whether he is an Israelite or a Samaritan, the debris must be removed.*

**VI.1 A. [If] they found him alive, they remove the [remaining] ruins from above him.**

B. *That's obvious!*

C. *No, it was necessary to make the point to indicate that even if he has only a short time to live, they clear away the debris.*

**VII.1 A. But if they found him dead, they leave him be [until after the Sabbath].**

B. *That too is obvious!*

C. *No, it was necessary to address the position of R. Judah b. Laqish, for it has been taught on Tannaite authority:*

D. **They do not save a corpse from a fire on the Sabbath.**

E. **Said R. Judah b. Laqish, "I have heard that they do save corpse from a fire on the Sabbath" [T. *Shab. 13:7F-G*].**

F. *Now even R. Judah b. Laqish makes his statement only because a person is distressed about the corpse, so that if you don't permit him to move it, he will turn out extinguishing the fire itself. But here, if you don't let him do it, what is he going to do anyhow?*

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

B. [On the Sabbath, when people are removing debris, if the buried person gives no sign of life,] how far is the debris removed?

C. Until one reaches his nose.

D. And there are those who say, "Up to his heart."

E. If one has searched the rubble and found that the bodies on top are dead, one may not say, "The ones on the bottom have already died" [but even on the Sabbath, one continues the search].

F. There was a case in which they found the bodies on top dead but the ones on the bottom alive.

G. *May we say that the Tannaite authorities [C, D] are in conflict over the same matter as is debated in the following, which has been taught on Tannaite authority:*

H. Whence is the embryo formed? From the head, as it is said, "You are he who took me out of my mother's womb" (Psa. 71: 6), and it further is written, "Cut off your hair and cast it away" (Jer. 7:29).

I. Abba Saul says, "It is from the belly button, and it sends forth its roots in all directions." [So Abba Saul concurs with Eliezer.]

J. *You may even hold, in regard to the position of Abba Saul, that he takes the stated view [in opposition to Aqiba's] only with regard to the formation of the embryo [but would accord with Aqiba in the present instance].*

K. *For when the foetus is formed, it takes shape from the center, but, so far as the source of life, all parties concur that it is in the nose, as it is written, "All in whose nostrils was the breath of the spirit of life" (Gen. 7:22).*

L. Said R. Pappa, "The dispute concerns only if the body has the feet up and the head down, but if the body is situated top down, once one has inspected it to the nose, it is not necessary to do more, for it is written, 'All in whose nostrils was the breath of the spirit of life' (Gen. 7:22)."

- VII.3.** A. Now R. Ishmael, R. Aqiba, R. Eleazar b. Azariah were walking on the way, with Levi the Netmaker [cf. Jung] and R. Ishmael. son of R. Eleazar b. Azariah, going after them. This question was raised before them: “How on the basis of Scripture do we know that danger to life overrides the restrictions of the Sabbath?”
- B. R. Ishmael responded, saying, **“If a thief is found breaking in, [and is struck so that he dies, there shall be no blood-guilt for him; but if the sun has risen upon him, there shall be blood-guilt for him]’ (Exo. 22: 1) — [in Mekhilta’s version:] And what is such a case [in which, if in the dark, a thief is found breaking in and is killed without consequence for the slayer, but if there is light, then there will be blood-guilt]? It is a case in which it is a matter of doubt whether the felon came to steal or to kill. You say that it is a case in which it is a matter of doubt whether the felon came to steal or to kill. But perhaps the doubt is whether or not he came to steal at all? This is what there is to say: If in a case in which one is certain that the thief has come to steal, and one has killed him, lo, one is liable on that account, all the more so in the case in which it is a matter of doubt whether the felon came to steal or to kill. In this same regard you may draw an analogy to the matter of the saving of life. If as to the shedding of blood, which imparts uncleanness to the land and makes the Presence of God depart, we set aside doubt [as to the motive of the intruder, and, if there is light, we impose blood-guilt on the manslayer], all the more so in the case of the saving of life do we set aside doubt [and save the life, e.g., at the risk of violating the Sabbath, even though we are not entirely certain that without help the person will die]” [Mekhilta attributed to R. Ishmael LXX:I.1].**
- C. R. Aqiba responded, saying, “If a man come presumptuously upon his neighbor...you shall take him from my altar, that he may day’ (Exo. 21:14) — only off the altar, but not down from the altar.”
- D. In this regard said Rabbah bar bar Hanna said R. Yohanan, “The was taught not only when it has to do with taking a life **[85B]** but when it has to do with saving a life. even down from the altar.”
- E. [Aqiba continues,] “Now if in the case of this one, where we do not know whether or not there is any substance in what he says, yet the service in the Temple, which is important enough to override the prohibitions of the Sabbath, is to be interrupted, how much the more so should saving a life override the restrictions of the Sabbath.”
- F. R. Eleazar responded and said, “If circumcision, which concerns only one of the two hundred and forty-eight limbs of the body, overrides the restrictions of the Sabbath, all the more so the whole of the body’s [salvation] should override the restrictions of the Sabbath.”
- G. R. Yosé b. R. Judah says, “Only you shall keep my Sabbaths’ (Exo. 31:13) — might one suppose that this is under all circumstances? Scripture says, ‘...only...,’ meaning, there can be exceptions.”
- H. R. Jonathan b. Joseph says, “For it is holy to you’ — it is given into your hands, you are not committed into its hands.”



