

CHAPTER TWO

BABYLONIAN TALMUD TRACTATE HORAYOT CHAPTER TWO

FOLIOS 6B-9B

2:1

- A. [If] an anointed [high] priest made a decision for himself [in violation of any of the commandments of the Torah], doing so inadvertently, and carrying out [his decision] inadvertently,
- B. he brings a bullock (Lev. 4: 3).
- C. [If] he [made an erroneous decision] inadvertently, and deliberately carried it out,
- D. deliberately [made an erroneous decision] and inadvertently carried it out,
- E. he is exempt.
- F. For an [erroneous] decision of an anointed [high] priest for himself is tantamount to an [erroneous] decision of a court for the entire community.
- I.1.** A. [If] an anointed [high] priest made a decision for himself [in violation of any of the commandments of the Torah], doing so inadvertently, and carrying out [his decision] inadvertently, he brings a bullock:
 - B. *That is self-evident!*
 - C. *Said Abbaye, "Here with what case do we deal? It is a case in which he gave instruction and forgot on what grounds he had given the instruction, and at the moment at which he erred, he said, 'Lo, I act on the basis of my instruction [which I now remember].' Now what might you have supposed? Since, if he realized the facts of the situation, he might have retracted, he is in the situation of one who acts deliberately and should not therefore be obligated under the present count. So we are informed that that is not the case." [Jaffee: he is still considered an inadvertent sinner]*
- II.1.** A. [If] he [made an erroneous decision] inadvertently, and deliberately carried it out, deliberately [made an erroneous decision] and inadvertently carried it out, he is exempt:
 - B. *What is the source in Scripture for this ruling?*
 - C. *As our rabbis have taught on Tannaite authority:*

- D. “[...if it is the anointed priest who sins,] thus bringing guilt on the people, [then let him offer for the sin which he has committed a young bull without blemish to the Lord for a sin-offering]:”
- E. Lo, the anointed priest is comparable to the community at large.
- F. Just as the community at large brings the specified offering only on account of something’s being hidden [Lev. 4:13] along with an act of transgression which is performed inadvertently [cf. M. [Hor. 2:3A](#)], so the anointed priest should bring the specified offering only on account of something’s being hidden [Lev. 4:13] along with an act of transgression which is performed inadvertently.
- G. Is that not a matter of logic?
- H. [\[7A\]](#) The community is treated distinctly from the category of the individual, and the anointed priest likewise is treated distinctly from the category of the individual.
- I. Just as the community at large brings the specified offering only on account of “something’s being hidden” [Lev. 4:13] along with an act of transgression which is performed inadvertently [cf. M. [Hor. 2:3A](#)], so the anointed priest should bring the specified offering only on account of “something’s being hidden” [Lev. 4:13] along with an act of transgression which is performed inadvertently.
- J. But take this route:
- K. The chieftain is treated distinctly from the category of the community [Bavli: individual], and the anointed priest is treated distinctly from the category of the community [Bavli: individual].
- L. Just as the chieftain does bring an offering on the occasion of an act of transgression which is performed inadvertently without the consideration of its being “something’s being hidden”, so the anointed priest should bring the specified offering on account of an act of transgression which is performed inadvertently, without the consideration of its being “something’s being hidden.”
- M. Then let us establish the correct basis for comparison: if the anointed priest is comparable to the community at large, we shall derive the besought rule from the one that pertains to the community, while if the anointed priest is comparable to the chieftain, then we shall derive the besought rule from the one that pertains to the chieftain.
- N. The community is subject to bringing an ox [as an expiatory atonement] and is not obligated to bring a suspensive guilt-offering, and the anointed priest likewise is subject to bringing an ox [as an expiatory atonement] and is not obligated to bring a suspensive guilt-offering.
- O. Just as the community brings an offering only on account of something’s being hidden [Lev. 4:13] along with an act of transgression which is performed inadvertently [cf. M. [Hor. 2:3A](#)], so the anointed priest should bring the specified offering only on account of something’s being hidden [Lev. 4:13] along with an act of transgression which is performed inadvertently.

- P. Take this route: the chieftain brings a she-goat for inadvertent violation of the prohibition against idolatry and also brings a guilt-offering on the occasion of an undoubted commission of an act for which such an offering is required, and the anointed priest also brings a she-goat for inadvertent violation of the prohibition against idolatry and also brings a guilt-offering on the occasion of an undoubted commission of an act for which such an offering is required.
- Q. Just as a chieftain brings an offering on account of an act of transgression which is performed inadvertently, so the anointed priest should likewise bring an offering on account of an act of transgression which is performed inadvertently.
- R. [The two plausible routes lead to an impasse. Accordingly,] Scripture states, “[...if it is the anointed priest who sins,] thus bringing guilt on the people, [then let him offer for the sin which he has committed a young bull without blemish to the Lord for a sin-offering]:”
- S. Lo, the anointed priest is comparable to the community at large.
- T. Just as the community at large brings the specified offering only on account of something's being hidden [Lev. 4:13] along with an act of transgression which is performed inadvertently [cf. M. [Hor. 2:3A](#)], so the anointed priest should bring the specified offering only on account of something's being hidden [Lev. 4:13] along with an act of transgression which is performed inadvertently.
- U. Or perhaps the point is that just as in the case of the community, if the community at large gave instructions and others carried out a transgression on their instructions, they are liable, so is it possible that if the anointed priest gave instructions and others carried out a transgression on his instructions, he should be liable?
- V. Scripture says, “...who sins...,” meaning, for a deed that he himself did as a sin he brings an offering, but he is not required to bring a sin-offering on account of a sin done by others [Sifra XXXVII:I.1].

- II.2.** A. The master has said: the anointed priest likewise is subject to bringing an ox [as an expiatory atonement] and is not obligated to bring a suspensive guilt-offering.
- B. *How does he know that he does not bring a suspensive guilt offering?*
- C. Since it is written, “And the priest shall make atonement on his behalf for his error in which he erred” (Lev. 5:18) — we deal with one whose sin offering is equivalent to his error of commission [Jaffee: such that he is obligated for an offering if he transgresses without specific instructions to do so], thus eliminating the anointed priest, whose sin offering is equivalent to his error of commission, for it is written, “If the anointed priest shall sin to the misfortune of the people” (Lev. 4: 3) — lo, the anointed is analogous to the community [both bring an offering only when an error of interpretation causes the error of commission, not for an error of commission alone].
- D. *To this point the Tannaite authority has made no reference to “the misfortune of the people.”*

- E. *The question of the offering in respect to the community and the anointed priest was for no primary purpose [since in fact he wanted to prove the point from logic alone].*
I:1 clarifies the need for making the point at all, and II:1-2 with its amplification provides a scriptural basis for the Mishnah's rule.

2:2

- A. [If] he made an [erroneous] decision by himself and carried it out by himself,
B. he effects atonement for himself by himself.
C. [If] he made [an erroneous] decision with the community and carried it out with the community,
D. he effects atonement for himself with the community.
E. For a court is not liable until it will give an erroneous decision to nullify part and to carry out part [of the teachings of the Torah], and so is the rule for an anointed [high priest] [M. 1:3].
F. And [they] are not [liable] in the case of idolatry [subject to an erroneous decision] unless they give a decision to nullify in part and to sustain in part [the requirements of the Torah] [M. 1:3].
- I.1.** A. [If] he made an [erroneous] decision by himself and carried it out by himself, he effects atonement for himself by himself:
B. *What is the source of this ruling [that the anointed priest's atonement procedure is determined by the context of his error]?*
C. *It is as has been taught on Tannaite authority:*
D. **Might one suppose that if he committed a sin along with the community, he should bring an ox on his own account [rather than sharing with the public in a common atonement]?**
E. **And it is a matter of logic: a chieftain is singled out from the general rule that encompasses the community at large [Bavli: the individual], and the anointed priestly likewise is from the general rule that encompasses the community at large [Bavli: the individual].**
F. **Just as when a chieftain sins on his own account, he brings an offering on his own account, but when he sins with the community, he attains atonement along with the community, so it should be the case that if the anointed priest sins on his own, he brings an offering on his own account, while if he sins with the community, he attains atonement along with the community.**
G. **No, if you have stated the rule concerning the chieftain, for whom atonement is made with the community on the Day of Atonement, will you say the same of the anointed priest, for whom atonement is not made along with the community on the Day of Atonement [but who makes atonement on his own in behalf of himself and his household]?**
H. **Since for him atonement is not made along with the community on the Day of Atonement, in the case at hand he likewise should bring an ox for his own account.**

- I. Accordingly, Scripture says, “[...if it is the anointed priest who sins, thus bringing guilt on the people, then let him offer for the sin] which he has committed [a young bull without blemish to the Lord for a sin-offering]:”
- J. How so?
- K. If he sinned on his own account, let him bring an offering on his own account, while if he sinned with the community, atonement is achieved for him along with the community [Sifra XXXVII:II.2]

I.2. A. *How can we imagine a case of his doing so? Should one say that he is a distinguished member of the court but the other judges are not equivalently distinguished? Then it is self evident that he should atone on his own, for the instruction that they gave is null, and each one is required to bring a ewe or a female goat as an individual offering [communal atonement taking place only when the court's instructions are procedurally valid]. But if they were distinguished and he was not, then why should he atone on his own? Lo, his instruction was null.*

B. **[7B]** Said R. Pappa, “It would be a case in which both parties were senior members of the court.” [If all things are equal, is the anointed priest regarded as one with the people or as one with the court when his error coincides with a judicial error (Jaffee).]

C. *Abbaye contemplated stating [in imagining such a case] that he made an [erroneous] decision by himself and carried it out by himself — how can we imagine a case of his doing so? The court and the anointed priest went into session in two distinct locations, and they gave instruction concerning two distinct prohibitions.*

D. *Said to him Raba, “Is the sufficient cause that they were in session in two different locations? Rather, even if they were in session in a single locale, since they gave instruction on two distinct prohibitions, it constitutes a case in which he made an [erroneous] decision by himself.”*

I.3. A. *It is self-evident that if his mistake concerned suet and theirs concerned idolatry, he has sinned on his own. For these two classes of sin are distinct as to the relevant verses of Scripture that define them and also they are distinct as to the offerings that must be brought, since he is liable to present a bullock and they a bullock and a he-goat. So he has to undertake to atone on his own, for they bring this goat over and above a bull, while he need not present a goat. All the more so, if his error concerned idolatry and theirs concerned suet, in which case the offerings brought on account of each are distinct, since his is with a she-goat and theirs is with a bullock, [each party atones on its own. But if he erred with respect to suet that covers the entrails and they erred with regard to the suet on the small intestines, what is the rule? DSO we say that, even though the offerings applicable to each sin are the same, since the prohibitions derive from two distinct verses, lo, they are treated as distinct by reason of their scriptural sources? Or perhaps the classification of suet applies to them both?*

B. *And if you should find grounds to maintain that the classification of suet applies to them both, then if his instruction concerned fat and theirs blood, what is the law? Do we say that the two are distinct as to the verses of Scripture on which*

they rest, or perhaps since they are atoned for by an offering of the same classification, we invoke the criterion of the common offering?

C. *The question stands.*

II.1. A. [If he made [an erroneous] decision with the community and carried it out with the community he effects atonement for himself with the community.] For a court is not liable until it will give an erroneous decision to nullify part and to carry out part [of the teachings of the Torah], and so is the rule for an anointed [high priest] [M. 1:3].