- I. R. Simeon b. Menassia says, “‘And the children of Israel shall keep the Sabbath’ (Exo. 31:16) — the Torah says, ‘Desecrate one Sabbath so that Israel may keep many Sabbaths.’”
- J. *Said R. Judah said Samuel, “If I had been there, I would have said a proof better than their proofs, namely: ‘He shall live by them’ (Lev. 18: 5) — and not die by them.”*
- K. *Said Raba, “For all of these proofs there is a valid challenge except for the proof of Samuel, which is not subject to a valid challenge.”*
  - L. *As to that of R. Ishmael, perhaps the matter is to be read as does Raba, for said Raba, “What is the reason [that the householder may kill] one who breaks in? It is because we make the assumption that no one restrains himself when it comes to protecting his property. And this one [the thief] must have taken the view, ‘If I go there, the householder will resist me and not let me [take what I want], so if he resists, I shall kill him.’ And the Torah has said, ‘If he comes to kill you, you kill him first’ [cf. Exo. 22: 1]. So we find the rule governing a case in which matters are certain. But how do we know that the same rule covers a case subject to doubt?*
  - M. *As to that of R. Aqiba too, perhaps matters are to be read as does Abbayye, for said Abbayye, “[How do [the judges] know [whether or not there is substance]?] They send along a pair of rabbis. If there is substance in what he says, they affirm it, if not, they do not.” So we find the rule governing a case in which matters are certain. But how do we know that the same rule covers a case subject to doubt?*
  - N. *So in all of these cases, we find proof for cases of certain, but how do we know that the same rule covers a case subject to doubt.*
- O. *“But as to that of Samuel, there certainly is no weak point.”*
  - P. *Said Rabina, and some say, R. Nahman bar Isaac, “Better one grain of pepper than a whole basket of pumpkins.”*

I:1-6 provide a sequence of cases involving blinding hunger, some of them relevant to the Day of Atonement, some not. II:1-2 is an appendix on the theme of the Mishnah-clause but has nothing to do with its allegation. III:1-2 present a similar, topical appendix, though the Mishnah’s ruling does occur. IV:1-3 present a first-rate amplification of the Mishnah-rule, and V:1, VI:1, and VII:1, 2 give good glosses. VII:3 ends with a propositional appendix, topically well-situated to conclude the whole composite.

**8:8-9**

**8:8**

- A. A sin offering and an unconditional guilt offering atone.**
- B. Death and the Day of Atonement atone when joined with repentance.**

- C. Repentance atones for minor transgressions of positive and negative commandments.
- D. And as to serious transgressions, [repentance] suspends the punishment until the Day of Atonement comes along and atones.

## 8:9

- A. He who says, “I shall sin and repent, sin and repent” —
- B. they give him no chance to do repentance.
- C. [If he said,] “I will sin and the Day of Atonement will atone,” — the Day of Atonement does not atone.
- D. For transgressions done between man and the Omnipresent, the Day of Atonement atones.
- E. For transgressions between man and man, the Day of Atonement atones, only if the man will regain the good will of his friend.
- F. his exegesis did R. Eleazar b. Azariah state: “‘From all your sins shall you be clean before the Lord’ (Lev. 16:30) — for transgressions between man and the Omnipresent does the Day of Atonement atone. For transgressions between man and his fellow, the Day of Atonement atones, only if the man will regain the good will of his friend.”
- G. Said R. Aqiba, “Happy are you, O Israel. Before whom are you made clean, and who makes you clean? It is your Father who is in heaven,
- H. “as it says, ‘And I will sprinkle clean water on you, and you will be clean’ (Eze. 36:25).
- I. “And it says, O Lord, the hope [miqweh = immersion pool] of Israel (Jer. 17:13) — Just as the immersion pool cleans the unclean, so the Holy One, blessed be he, clean Israel.”

- I.1** A. [A sin offering and an unconditional guilt offering atone:] *is it possible that while the guilt offering for a certain sin atones, a suspensive guilt offering does not? But lo, “atonement” is inscribed with reference to that too!*
- B. *The one effects complete atonement, while the suspensive guilt offering does not effected complete atonement.*
  - C. *Or, alternatively, as to the others [the sin offering and the unconditional guilt offering], another offering can effect the atonement that they bring about, but as to a suspensive guilt offering no other offering can effect the atonement that it brings about. For we have learned in the Mishnah: Those who owe sin offerings and unconditional guilt offerings for whom the Day of Atonement passed [without their making those offerings] are liable to bring [the offerings] after the Day of Atonement. Those who owe suspensive guilt offerings are exempt. [The Day of Atonement has atoned for those transgressions that may or may not have taken place] [M. Ker. 6:4A-B].*

## **II.1** A. Death and the Day of Atonement atone when joined with repentance:

- B. *That is the case only when joined with repentance, but not when not joined with repentance — then may we say that this does not accord with the position of Rabbi? For it has been taught on Tannaite authority:*

- C. Rabbi says, “For all of the transgressions that are listed in the Torah, whether one has repented or not repented, the Day of Atonement attains atonement, except for one who breaks the yoke [of the kingdom of heaven from himself, meaning, denies God] and one who treats the Torah impudently, and the one who violates the physical mark of the covenant. In these cases if one has repented, the Day of Atonement attains atonement, and if not, the Day of Atonement does not attain atonement.”
- D. *You may even say that the rule accords with Rabbi’s position. Repentance still requires the advent of the Day of Atonement to take effect, but the Day of Atonement does not require the act of repentance to take effect.*