B. *How on the basis of Scripture do we know it is the fact that a court is not liable until it will give an erroneous decision to nullify part and to carry out part [of the teachings of the Torah]?*

C. *It is as we said in the prior chapter: “If something be hidden” (Lev. 4:13) — something and not everything [M. 1:3L].*

III.1. A. and so is the rule for an anointed [high priest]:

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

C. As it is written, ““If the anointed priest shall sin to the misfortune of the people” (Lev. 4: 3) — the Anointed is analogous to the community.

IV.1. A. And [they] are not [liable] in the case of idolatry [subject to an erroneous decision] unless they give a decision to nullify in part and to sustain in part [the requirements of the Torah] [M. 1:3].

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

C. *It is in accord with that which our rabbis have taught on Tannaite authority:*

D. Since the matter of idolatry is singled out on its own account, might one think that, in that particular instance, one might be liable only for an act of transgression which is performed inadvertently?

E. Scripture says, “...and the matter escapes the notice of the congregation,” and elsewhere [at Lev. 4:13] we find “...and the matter escapes the notice of the congregation.”

F. Just as the expression when used later involves the action of a court, so here too it involves the action of a court.

G. Since the matter of idolatry is singled out on its own account, might one think that, in that particular instance, one might be liable for “something’s being hidden” in its entirety?

H. Scripture says, “...and the matter escapes the notice of the congregation,” and elsewhere [at Num. 15:24] we find “...and the matter escapes the notice of the congregation.”

I. Just as the expression when used here excludes liability for “something’s being hidden” in its entirety, so the expression when used elsewhere excludes liability for “something’s being hidden” in its entirety [Sifra XLII:II.2, 4].

I:1-3 work out a systematic exposition, in the Talmudic mode, of the Mishnah, including rich theoretical initiatives. II:1, III:1, and IV:1 follow a truncated mode, finding only the Scriptural bases.

2:3A-C

- A. They are liable only on account of something's being hidden (Lev. 4:13) along with an act [of transgression] which is performed inadvertently,
- B. and so in the case of the anointed [high priest].
- C. And [they are] not [liable] in the case of idolatry except in the case of something's being hidden along with an act [of transgression] which is performed inadvertently.

- I.1** A. [They are liable only on account of something's being hidden (Lev. 4:13) along with an act [of transgression] which is performed inadvertently:] *What is the scriptural source of this rule?*
- B. *It is as has been taught on Tannaite authority:*
- C. "...[the whole community of Israel that has] erred:"
- D. [Contrary to M. **Hor. 2:3A**: They are liable only on account of something's being hidden (Lev. 4:13) along with an act of transgression which is performed inadvertently,] might one suppose that they are liable solely on account of the inadvertent commission of a deed?
- E. Scripture says, "that has erred and the matter escapes the notice of the congregation,"
- F. lo, they are liable only on account of something's being hidden (Lev. 4:13) along with an act of transgression which is performed inadvertently.
- G. Or just as "...and the matter escapes the notice of the congregation" stated here involves something's being hidden (Lev. 4:13) along with an act of transgression which is performed inadvertently, so "...and the matter escapes the notice of the congregation" stated there involves something's being hidden (Lev. 4:13) along with an act of transgression which is performed inadvertently [Sifra XLII:I.1].

- II.1** A. and so in the case of the anointed [high priest]: *What is the scriptural source of this rule?*
- B. *It is as has been taught on Tannaite authority:*
- C. "If the anointed priest shall sin to the misfortune of the people" (Lev. 4: 3) — the anointed priest is analogous to the community.

- III.1** A. And [they are] not [liable] in the case of idolatry except in the case of something's being hidden along with an act [of transgression] which is performed inadvertently: *What is the scriptural source of this rule?*
- B. *It is as has been taught on Tannaite authority:*
- C. Since the matter of idolatry is singled out on its own account, might one think that, in that particular instance, one might be liable only for an act of transgression which is performed inadvertently?
- D. Scripture says, "...and the matter escapes the notice of the congregation," and elsewhere [at Lev. 4:13] we find "...and the matter escapes the notice of the congregation."
- E. Just as the expression when used later involves something's being hidden along with an act [of transgression] which is performed inadvertently, so here

too it involves something's being hidden along with an act [of transgression] which is performed inadvertently [Sifra XLII:II.2].

- III.2.** A. *But the Tannaite formulation of the Mishnah-rule has omitted reference to the rule governing the anointed priest when it comes to idolatry!*
- B. *Who is the authority behind the Mishnah-rule?*
- C. *It is Rabbi, for it has been taught on Tannaite authority:*
- D. **In the case of an anointed high priest with respect to idolatry —**
- E. **R. Judah says, “For something being hidden along with an act of transgression which is done inadvertently, he brings a suspensive guilt offering.”**
- F. **And sages say, “For something being hidden.”**
- G. **And they concur that he does not have to bring a suspensive guilt offering [T. Hor. 1:8/O-P].**
- H. *But do you find it reasonable? The Tannaite authority behind the rule [M. 2:4 below] does not specify the obligation of the anointed priest if he rules falsely in a matter of idolatry covered by the rule [and they are] not liable in the case of idolatry, except in the case in which they gave instruction in a matter the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering (M. 2:3F)]. Rather, in that passage he states that this ruling, treated the court and the anointed high priest as liable, applies also to that case, and what the Tannaite authority says here applies there as well.*

III.3. A. *What is the Scriptural basis for the position of Rabbi?*

- B. Said Scripture, “And if a single soul shall sin inadvertently, then he shall offer a goat in her second year...and the priest shall make atonement on behalf of the soul that errs by sinning inadvertently” (Num. 15:27-28). [Jaffee: implying that in matters of atonement for inadvertent idolatry, the anointed and the ruler bring the same offering as a common person, for] “the soul” refers to the anointed, and “that errs” speaks of the ruler.
- C. As to the sense of “by sinning inadvertently,” Rabbi takes the view that the sin is one that is carried out through an error of commission, without any prior contemplation, and Rabbis maintain that Scripture speaks of one whose sin takes place through an error of commission, then excluding the anointed priest, for his sin is not alone through an error of commission but also through a case of “something's being hidden.” [Jaffee: an interpretive oversight.]