### **III.1 A. Repentance atones for minor transgressions of positive and negative commandments:**

- B. *Since it is the fact that it atones for a negative commandment that has been violated, is there any need to specify that it also atones for a positive commandment that has been violated?*
- C. *Said R. Judah, “This is the sense of the statement: ‘...for a positive commandment and for a negative commandment that is attached to a positive commandment...’”*
- D. *But not for a negative commandment in its own right? And by way of objection: Repentance effects atonement for minor transgressions of positive and negative commandments [M. Yoma 8:8B-C], [86A] except for a violation of the commandment not to take [the name of the Lord in vain]” [T. Kip. 4:4M-N]. [T. proceeds: And what are major transgressions? [Those punishable by] extirpation and death at the hands of an earthly court, and ‘not taking [the name of the Lord in vain]’ counts with them.]*
- E. [For Rabbi, the meaning is:] “...not to take...” *and acts of the same classification.*
- F. *Come and take note: R. Judah says, “For everything from ‘not taking [the name of the Lord in vain]’ and beneath, repentance effects atonement. For everything from ‘not taking [the name of the Lord in vain]’ and above, inclusive of ‘not taking [the name of the Lord in vain],’ repentance suspends the punishment, and the Day of Atonement effects atonement” [T. Kip. 4:5R].*
- G. [For Rabbi, the meaning is:] “...not to take...” *and acts of the same classification.*
- H. *Come and take note: Since at Horeb there is reference to repentance and forgiveness, might one suppose that the same encompasses the violation of the commandment, “You shall not take the name of the Lord in vain”? Scripture states, “He will not clear the guilty” (Exo. 20: 7). Might one suppose that the same applies also to other negative commandments as well? Scripture states, “...will not clear the guilt of him who takes his name in vain” — while he will not clear the guilt for taking his name in vain, he will clear the guilt of those who have violated other negative commandments. [Jung: This proves that for the transgression of other negative commandments, penitence effects atonement.]*
- I. *In point of fact, we deal with a conflict of Tannaite formulations, for it has been taught on Tannaite authority:*
- J. For what does repentance atone? For violation of a positive commandment and of a negative commandment that is attached to a positive commandment. And for

what does repentance suspend punishment, while the advent of the Day of Atonement effects atonement? For violation of the laws the penalty of which is extirpation, those of which the penalty is death at the hands of an earthly court, or for a negative commandment in its own right.

**III.2.** A. The master has said: Since at Horeb there is reference to repentance and forgiveness...*how on the basis of Scripture do we know this fact?*

B. *As has been taught on Tannaite authority:*

C. R. Eleazar says, "It is not possible to say 'holding guiltless,' for it is in fact said, 'will not hold guiltless.' It is not possible to say, 'will not hold guiltless,' for it is in fact stated, 'holding guiltless.' So how reconcile? He holds guiltless those who repent, but does not hold guiltless those who do not repent."

### **Composite on Repentance**

**III.3.** A. In Rome R. Matia b. Harash asked R. Eleazar b. Azariah, **"Have you heard about the four types of atonement that R. Ishmael expounded?"**

B. **He said to him, "I heard indeed, but they are three, but with each of them repentance is required.**

C. **"One verse of Scripture says, 'Return, you backsliding children, says the Lord, I will heal your backsliding' (Jer. 3:22). A second says, 'For on this day shall atonement be made for you to cleanse you' (Lev. 16:30). And a third says, 'Then I will visit their transgression with the rod and their iniquity with strokes' (Psa. 89:33), and a fourth: 'Surely this iniquity shall not be expiated by you until you die' (Isa. 22:14).**

D. **"How so? If someone has violated a religious duty involving an act of commission but has repented, he does not move from that spot before he is forgiven forthwith. In this regard it is said, 'Return, you backsliding children, says the Lord, I will heal your backsliding' (Jer. 3:22).**

E. **"If someone has transgressed a negative commandment but has repented, repentance suspends the punishment and the Day of Atonement atones. In this regard it is said, 'For on this day shall atonement be made for you to cleanse you' (Lev. 16:30).**

E. **"If someone has transgressed a rule, the penalty of which is extirpation or judicially inflicted capital punishment, but has repented, the repentance and the Day of Atonement suspend the matter, and suffering on the other days of the year effect atonement, and in this regard it is said, 'Then I will visit their transgression with the rod and their iniquity with strokes' (Psa. 89:33).**

F. **"But one who has profaned the name of heaven — repentance has not got the power to effect suspension of the punishment, nor suffering to wipe it out, nor the Day of Atonement to atone, but repentance and suffering suspend the punishment, and death will wipe out the sin with them, and in this regard it is said, 'Surely this iniquity shall not be expiated by you until you die' (Isa. 22:14)" [Fathers According to R. Nathan XXIX:VIII.1].**

**III.4.** A. *What is the definition of the profanation of the Divine Name?*

- B. *Said Rab, "For example, in my case, if I took meat from my butcher and didn't pay for it on the spot."*
- C. *Said Abbaye, "That consideration pertains only where someone does not go collecting, but in a place where someone goes collecting what is owing, there is no objection to such conduct."*
- D. *Said Rabina, "And Mata Mehasya is a place in which people go collecting."*
- E. *When Abbaye would buy meat from two partners, he would give a zuz to this one and a zuz to that one, and then would bring them together and make a reckoning.*
- F. *R. Yohanan said, "For example in, my case, if I were to walk four cubits without contemplation of Torah or wearing phylacteries."*

**III.5.** A. R. Isaac of the household of R. Yannai said, "Anyone whose colleagues are ashamed by reason of his reputation — that is a profanation of the Divine Name."

- B. *Said R. Nahman bar Isaac, "It is a case in which people say of someone, may his Master forgive Mr. So-and-So."*
- C. *Abbaye said, "It is for example as has been taught on Tannaite authority: "And you will live the Lord your God" (Deu. 6: 4) — that the Name of Heaven may be made beloved through you, that one should recite Scripture and repeat Mishnah-teachings and serve as a disciple to disciples of sages, and so that one's give and take be done in serenity with other people. Then what will people say about him? "Happy is this one's father, who taught him Torah, happy is his master, who taught him Torah. Who for those people who have not studied Torah. Look at Mr. So-and-so, to whom they taught Torah — see how lovely are his ways, how orderly his deeds! Concerning him, Scripture says, "And he said to me, you are my servant, Israel, in whom I will be glorified" (Isa. 49: 3). But as to him who studies Scripture and repeats Mishnah and who serves as a disciple to disciples of sages but whose give and take is not in good faith and his speech is not serene with other people — what do people say about him? Who is Mr. So-and-So, who has studied Torah, woe is his father, who taught him Torah, woe is his master, who taught him Torah. As to Mr. So-and-so, who has studied Torah — see how disreputable are his deeds and how ugly his ways, and concerning him Scripture says, "In that men said of them, These are the people of the Lord and are gone forth out of his land" (Eze. 36:20)."*

**III.6.** A. Said R. Hama bar Hanina, "Great is repentance, which brings healing to the world: 'I will heal their backsliding, I will love them freely' (Hos. 14: 5)."

- B. *R. Hama bar Hanina contrasted verses: "Return you backsliding children' — who to begin with were backsliding. Vs. 'I will heal your backsliding' (Jer. 3:22). There is no contradiction, in the one case, the repentance is out of love, in the other, out of fear."*
- C. *R. Judah contrasted verses: "Return you backsliding children, I will heal your backsliding' (Jer. 3:22). Vs. 'For I am lord to you, and I will take you one of a city and two of a family' (Jer. 3:14). There is no contradiction, in the one case, the repentance is out of love or fear, in the other, repentance comes as a consequence of suffering."*

**III.7.** A. Said R. Levi, “Great is repentance, which reaches up to the throne of glory: ‘Return, Israel, to the Lord your God’ (Hos. 14: 2).”

**III.8.** A. [86B] Said R. Yohanan, “Great is repentance, for it overrides a negative commandment that is in the Torah: ‘If a man put away his wife and she go from him and become another man’s wife, may he return to her again? Will not that land be greatly polluted? But you have played the harlot with many lovers, and would you then return to me, says the Lord’ (Jer. 3: 1).”

**III.9.** A. Said R. Jonathan, “Great is repentance, for it brings redemption near: ‘And a redeemer shall come to Zion and to those who return from transgression in Jacob’ (Isa. 59:20) — how come ‘a redeemer shall come to Zion’? Because of ‘those who return from transgression in Jacob.’”

**III.10.** A. Said R. Simeon b. Laqish, “Great is repentance, for by it sins that were done deliberately are transformed into those that were done inadvertently: ‘And when the wicked turns from his wickedness and does that which is lawful and right, he shall live thereby’ (Eze. 33:19) — *now ‘wickedness’ is done deliberately, and yet the prophet calls it stumbling!*”

B. Is this so? But said R. Simeon b. Laqish, “Great is repentance, for by it sins that were done deliberately are transformed into those that were merits ‘And when the wicked turns from his wickedness and does that which is lawful and right, he shall live thereby’ (Eze. 33:19)! ”

C. *There is no contradiction between these versions, the one refers to repentance out of love, the other, out of fear.*

**III.11.** A. Said R. Samuel bar Nahmani said R. Jonathan, “Great is repentance, for it lengthens the years of a person: ‘And when the wicked turns from his wickedness...he shall live thereby’ (Eze. 33:19).”

**III.12.** A. Said R. Isaac, *[or} they say in the West in the name of Rabbah bar Mari,* “Come and take note of how the characteristic of the Holy One, blessed be he, is not like the characteristic of mortals. If a mortal insults his fellow by something that he has said, the other may or may not be reconciled with him. And if you say that he is reconciled with him, he may or may not be reconciled by mere words. But with the Holy One, blessed be he, if someone commits a transgression in private, he will be reconciled with him in mere words, as it is said, ‘Take with you words and return to the Lord’ (Hos. 14: 3). And not only so, but [God] credits it to him as goodness: ‘and accept that which is good’ (Hos. 14: 5); and not only so, but Scripture credits it to him as if he had offered up bullocks: ‘So will we render for bullocks the offerings of our lips’ (Hos. 14: 5). Not you might say that reference is made to obligatory bullocks, but Scripture says, ‘I will heal their backsliding, I love them freely’ (Hos. 14: 5).”

**III.13.** A. *It has been taught on Tannaite authority:*

B. R. Meir would say, “Great is repentance, for on account of a single individual who repents, the whole world is forgiven in its entirety: ‘I will heal their backsliding, I will love them freely, for my anger has turned away from him’ (Hos. 14: 5). What is said is not ‘from them’ but ‘from him.’”

**III.14.** A. *How is a person who has repented to be recognized?*



- B. Said R. Judah, "For example, if a transgression of the same sort comes to hand once, and second time, and the one does not repeat what he had done."
- C. *R. Judah defined matters more closely*: "With the same woman, at the same season, in the same place."

**III.15.** A. *Said R. Judah, "Rab contrasted verses of Scripture*: it is written, 'Happy is he whose transgression is covered, whose sin is pardoned' (Psa. 32: 1), and further, 'He who covers his transgression shall not prosper' (Pro. 28:13). *But there is no contradiction*, the one speaks of a sin that is publicly known, the other of a sin that is not publicly known."