III.4. A. And they concur [that it is] with a she-goat, like a private person.

- B. *How on the basis of Scripture do we know this fact?*
- C. Said Scripture, “Now if a single soul shall sin” (Num. 15:27) — all the same are the individual, the prince, and the anointed priest; all of them are covered by the encompassing rule under “

III.5. A. **[8A] And they concur [that he does not have to bring a suspensive guilt offering:**

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

- C. Said Scripture, “The priest shall make atonement on his behalf for his error in which he erred without knowing it” (Lev. 5:18) —
- D. Rabbi takes the view, “We deal with one the whole of whose sin has been carried out in inadvertence, thus excluding this one, the whole of whose sin has not been carried out in inadvertence, but also through a case of “something’s being hidden.” [Jaffee: an interpretive oversight.]
- E. *But is the word “whole” written in the relevant verse of Scripture?*
- F. *Well, as a matter of fact, it belongs, for otherwise Scripture can have said only, “His error.” What need to I have of the further language, “in which he erred? So Scripture informs us that the rule applies only in a case in which the whole of his sin has been committed through inadvertence.*
- G. *And rabbis?*
- H. It is one whose sin has been committed in advertence, thus excluding the anointed priest, for his sin is not alone through an error of commission but also through a case of “something’s being hidden.”

The work of the Talmud throughout is to find scriptural warrant for the Mishnah’s rules.

2:3D-F

- D. **The court is liable only if they will give an erroneous decision in a matter, the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering,**
- E. **and so in the case of the anointed [high priest],**
- F. **and [they are] not [liable] in the case of idolatry, except in the case in which they gave instruction in a matter the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering.**

I.1. A. [The court is liable only if they will give an erroneous decision in a matter, the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering:] *how on the basis of Scripture do we know this fact?*

- B. *It is as has been taught on Tannaite authority:*
- C. Rabbi says, “[With reference to the verse, “When the sin wherein they have sinned is known” (Lev. 4:14),] Rabbi says, “Here [in the context of a court’s erroneous ruling] we find a reference to ‘beside the other’, and in the context of the marriage to two sisters, we find the same usage. Just as, in that other case, if the sin is done deliberately, the penalty is extirpation, and if it is done unwittingly, a sin-offering, so here too, if the sin was done deliberately, extirpation is involved, but if it was unwitting, then a sin offering.”
- D. *So we have found the scriptural source for the rule governing the community. Whence the rule for the anointed priest?*
- E. In the case of the anointed priest, it is written, “So as to bring guilt upon the people” (Lev. 4: 3) — lo, the anointed priest is in the same classification as the community.
- F. The rule governing the ruler derives from the recurrence of the word “commandment,” “And he did with regard to one of all the commandments of the

Lord” (Lev. 4:22), and with regard to the public, “And they did with regard to one of all the commandments of the Lord” (Lev. 4:13). Just as in the case of the community, we speak of **an erroneous decision in a matter, the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering**, so in the case of the ruler, **an erroneous decision in a matter, the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering**.

- G. As to an individual, Scripture has said, “And if one soul” (Num. 15:27) — and what has been said already then imposes its meaning on what occurs now, with the result that what applies to the congregation applies to the individual.

II.1. A. and [they are] not [liable] in the case of idolatry, except in the case in which they gave instruction in a matter the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering:

- B. *How on the basis of Scripture do we know this fact concerning a case of idolatry?*
- C. *It is as has been taught on Tannaite authority:*
- D. Since idolatry has been singled out to be treated in its own terms, might one suppose that people should be liable in such a case even on account of instruction in a matter the deliberate commission of which is not punishable by extirpation, and the inadvertent commission of which is not punishable by a sin offering?
- E. Scripture says in the present connection, “if it was done away from the sight of the assembly” (Num. 15:24) and in regard to other matters, “And if the matter is hidden from the sight of the community” (Lev. 4:13). Just as in the latter context what is at issue is instruction in a matter the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering, so in the present instance, the issue is instruction in a matter the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering.
- F. *So we have found the scriptural source for the rule governing the community. Whence the rule for the individual, the ruler, and the anointed priest?*
- G. Scripture has said, “If a single single shall sin inadvertently” (Num. 15:27) — all the same is the rule for the individual, the ruler, and the anointed priest, all of whom fall into the category of “a single soul.” And the rule governing what comes later derives from the rule governing what comes earlier [the community of Num. 15:25].

II.2. A. That demonstration of the proposition [at I.1] poses no problem for him [namely, Rabbi] who derives the required proof from the repeated usage of beside the other on the strength of an argument by analogy, as we have said. But fore our rabbis, who derive evidence from the repeated reference to beside the other in connection with forbidden consanguineous relationships and marriages to co-wives of one’s wife, how for their part do they demonstrate the proposition at hand concerning a matter, the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering?

- B. *The find their evidence in accord with what R. Joshua b. Levi repeated to his son as a Tannaite statement: “There will be a single Torah for you, for one who acts inadvertently, but the soul that acts high handedly shall be cut off” (Num. 15:29-30). The entirety of the Torah is linked by analogy to the matter of idolatry. Just as in the case of idolatry, a matter, the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering, so here too in every other case, it is a matter, the deliberate commission of which is punishable by extirpation, and the inadvertent commission of which is punishable by a sin offering. So we have found the rule covering an individual. As to a ruler or an anointed priest, whether with respect to idolatry or any other religious duties incumbent on the community, how do we know the rule? [Scripture has said, ‘If a single single shall sin inadvertently’ (Num. 15:27) — all the same is the rule for the individual, the ruler, and the anointed priest, all of whom fall into the category of ‘a single soul.’] And the rule governing what comes later derives from the rule governing what comes earlier [the community of Num. 15:25].”*
- C. *Then how does Rabbi deal with this demonstration set forth by R. Joshua b. Levi?*
- D. *He deals with it in accord with that which has been taught on Tannaite authority:*
- E. Since we find that Scripture makes a distinction between the community and individuals, in that the community is put to death by the sword and their wealth is destroyed [at Det. 13:16-17] while individuals are put to death by stoning and their wealth is preserved (Dt. 16: 5), may we suppose that, where the violation of the law is inadvertent, their expiatory offerings also should be different from one another?
- F. Scripture states, “There will be a single Torah for you, for one who acts inadvertently, but the soul that acts high handedly shall be cut off” (Num. 15:29-30).
- G. *Objected R. Hilqiah of Hagronayya, “Is then the operative consideration that Scripture has made no such distinction [but has stated, ‘You shall have one torah for him who does anything in error, but the soul that does anything deliberately’]? If it were not for that fact, should I have supposed that such a distinction, among the sacrifices brought by each party, should be drawn? Then what could they present as their offering? Should they present a bullock? The congregation [a majority of the tribes] presents a bullock for the transgression of any one of all the other commandments [and what distinction would there be between the sin offerings of the condemned city and those of the congregation? (Slotki)]. Should they bring a lamb? But an individual presents a lamb if he transgresses any of the other commandments. Should it be a he-goat? A ruler brings one in the cases of violating any of the other commandments. Should it be a bullock for a burnt offering and a goat for a sin offering? These are presented by the congregation in the case of idolatry? Should it be a she goat? This is the sin offering of the private party. [So no distinction among the sacrifices could be made, and what need is there for the cited text, Num. 15:29 (Slotki)?]”*
- H. *The cited verse really is required. For it might have entered your mind to suppose that, since the congregation in the case of an erroneous ruling presents a bullock for a burnt offering and a he-goat for a sin offering, these should present*

the same, but in reverse order [Slotki: a bullock for a sin offering and a he goat for a burnt offering]. Or perhaps it might have been necessary for the people of the condemned city to bring a special sin offering but there might be none for their particular situation. So it was necessary to tell us explicitly that the sacrifices are the same throughout.

- II.3.** A. *In any event, when the specified verses of Scripture were set forth, it was with reference to idolatry that they were set forth. How do we know that fact?*
- B. *Said Raba, and some say, R. Joshua b. Levi, and some say, Kadi [said it], “Said Scripture, ‘Now, in case you err and you do not do all these commandments’ (Num. 15:22) — which is the commandment that weighs in the balance as equal to all the commandments? You must say, it is idolatry.”*
- C. *A member of the household of Rabbi repeated as a Tannaite statement, “Said Scripture, ‘Which the Lord spoke to Moses’ (Num. 15:22), and ‘All that the Lord commanded you through Moses’ (Num. 15:23) [so that Israel heard the commandment of God even as he spoke to Moses (Jaffee)]. Now which is the commandment that was carried through the direct speech of the Holy One blessed be he and also commanded through Moses? You must say, it is the one that concerns idolatry.”*
- D. *In accord with the Tannaite statement of R. Ishmael: “‘I am the Lord your God...you shall have no other gods before me’ (Exo. 20: 2-3) were heard directly from the mouth of the Almighty.”*
- E. *A member of the household of R. Ishmael repeated as a Tannaite statement: [8B] “‘From the day on which the Lord commanded and onward through all your generations’ (Num. 15:23): which is the commandment that was stated first? You must say, this refers to idolatry.”*
- F. *But a master has said, “Ten commandments did Israel receive at Mara: ‘If you shall indeed listen to the voice of the Lord your God’ (Exo. 15:26).”*
- G. *Rather, the clearest proof is the one we repeated the first time around.*
- Both units perform a familiar function and present no surprises.

2:4

- A. **They are not liable on account of [a decision inadvertently violating] a positive commandment or a negative commandment concerning the sanctuary.**
- B. **And they do not bring a suspensive guilt offering on account of [violation of] a positive commandment or a negative commandment concerning the sanctuary.**
- C. **But they are liable for [violating] a positive commandment or a negative commandment involving a menstruating woman.**
- D. **And they do bring a suspensive guilt offering on account of [violation of] a positive commandment or a negative commandment concerning a menstruating woman.**
- E. **What is a positive commandment concerning a menstruating woman? To keep separate from a menstruating woman.**