- B. R. Zutra bar Tobiah said R. Nahman [said], "The one speaks of transgressions between a person and his fellow, the other, transgressions between a person and the Omnipresent."

**III.16.** A. *It has been taught on Tannaite authority*:

- B. R. Yosé b. R. Judah says, "When a person does a transgression once, he is forgiven, a second time, he is forgiven, a third time, he is forgiven. But when he does it a fourth time, he is not forgiven: 'Thus says the Lord, for three transgressions of Israel, yes for four, I will not reverse it' (Amos 2: 6); and further, 'Lo, all these things does God work, twice, yes, three times, with a man' (Job. 33:29)."
- C. *What's the point of* and further,?
- D. *Should you say, that is the case when the public is involved, but not in the case of an individual [the cited verse proves the contrary, which speaks of an individual, not all Israel].then come and take note*: "Lo, all these things does God work, twice, yes, three times, with a man" (Job. 33:29).

**III.17.** A. *Our rabbis have taught on Tannaite authority*:

- B. **Matters concerning which one has said confession on the preceding Day of Atonement, one does not have to include in the confessions of the coming Day of Atonement, unless he did those same transgressions [in the intervening year]. [If] he committed those transgressions, he must include them in the confession. [If] he did not commit those transgressions, but he included them in his confession — concerning such a person — the following is said: "As a dog returns to his vomit, so a fool returns to his folly" (Pro. 26:11). R. Eliezer b. Jacob says, "Lo, such a person is praiseworthy, since it is said, 'For I acknowledge my transgressions' (Psa. 51: 3)" [T. **Kip. 4:15**].**
- C. Then how do I deal with "As a dog returns to his vomit, so a fool returns to his folly" (Pro. 26:11)?
- D. *It is in accord with R. Huna for* said R. Huna, "Once a person has committed a transgression and done it again, it is permitted to him."
- E. "It is permitted to him" *do you say*?
- F. *Rather, say*, It is transformed for him so that it appears to be permitted.

**III.18.** A. "And he has to specify each individual sin," the words of R. Judah b. Baba, as it is said, 'O Lord, these people have sinned a great sin land have made a god of gold' (Exo. 32:31)."

- B. R. Aqiba says, “It is not necessary [to list each sin], since it is said, ‘Happy is he whose transgression is covered, whose sin is pardoned.’ If so, why does it say, ‘And made a god of gold’? But: Thus did the Omnipresent say, ‘Who made you make a god of gold? It is I, who gave you plenty of gold’” [T. Kip. 4:14]. [Bavli’s version: If so, why does it say, ‘And made a god of gold’? It is in accord with R. Yannai, for said R. Yannai, ‘Said Moses before the Holy One, blessed be he, The silver and gold that you showered on Israel until they said, “enough” is what has made them make golden idols.’”]

**III.19.** A. Two truly good providers arose for Israel, Moses and David. Moses said, “Let my sin be written down: ‘because you believed not in me to sanctify me’ (Num. 20:21).” David said, “Let mine not be written down: ‘Happy is he whose transgression is forgiven, whose sin is pardoned’ (Psa. 82: 1).”

- B. To what may Moses and David be compared? To the case of two women who were flogged by the court, one who had committed an indiscretion, the other who had eaten unripe figs of the seventh year [which should have been allowed to ripen]. So to them the one who had eaten unripe figs in the seventh year, “By your grace, announce on what account I am being flogged, so people will not say, ‘For the same sin for which that one is being flogged, this one is being flogged.’” So they brought unripe figs of the seventh year and hung them around her neck and announced before her, saying, “It is because of matters having to do with the seventh year that she is being flogged.”

**III.20.** A. They make public hypocrites’ [evil deeds] on account of the desecration of the divine name, as it is said, ‘When a righteous man turns from his righteousness and commits iniquity and I lay a stumbling block before him, he shall die’ (Eze. 3:20) — to make public his [hypocrisy] [T. Kip. 4:12E-F].

**III.21.** A. Repentance of a confirmed sinner postpones punishment, and that is even though the decree against him of punishment has already been signed and sealed.

- B. The prosperity of the wicked ends in disaster.
- C. Authority buries authorities.
- D. Naked does one come in, naked does one go forth, and would that one’s exodus be like his entry.
- E. *When Rab would come to court, he would say this, “With a bitter soul he goes forth to death. The needs of his house he has not attended to. He goes home empty-handed. Would that his coming home should be as is his going forth, and would that one’s exodus be like his entry.*
- F. *When Raba went to court, he would say, [87A] “By his own volition he goes to death. The needs of his house he has not attended to. He goes home empty-handed. Would that his coming home should be as is his going forth, and would that one’s exodus be like his entry. And when he saw the crowd escorting him, he would say, ‘Though his excellence mount up to the heavens and his head reach unto the clouds, yet shall he perish forever, like his own dung’ (Pro. 27:24).”*
- G. *When on the Sabbath that coincided with a festival people would lift up Mar Zutra the Pious onto their shoulders, he would say this, “For riches are not for ever nor does the crown endure for all generations’ (Pro. 27:24).”*

**III.22.** A. “It is not good to respect the person of the wicked” (Psa. 18: 5) — It is not good for the wicked to be shown respect in this world.

B. It was not good for Ahab that he was shown favor in this world: “Because he humbled himself before me, I will not bring evil in his days” (1Ki. 21:29).

C. It is good for the righteous not to be shown favor in this world.

D. It was good for Moses not to be shown favor in this world: “Because you did not believe in me, to sanctify me” (Deu. 20:13). Lo, had you believed in me, the time for you to take leave of this world would not yet have come.