F. And what is a negative commandment? Not to have sexual relations with a menstruating woman.

- I.1. A. [They are not liable on account of a decision inadvertently violating] a positive commandment or a negative commandment concerning the sanctuary. And they do not bring a suspensive guilt offering on account of violation of a positive commandment or a negative commandment concerning the sanctuary:]** *how on the basis of Scripture do we know that fact, that the community is not obligated to an offering in general, nor is the individual liable to a suspended built offering when it comes to imparting uncleanness to the Temple?*
- B. Said R. Isaac bar Abdimi, “With respect to the individual’s obligation for the sin offering and the suspensive guilt offering, it is said, ‘and he feels guilt’ (Lev. 4:27, 5:17), and in connection with the sin offering in behalf of the community it is said, ‘And they feel guilt’ (Lev. 4:13). Just as the language ‘and he feels guilt’ stated in connection with the individual speaks of a sin offering of fixed value [a ewe or she-goat], the same language, ‘and they feel guilt’ used in connection with the community speaks of a sin offering of fixed value, which is a bullock. And just as the community uses a sin offering of fixed value, so the suspended guilt offering of an individual is obligatory only where there is doubt concerning a violation of the lat that ordinarily is subject to a sin offering of fixed value.”
- C. *Say: if so, the same is so for an offering of variable value as well, for it is written in connection with these offerings,* “Now should he feel guilt for any one of these...then he shall bring his guilt offering...a female of the flock...but if he cannot afford a lamb, then he shall bring...two doves or two pigeons” (Lev. 5: 5-7). [Jaffee: Scripture requires one who feels guilt regarding an inadvertent contamination of the Temple to bring an offering of variable value, just as it requires a suspended guilt offering of one who feels guilt regarding other transgressions; on what grounds, then, does the Mishnah exempt a person from bringing the latter offering where there is doubt as to whether or not contamination has actually occurred?]
- D. The context of the language, “he feels guilt” (Lev. 4:27, 5:17) dictates the sense of the phrase “and they feel guilt” (Lev. 4:13), but the sense of the language, “he feel guilt” is hardly to be derived in the context of the language, “should he feel guilt” [which use a different tense]. [Jaffee: the forms are not sufficiently similar to justify an inference based on a comparison of similar formulations in separate passages].
- E. *So what difference does it make [that different forms of the same word are used, that we cannot draw such an analogy here]? Lo, a Tannaite authority of the household of R. Ishmael [did exactly that]:* “‘Now the priest shall return on the seventh day and should he see that indeed the plague has spread...’ (Lev. 14:39)...but if the plague returns and breaks out...then the priest shall come, and should he see that...’ (Lev. 14:44). The use of ‘shall return’ and ‘shall come’ means that the rule that applies to his returning is the same as the one that applies to his coming.” [Two different words that bear a cognate meaning suffice to establish an analogy between the one case and the other, so why not the same word in two forms?]

- F. And furthermore, why not derive the meaning from “and he feels guilt” in the context of imparting uncleanness to the Temple and its Holy Things: “Or a soul that touches any unclean thing...and it is hidden from him, yet he is unclean and he feels guilt” (Lev. 5: 2). [“He feels guilt” appears in connection with the offering of variable value (Jaffee).]
- G. Said R. Pappa, “We draw an analogy from the presence of the words, ‘and he feels guilt’ and ‘the commandments of the Lord’ (Lev. 5:17) from the presence of those same words elsewhere (Lev. 4:27).” [The former deal with individual responsibility for a suspended guilt offering, the latter, for a sin offering. Jaffee: both apply to the same category of transgression.. But the formula, “commandments of the Lord” does not occur with reference to the offering of variable value, Lev. 5: 2. Thus it is possible to conclude that no suspended guilt offering is required of the individual who suspects having transgressed; similarly, a court encouraging the violation of this prohibition is not obliged to bring a sin offering.]
- H. Said R. Shimi bar Ashi to R. Pappa, “But then why not draw the required analogy from the language, ‘And he feels guilt...he shall bear his iniquity’ as that language occurs in both contexts [Lev. 5:17 for the suspended guilt offering, Lev. 5: 1-2 for the offering of variable value]?”
- I. Rather said R. Nahman bar Isaac, “Draw an analogy the use of the language, ‘and he feels guilt...the commandments of the Lord that shall not be done’ from the use of the same language in the other context [Lev. 5:17, Lev. 4:27, for the guilt offering and sin offering, respectively], but let proof not be drawn from contexts in which the language occurs, ‘heeding the call to testify in law suits’ (Lev. 5: 1), ‘uttering vain oaths’ (Lev. 5: 4), or contamination of the Temple and its Holy Things (Lev. 5: 3), for in none of these cases do we find the relevant language, ‘and he feels guilt...the commandments of the Lord that shall not be done.’”
- I:1 raises a familiar question.

2:5

- A. **They are not liable [because of inadvertent violation of the law] (1) concerning hearing the voice of adjuration [Lev. 5:11], (2) a rash oath [Lev. 5:4], (3) or imparting uncleanness to the sanctuary and to its holy things [Lev. 5:3] —**
- B. **“and the ruler follows suit,” the words of R. Yosé the Galilean.**
- C. **R. Aqiba says, “The ruler is liable in the case of all of them,**
- D. **“except in the case of hearing the voice of adjuration.**
- E. **“For the king does not judge and others do not judge him,**
- F. **“does not give testimony, and others do not give testimony concerning him” [= M. San. 2:2].**
- I.1. A. [“and the ruler follows suit,” the words of R. Yosé the Galilean:]**
- B. *Said Ulla, “What is the Scripture basis for the position of R. Yosé the Galilean? Said Scripture [in regard to sins that require the ruler to present an offering of variable value], ‘Now should he feel guilt for any of these’ (Lev. 5: 5) — whoever is subject to liability on account of one incurs liability on account of all of them,*

but whoever is not liable on account of one does not incur liability on account of any of them.” [The rule cannot give testimony also cannot become liable for transgressing with regard to heeding the call to testify so he is exempt from liability for the other commandments that are classed together.]

- C. *But say:* he is under obligation for at least one of them, even though not for all of them!
- D. *Rather, the scriptural foundations for the position of R. Yosé the Galilean derive from that which has been taught on Tannaite authority as follows:*
- E. **R. Jeremiah would say, “It is said, [9A] ‘But if he cannot afford a lamb, then he shall present doves or pigeons’ (Lev. 5: 7), and ‘But if he cannot spare two doves or two pigeons, he can bring a tenth measure of flour’ (Lev. 5:11). These show that such offerings may be presented only by someone who has the potentiality of falling into poverty or gaining wealth, excluding the ruler and the anointed priest, who cannot fall into poverty.**
- F. **“The ruler: ‘When the ruler sins and does unwittingly with regard to one of all the commandments of the Lord his God that shall not be done’ (Lev. 4:22) — one above whom there is no one but the Lord his God [is not poor].**
- G. **“The anointed priest: ‘Now the priest who is greater than his brothers’ (Lev. 21:10) — greater in beauty, power, wisdom, and wealth [and so is ineligible for poverty.]”**
- H. **Others say, “How on the basis of Scripture do we know that if he has nothing to begin with, they provide him with whatever belongs to his brothers? Scripture states, ‘Now the priest who is greater than his brothers, upon whose head the oil of anointing is poured’ (Lev. 21:10) — they build him up beyond his brothers” [cf. T. [Kip. 1:6](#)].**

I.2. A. *Rabina raised this question to R. Nahman bar Isaac, “A ruler who was afflicted with the skin-ailment — what is the law that applies to him? [The purification offering involves an offering of variable value, so Lev. 14:10, 21, but as we see, he is not liable to present such an offering. Is the obligation to an offering of variable value simply dismissed, or is he only temporarily exempted at this time, but to resume the throne he has to present the offering?”*

B. *He said to him, “Is he getting the price of the offering from you or from his treasury? [He is still a rich man and ineligible to offer an offering of variable value. He does not have to present it at all.]”*

II.1. A. **R. Aqiba says, “The ruler is liable in the case of all of them, except in the case of hearing the voice of adjuration. For the king does not judge and others do not judge him, does not give testimony, and others do not give testimony concerning him:”**

B. *Said Raba, “What is the Scriptural foundation for the ruling of R. Aqiba? Said Scripture, ‘This is the offering of Aaron and his sons...on the day of anointing’ (Lev. 6:13) — this offering, a tenth measure of flour, is obligatory for him, and no other offering is obligatory for him.”*

C. *But say: when the All-Merciful excludes from priestly use as an offering of variable value, it is only that which is the poorest and least in value, which is, the*

tenth of fine flour. But from the consideration of rich or poor offerings [the lamb, Lev. 5:7, birds, Lev. 5:11] the All-Merciful does not exclude him?

- D. *Don't let it enter your mind. For [concerning one who presents an offering of variable value] it is written, "Then the priest shall make expiation for the sin that he committed concerning any of these" (Lev. 5:13) — he who may effect atonement by any one of these many effect atonement through them all, but one who may not effect atonement through any one of these may effect atonement through none of them.*
- E. *What about the following, as is written: "Now should he feel guilt for any of these" (Lev. 5: 5) — here too, whoever is under obligation for violation of one of them is liability for any of them or all of them, while whoever is not under obligation for any one of them is liable to none of them. Wherefore, then, have we learned in the Mishnah, R. Aqiba says, "The ruler is liable in the case of all of them, except in the case of hearing the voice of adjuration..."? [Aqiba should exempt him on all counts.]*
- F. *Both Abbaye and Raba say, "The language, 'any of these' carries for him meaning for the anointed priest, but the language, 'concerning any of these' for him bears no implications concerning the ruler at all."*
- G. *So what distinction is there to be drawn between 'any of these' and the language, 'concerning any of these'?*
- H. *The All-Merciful has written out the cited phrase at the end of the passage that deals with the tenth measure of flour [Lev. 5:11], thus indicating that whoever is subject to the obligation for a tenth measure of flour is liable for all of these offerings depending on his means, excluding the anointed priest. For if it should enter your mind that he is liable for one of these even though he is not subject to liability for them all, then Scripture should have written the phrase concerning any of these in the setting of poor offerings as well as rich offerings [the bird, the lamb, respectively].*
- I:1 asks about the scriptural foundations for Yosé the Galilean's position. II:1 pursues the same question.

2:6-7

2:6

- A. **In the case of all the commandments in the Torah, on account of which they are liable for deliberate violation to extirpation, and on account of inadvertent violation to a sin offering,**
- B. **an individual brings a female lamb or a female goat [Lev. 4:28, 32]**
- C. **a ruler brings a male goat [Lev. 4:23],**
- D. **and an anointed [high priest] and a court bring a bullock [M. 1:5, 2:1].**
- E. **But in the case of idolatry, the individual, ruler, and anointed [high priest] bring a female goat [Num. 15:27].**
- F. **And the court brings a bullock and a goat [M. 1:5],**
- G. **a bullock for a whole offering and a goat for a sin offering.**

- A. As to a suspensive guilt offering, an individual and a ruler may become liable,
- B. but the anointed [high priest] and court do not become liable.
- C. As to an unconditional guilt offering, an individual, a ruler, and an anointed [high priest] may become liable, but a court is exempt.
- D. On account of hearing the voice of adjuration, a rash oath, and imparting uncleanness to the sanctuary and its Holy Things, a court is exempt, but an individual, a ruler, and an anointed [high priest] are liable.
- E. “But a high priest is not liable for imparting uncleanness to the sanctuary and its Holy Things,” the words of R. Simeon.
- F. And what do they bring? An offering of variable value.
- G. R. Eliezer says, “The ruler brings a goat offering.”