E. Happy are the righteous, for it is not sufficient for them only to acquire uncoerced grace in their own behalf but they bestow unmerited grace to their children and their grandchildren to the end of all generations.

F. For how many sins did Aaron have who were worthy of being burned up like Nadab and Abihu, as it is said, “That were left...” (Lev. 10:12), but the uncoerced grace attained by their father stood up for them.

G. Woe are the wicked, for it is not sufficient for them only to suffer condemnation on their own account, but they bring about the condemnation of their children and their grandchildren to the end of all generations.

H. Canaan had many sons who were worthy of being ordained like Tabi, Rabban Gamaliel’s son, but the guilt of their ancestor caused them to lose out.

**III.23.** A. **He who brings merit to the community never causes sin. And he who causes the community to sin — they never give him a sufficient chance to attain penitence [M. Abot 5:18]:**

B. **He who brings merit to the community never causes sin:** how come? It is so that he will not end up in Gehenna, while his disciples are in the Garden of Eden: “For you will not abandon my soul to the nether world nor will you suffer your godly one to see the pit” (Psa. 16: 9).

C. **And he who causes the community to sin — they never give him a sufficient chance to attain penitence:** It is so that he will not end up in the Garden of Eden, while his disciples are in the Gehenna: “A man that is laden with the blood of any person shall hasten his steps to the pit, none will help him” (Pro. 28:17).

**IV.1** A. **[And as to serious transgressions, repentance suspends the punishment until the Day of Atonement comes along and atones.] He who says, “I shall sin and repent, sin and repent” — they give him no chance to do repentance.**

B. *Why repeat two times, sin and repent, sin and repent?*

C. *It is in accord with what R. Huna said Rab said, for said R. Huna said Rab, “Once a person has committed a transgression and done it again, it is permitted to him.”*

E. “It is permitted to him” *do you say?*

F. *Rather, say, It is transformed for him so that it appears to be permitted.*

**V.1** A. **If he said, “I will sin and the Day of Atonement will atone,” — the Day of Atonement does not atone.**

B. *May we say that our Mishnah-ruling is not in accord with Rabbi, for it has been taught on Tannaite authority:*

C. Rabbi says, “For all of the transgressions that are listed in the Torah, whether one has repented or not repented, the Day of Atonement attains atonement, except for

one who breaks the yoke [of the kingdom of heaven from himself, meaning, denies God] and one who treats the Torah impudently, and the one who violates the physical mark of the covenant. In these cases if one has repented, the Day of Atonement attains atonement, and if not, the Day of Atonement does not attain atonement.”

- D. *You may even say that the rule accords with Rabbi’s position. The situation in which he relies on [the Day of Atonement to attain atonement for sinning] is exceptional.*

**VI.1 A. For transgressions done between man and the Omnipresent, the Day of Atonement atones. For transgressions between man and man, the Day of Atonement atones, only if the man will regain the good will of his friend:**

- B. *R. Joseph bar Habu raised a contradiction to R. Abbahu, “ For transgressions between man and man, the Day of Atonement atones, only if... — but it is written, ‘If one man sin against his fellow man, God will pacify him’ (1Sa. 2:25).”*
- C. *[He said to him,] “‘God’ here means,” the Judge.”*
- D. *Then note the continuation of the verse: “But if a man sin against the Lord, who shall entreat for him”*
- E. *This is the sense of the statement: “If a man sins against his fellow man the judge will judge him, and his fellow will forgive him, but if a man sins against the Lord God, who will entreat for him? Only repentance and good deeds.”*

**VI.2. A. Said R. Isaac, “Whoever offends his fellow, even if through what he says, has to reconcile with him, as it is said, ‘My son, if you have become surety for your neighbor, if you have struck your hands for a stranger, you are snared by the words of your mouth...do this now, my son, and deliver yourself, seeing you have come into the power of your neighbor, go, humble yourself, and urge your neighbor’ (Pro. 6: 1-3). If it is a money-claim against you, open the palm of your hand to him [and pay him off], and if not, send a lot of intermediaries to him.”**

- B. *Said R. Hisda, “He has to reconcile with him through three sets of three people each: ‘He comes before men and says, I have sinned and perverted that which was right and it did not profit me’ (Job. 33:27).”*
- C. *Said R. Yosé bar Hanina, “Whoever seeks reconciliation with his neighbor has to do so only three times: ‘Forgive I pray you now...and now we pray you’ (Gen. 50:17).*
- D. *“And if he has died, he brings ten people and sets them up at his grave and says, ‘I have sinned against the Lord the God of Israel and against this one, whom I have hurt.”*

**VI.3. A. R. Abba had a complaint against R. Jeremiah, [Jeremiah] went and sat at the door of R. Abba. In the interval his serving girl through out slops. Some drops fell on his head. He said, “They’ve made a dung heap out of me,” and about himself he cited the verse, “He raises up the poor out of the dust” (1Sa. 2: 8).**

- B. *R. Abba heard and came out to him, saying, “Now I must come out to seek reconciliation with you: ‘Go, humble yourself and urge your neighbor’ (Pro. 6: 1).*

- VI.4.** A. *When R. Zira had a quarrel with someone, he would pass by him repeatedly, so as to show himself to him, so that the other might come forth to seek reconciliation with him.*
- B. *Rab had a fight with a certain butcher. The butcher did not come to him on the eve of the Day of Atonement, so he said, "I shall go and seek reconciliation with him."*
- C. *R. Huna met him. He said to him, "Where is the master going?"*
- D. *He said to him, "To seek reconciliation with Mr. So-and-so."*
- E. *He thought, 'Abba [Rab] is going to bring about the other's death.'*
- F. *[Rab] went and stood by the man. The other was sitting and chopping up a beast's head. He raised his eyes and saw him. He said to him, "You're Abba, go away, I have no business to do with you." While he was chopping the head, a bone flew off, struck his throat, and killed him.*
- VI.5.** A. *Rab was expounding sections of Scripture for the rabbis, and R. Hiyya entered. [87B] So he started again. Then Bar Qappara came in, so he started again. Then R. Simeon b. Rabbi came in, so he started again. Then R. Hanina bar Hama came in. He said, "So much am I supposed to backtrack" So he did not go over it again.*
- B. *R. Hanina was offended. Rab went to him on thirteen occasions of the eve of the Day of Atonement, but the other was not reconciled to him.*
- C. *But how could he have behaved in such a way? And didn't R. Yosé bar Hanina say, "Whoever seeks pardon from his fellow should not seek it from him more than three times?"*
- D. *Rab was exceptional.*
- E. *And how could R. Hanina have behaved in such a way? And didn't Raba say, "Whoever is forbearing when he has a righteous claim — they bear with all of his sins."*
- F. *Rather, R. Hanina saw in a dream that Rab was suspended on a palm tree, and there is a tradition that whoever is suspended from a palm tree becomes head. He said, "That implies that authority is going to be given to him," and he was not reconciled with him so that he would have to go and teach Torah in Babylonia.*

### **Composite on the Recitation of the Confession**

- VI.6.** A. *Our rabbis have taught on Tannaite authority:*
- B. **The religious duty of saying the confession [applies] at the eve of the Day of Atonement at dusk.**
- C. **But sages have said, "A man should say the confession before eating and drinking, lest he be distracted while eating and drinking.**
- D. **"And even though he has said the confession before eating and drinking, he has to say the confession after eating and drinking, lest some untoward matter have affected the meal.**
- E. **"And even though he has said the confession after eating and drinking, he has to say the confession in the evening [prayer].**

- F. “And even though he has said the confession in the evening [prayer], he has to say the confession in the morning [prayer].
- G. “And even though he has said the confession in the morning [prayer], he has to say the confession in the additional prayer.
- H. “And even though he has said the confession in the additional prayer, he has to say the confession in the afternoon prayer.
- I. “And even though he has said the confession in the afternoon prayer, he has to say the confession in the prayer for the closing of the gates — lest some untoward matter have affected any part of the entire day [of atonement].”
- J. At what point in the service does the individual say the [confession]?
- K. After the Prayer.
- L. The one who passes before the ark says it in the fourth [benediction] [Bavli: in the middle] [T. **Kip. 4:14A-L**].

**VI.7.** A. *What does one say [as the confession]?*

- B. Said Rab, ““You know the world’s secrets....””
- C. And Samuel said, ““From the depths of the heart....””
- D. And Levi said, ““And in your Torah it is written, saying....””
- E. R. Yohanan said, ““Lord of the ages....””
- F. R. Judah said, ““For our sins are too many to count, and our transgressions are beyond numbering....””
- G. R. Hamnuna said, ““My God, before I was created, I was unworthy, and now that I have been created, it is as if I had not been created. I am dust in my life, all the more so in my death. Lo, I am before you as a utensil filled with shame and humiliation. May it be pleasing before you, O Lord my God, that I not sin again, and as to the sins that I have committed before you, wipe them out in your great mercies. But this should not be done through suffering or painful ailments.””
- H. *And that is the confession recited by Raba throughout the year, as well as of R. Hamnuna the Younger on the Day of Atonement.*
- I. *Said Mar Zutra, “These are said only if one has not said, ‘...but we have sinned,’ but if one has said, ‘but we have sinned,’ it is not necessary to say more than that.”*
- J. *For said Bar Hamedudi, “I was standing before Samuel, and he was seated, and when the leader of the prayers of the community came to the point and said, ‘But we have sinned,’ he got up. That yields the inference that that is the principal formulation of the confession.”*

**VI.8.** A. *There we have learned in the Mishnah: On three occasions in the year priests raise up their hands [in the priestly benediction] four times a day, and these are they: (1) at the dawn prayer, (2) the additional prayer, (3) the afternoon prayer, and (4) the closing of the gates: on the occasion of fasts, on the occasions of [prayers of members of the] delegation [maamad], and on the Day of Atonement [M. **Ta. 4:1**].*

- B. *What is the definition of the closing of the Temple gates?*
- C. Rab said, “An extra prayer.”
- D. Samuel said, ““What are we, what is our life....””