I.1. A. *It has been taught on Tannaite authority:*

- B. R. Simeon would set forth an encompassing principle: “In any case in which the individual is liable for a suspensive guilt offering, the ruler is in the same category, the anointed priest and the court are exempt. And in any case in which he is subject to an unconditional guilt offering, the ruler and the anointed priest are in the same category, and the court is exempt. As for violations involving not heeding the call to testify, uttering a vain oath, and contamination of the Temple and its Holy Things, the members of the court are exempt from the offering of variable value, but the ruler and the anointed priest are liable. Nonetheless, the ruler is not liable for failure to heed the call nor is the anointed priest for imparting uncleanness to the Temple and its Holy Things. Whenever the individual presents an offering of variable value, the ruler is in his category, and the anointed priest and the court are exempt.”
- C. *Now there is a contradiction in the body of the formulated rule. You have said, nor is the anointed priest for imparting uncleanness to the Temple and its Holy Things, which yields the inference, for imparting uncleanness to the Temple and its Holy Things he is exempt, but as to the matters of ignoring the oath to give testimony and making a rash oath, he is liable. But then note what follows: Whenever the individual presents an offering of variable value, the ruler is in his category, and the anointed priest and the court are exempt. The Tannaite formulation thus states that the anointed priest and the court are exempt. Just as the court is exempt in all cases, so the anointed priest should be exempt in all cases. [9B] So these rules contradict one another.*
- D. *Said R. Huna b. R. Joshua, “There is no such contradiction. The one speaks of a case of poverty, the other, of abysmal poverty. And R. Simeon concurs with R. Aqiba in one case and differs from him in another. He concurs with R. Aqiba in the case of extreme poverty, that he is exempt, but differs from him in the case of poverty.”* [Jaffee: at issue is the anointed priest’s obligation to present the poor commodity of birds as an offering of variable value for transgression with regard to heeding the call or uttering oaths. The next point has at issue his exemption from bringing the poorest commodity of flour as an offering of variable value for any of these transgression. Simeon concurs on the priestly exemption from the poorest

commodity of flour, but differs with Aqiba on the anointed priest's obligation for the poor commodity of birds, since Aqiba exempts the anointed priest from this as well.]

II.1 A. "But a high priest is not liable for imparting uncleanness to the sanctuary and its Holy Things," the words of R. Simeon:

- B. *Said Hezekiah, "What are the scriptural grounds for the position of R. Simeon? As is written, 'Then that soul shall be extirpated from among the community' (Num. 19:20) — the verse refers to one whose offering is the same as that of the community, then excluding this one, whose offering is not the same as that of the community."*
- C. *If so, then of the ruler also it may be said that his offering is not the same as that of the community.*
- D. In regard to his offering for atonement on the Day of Atonement, however, his offering is the same as that of the community, since he atones with the community.
- E. *If so, the priests too should be exempt [Jaffee: insofar as they make atonement through the anointed priest's sacrifice of a bull], their offerings are not the same as those of the community for atonement on the day of Atonement.*
- F. *The priests present the same offerings as the community in respect to the other commandments during the entire year [atoning with the community through the bull for inadvertent law violations].*
- G. *Well, then, the anointed priest also is equivalent during the rest of the days of the year so far as the other commandments are concerned!*
- H. *Rather, said Raba, "Say this: this offering of variable value is presented only by one whose sin offering for inadvertent violation of other laws is the same as that of individuals, and who qualifies? The community."*

III.1 A. And what do they bring? An offering of variable value. R. Eliezer says, "The ruler brings a goat offering:"

- B. Said R. Yohanan, "R. Eliezer made this statement only in connection with imparting uncleanness to the sanctuary and its Holy Things, since reference is made in that regard to extirpation [at Num. 19:20] just as is the case for violations that require an offering of fixed value."
- C. *Said R. Pappa, "That also stands to reason, for should it enter your mind that R. Eliezer made his statement concerning all transgressions for which an offering of variable value is required, then one would have to reason in the following manner: since in the setting of the offering presented by a private person, the male goat of the ruler and the bull of the anointed priest serve as sin offerings, he should have included in his rule also the fact that the anointed priest brings a bull on the count of not heeding the call to testify or for uttering a vain oath, since he acts as an individual in these ways. But since he does not include the anointed priest but only the ruler, you must derive the inference that he speaks specifically of contamination of the sanctuary and its Holy Things, on which count the anointed priest is exempt."*
- D. *Said R. Huna b. R. Nathan to R. Pappa, "On what basis is such an argument set forth anyhow? Maybe R. Eliezer does refer to them all, but in respect to the*

anoint priest's obligation he concurs with R. Aqiba, who exempts him in regard to all of them?"

- E. *He said to him, "And did R. Aqiba declare the anointed priest exempt from the liability to offer a bull when the others would present a female of the flock?"* [Jaffee: since Aqiba only exempts the anointed priest from offerings of variable value, he might have it in mind to oblige him for a bull, as he would for a normal sin offering. In this case, Eliezer's support of Aqiba's position would have required him to specify the anointed priest's obligation to bring a bull, just as the ruler is singled out to bring a male goat. Since Eliezer makes no such specification, we can assume he refers only to the ruler's obligation concerning contamination of the Temple, but it follows that, in matters involving the anointed's offering, Eliezer concurs with Simeon].
- F. *And that ends that.*

III.2. A. Said R. Yohanan, "R. Eliezer concurs that the ruler need not present a suspended guilt offering [if he only suspects he has violated the prohibition against imparting uncleanness to the Temple]." [Jaffee: the suspended built offering is called for only as an alternative to a sin offering; it cannot be required of the ruler in the present case, even though he does bring an animal that in other contexts serves as a purification offering; the present animal is an offering of variable value, not required in cases of doubt.]

- B. *A Tannaite authority repeated before R. Sheshet:* A suspended guilt offering is presented on account of imparting uncleanness to the Sanctuary and its Holy Things.
- C. *He said to him, "Who told you this? Surely it is a surmise deriving from R. Eliezer, who has said, 'Since extirpation is stated for doing so [at Num. 19:20], just as it is for violation involving a sin offering of fixed value, the ruler presents a male goat for it.'*" [Jaffee: insofar as the suspended guilt offering is presented only when extirpation is at stake, it stands to reason that it is appropriate for contamination of the Temple.]
- D. But didn't R. Yohanan state, "R. Eliezer concurs that the ruler need not present a suspended guilt offering"?
- E. *That's a problem.*

I:1 explores an effort at stating the fixed relationships contained in the Mishnah's rule. II:1 finds a scriptural basis for the Mishnah's rule, and III:1 clarifies the sense of the Mishnah's statement. No. 2 goes on to a further problem dealing with Eliezer's position.