- E. *An objection was raised:* On the night of the Day of Atonement one says the Prayer of seven blessings and recites the confession; in the morning one says the Prayer of seven blessings and makes the confession; during the Additional Prayer one says the Prayer of seven blessings and recites the confession; in the afternoon Prayer one says the Prayer of seven blessings and recites the confession; at the concluding rite of the closing of the gates, one says the Prayer of seven blessings and recites the confession. [That is contrary to Samuel's position.]
- F. *It is a matter of conflict among Tannaite formulations, for it has been taught on Tannaite authority:* "On the Day of Atonement at dark one says the Prayer of seven blessings and to conclude, he recites the confession," the words of R. Meir. And sages say, "He says the Prayer of seven blessings, and if he wishes to conclude with the confession, he may conclude therewith." *That represents a refutation of the position of Samuel, does it not?*
- G. *It indeed refutes Samuel's claim.*
- VI.9.** A. *Ulla bar Rab went down to lead the congregation in prayer in the presence of Raba. He opened with, "You have chosen us...", and closed with, "What are we, what is our life." He praised him.*
- B. R. Huna b. R. Nathan said, "An individual at prayer recites it after his recitation of the Prayer."
- VI.10.** A. Said Rab, "The recitation of the Prayer at the closing of the gates exempts one from having to say the Evening Prayer."
- B. *Rab is consistent with his governing principle, for he has said, "It is an additional prayer, and once one has recited it, more is not required."*
- C. *But did Rab make any such statement? For lo,* said Rab, "The decided law accords with the position of him who says, 'The Prayer recited in the evening is voluntary,'"
- D. *What he said was, "...in accord with the position of him who says, '...it is obligatory.'"*
- E. *An objection was raised:* On the night of the Day of Atonement one says the Prayer of seven blessings and recites the confession; in the morning one says the Prayer of seven blessings and makes the confession; during the Additional Prayer one says the prayer of seven blessings and recites the confession; in the afternoon prayer one says the Prayer of seven blessings and recites the confession; at the concluding rite one says the prayer of seven blessings and recites the confession; and in the evening, one says the Prayer of seven blessings which summarize the Eighteen. And R. Hanina b. Gamaliel in the name of his fathers says, "One says the Prayer of eighteen benedictions completely, **[88A]** for one has to recite the Habdalah prayer in the paragraph, 'Who favors man with knowledge.'"
- F. *It is in fact a conflict between Tannaite formulations, for it has been taught on Tannaite authority:* All who are obligated to immerse immerse in the usual way on the Day of Atonement. A woman who has completed her menstrual period and a woman after child birth immerse in the usual way on the Day of Atonement. A man afflicted by flux immerses any time up to twilight. R. Yosé says, "All day long." *But an objection was raised: Male and female Zabs and the persons, male and female, cured from the skin ailment of Lev. 13-14, and the man who*

has had sexual relations with a menstruating woman and one afflicted with corpse uncleanness immerse in their normal way on the night [prior to] the Day of Atonement. Menstruating women and women who have given birth immerse in their normal way on the night [prior to] the Day of Atonement. One who has had a seminal emission may immerse all day long. R. Yosé b. R. Judah says, “From the twilight onward, one should not immerse” [thus one may not immerse prior to the Prayer at twilight] [T. **Kip. 4:5H-J**].

- G. *There is no real conflict, the one speaks of a case in which he had recited the Prayer at the closing of the gates [prior to the emission, so he may not immerse after the twilight Prayer in Yosé’s view], the other speaks of a case in which he had not recited the Prayer at the closing of the gates.*
- H. *Well, if he had recited the Prayer, then what explains the position of rabbis [allowing immersion after the twilight prayer]?*
- I. *Rabbis take the view that it is a religious duty to immerse at the required time. [Jung: and since the time of the immersion of those who experienced pollution is during the day, they may do so even after the twilight Prayer].*
- J. *Is it then implied that R. Yosé maintains that it is not a religious duty to immerse at the required time? And has it not been taught on Tannaite authority: Lo, if the Divine Name is written on one’s skin, he must not bathe or anoint himself or stand in any unclean place. If he should turn out, however, to be required as a matter of religious duty to immerse in an immersion-pool, he wraps a piece of reed around the spot and goes down into the immersion pool and immerses. R. Yosé says, “In point of fact he may go down and immerse in an ordinary way, on condition that he not rub off the divine name.” And we have it as an established fact that what is subject to debate here is whether or not when an act of immersion takes place at the proper time, it is a religious duty.*
- K. *The Tannaite author of the formulation [forbidden immersion after the twilight Prayer because it is not a religious obligation to immerse at the proper time] is R. Yosé b. R. Judah, for it has been taught on Tannaite authority: R. Yosé b. R. Judah says, “It is sufficient if she immerses only one time, after the final spell of uncleanness.” [B. Nid. 29B: We do not rule, therefore, that it is a religious duty to perform immersion at the required time [the earliest possible moment].*

**VI.11.** A. *Our rabbis have taught on Tannaite authority:*

- B. He who produces a seminal emission on the Day of Atonement goes down into the immersion pool and immerses, and in the evening he should dry off properly.
- C. *In the evening? What’s done is done! Rather, say: he should rub himself off on the prior evening [in any event, so that his body will be clean, and should he have an emission, the water of the immersion pool will touch every part of the body without interposition of dirt (Jung)].*
- D. *A Tannaite authority recited as a Tannaite statement in the presence of R. Nahman: He who produces a seminal emission on the Day of Atonement — his sins are forgiven for him.*
- E. *But has not a Tannaite formulation stated matters as — his sins are laid out for him?*

- F. *What is the meaning of his sins are laid out for him? It is, his sins are laid out for him for forgiveness.*
- G. *A Tannaite statement of the household of R. Ishmael: He who produces a seminal emission on the Day of Atonement should worry for the entire following year, but if things work out in that year, he is assured that he belongs to the world to come.*
- H. Said R. Nahman bar Isaac, "You may know that that is so, since the whole world is hungry, but he is satisfied [sexually]."
- I. *When R. Dimi came, he said, "He will live long prosper, and have lots of children."*

I:1, II:1, and III:1 present standard Mishnah-glosses. From III:3 through III:23 we have a massive, essentially free-standing topical appendix, devoted to repentance. Then come some light glosses, IV:1, V:1, and VI:1-5 provide yet another set of amplifications on a theme. VI:6-11 bear no relationship to our Mishnah-paragraph; the compilation on recitation of the confession finds no natural place in relationship to specific statements of the Mishnah-tractate, but of course belongs to a tractate on the Day of Atonement; it is then tacked on at the end as an appendix to the tractate as a whole.