

## CHAPTER VI.

REGULATIONS CONCERNING ACTS WHICH SUPERSEDE THE DUE OBSERVANCE OF THE SABBATH--THE SACRIFICE OF THE PASCHAL OFFERING--WHAT IS TO BE DONE IF ONE SACRIFICE IS CONFOUNDED WITH ANOTHER.

MISHNA: The following acts necessary for the sacrifice of the paschal offering supersede the due observance of the Sabbath, namely: The slaughtering thereof, the sprinkling of its blood, the removal of its entrails, and the burning of the fat with incense; but the roasting of the sacrifice, as well as the washing of its entrails, does not supersede the due observance of the Sabbath. To carry and bring it beyond the sabbatical legal limits, or to remove a wen (or spreading sore) thereon, is an act which does not supersede the due observance of the Sabbath. R. Eliezer, however, says they do supersede it. "For," said R. Eliezer, "this is surely a logical sequence; if slaughtering an animal, which is prohibited on the Sabbath as being a principal act of labor, is allowed in this instance (of the Passover) and even supersedes the Sabbath, does it not follow that these two acts, which are only prohibited by rabbinical law, should also in this instance supersede the Sabbath?" R. Jehoshua answered and said: "The laws concerning the festival will prove the contrary; for many things prohibited on the Sabbath as being principal acts of labor are nevertheless permitted on the festival, 1 while other things which are prohibited by rabbinical law are yet prohibited on the festival." 2 R. Eliezer replied: "What is the matter with thee, Jehoshua? How canst thou adduce proof from purely voluntary acts (such as cooking) to such as are distinctly prohibited by biblical law?" R. Aqiba then answered: "The act of sprinkling (a person who had become unclean) will prove it; for that is a distinct biblical commandment and is only prohibited on the Sabbath by rabbinical

law, still it does not supersede the due observance of the Sabbath; 1 do not therefore wonder that these acts, which are also religious duties, and are only prohibited on the Sabbath by rabbinical law, should still not be allowed to supersede the Sabbath." R. Eliezer replied, however: "I also adduce my inference from the act of sprinkling, and maintain that if slaughtering, which is prohibited to be done on the Sabbath as a principal act of labor, is in this instance allowed to supersede the due observance of the Sabbath, does it not follow that the sprinkling of a person who had become unclean, and which is only prohibited to be done on Sabbath by rabbinical law, should in so much greater a degree supersede the Sabbath?" But R. Aqiba said: "Rather conclude the reverse: for if the sprinkling, which is only prohibited by rabbinical law, nevertheless does not supersede the Sabbath, does it not follow that slaughtering, which is prohibited as a principal act of labor, should *a fortiori* not supersede the Sabbath?" R. Eliezer then said to him: "Aqiba! wouldst thou then annul what is written in the Scriptures [Numb. ix. 3]: 'Toward evening shall ye prepare it, *at its appointed season*,' (and which signifies) whether it be a week or a Sabbath day?" Rejoined R. Aqiba: "Rabbi, pray adduce a text that prescribes a particular (and appointed) time for the performance of these acts (mentioned in the first part of this Mishna), even as there is one concerning the slaughtering of the paschal sacrifice." The

following rule therefore did R. Aqiba lay down: Every act necessary for the paschal sacrifice, which can be accomplished previous to the advent of the Sabbath, does not supersede the due observance of the Sabbath; but as the slaughtering of the paschal lamb cannot be done before the Sabbath, it supersedes the Sabbath.

GEMARA: The rabbis taught: The Halakha in the Mishna was not known to the children of Bathyra; for it once happened that the 14th (of Nissan) occurred on a Sabbath, and they did not know whether the Passover sacrifices superseded the due observance of the Sabbath or not. They therefore commenced to look around for a man who knew the Halakha, and they were told that there was a man who had recently come from Babylon, called Hillel of Babylon, and who had learned under the two greatest men of that generation, namely, Shemaiah

p. 127

and Abtalion; he would probably be able to aid them in their dilemma. They sent for him and asked him: "Dost thou know whether the Passover-sacrifice supersedes the Sabbath?" and he answered: "Have we only one Passover-sacrifice that supersedes the Sabbath? are there not over two hundred sacrifices that supersede the Sabbath?" (*i.e.*, the continual daily offerings which are offered twice on the Sabbath and the additional two sacrifices which are brought especially on the Sabbath). But they insisted upon his basing his assertion upon some actual text, and he said: "As it is written concerning the continual daily sacrifice [Numb. xxviii. 2]: 'My offering, etc., shall ye observe to offer unto me in its due season,' and the same term, 'at its appointed season,' is mentioned in connection with the Passover-sacrifice [Numb. ix. 2], therefore both may supersede the Sabbath. Aside from this analogous deduction, there is also an *a fortiori* conclusion; for if on account of the continual daily sacrifice, for the neglect of which the penalty of Kareth is *not* incurred, the Sabbath may be violated, so much the more is this allowed on account of the Passover-sacrifice, for the omission of which the penalty of Kareth *is* incurred." When they heard this, they immediately placed him at their head and made him a prince. Thereupon he sat all day and preached upon the Halakhoth of the Passover.

Subsequently Hillel began to reproach them, and said: "What induced you to set me up as a prince among you? Only your own idleness in not taking advantage of the learning of the two great men of your generation, Shemaiah and Abtalion."

The following question was propounded to Hillel: "What is the law if a man had forgotten to bring the slaughtering knife on the day preceding the Sabbath?" He answered: "I have heard the Halakha but have forgotten it. Leave this, however, to the Israelites themselves, for though they are not prophets they are descendants of prophets, and they will know what to do." On the morrow he noticed that those who brought sheep as a sacrifice had the knife thrust in the wool of the sheep and those that brought goats as a sacrifice had the knife stuck between the horns, whereupon he remembered the Halakha covering the case and exclaimed: "Thus is the tradition which I have received from my masters Shemaiah and Abtalion."

The Master said: It is written, "in its due season," etc. Whence is it adduced, however, that the continual daily sacrifice

p. 128

supersedes the due observance of the Sabbath? From the passage "in its due season"? Is not the same passage to be found in connection with the paschal offering? Why, then, was the question put concerning the latter, while concerning the former it seemed to be an established fact that the Sabbath might be violated on its account? Certainly such is the case! For it is explicitly stated [Numb. xxviii. 10]: "This is the burnt-offering of the Sabbath on every Sabbath, *besides* the continual burnt-offering and its drink-offerings."

The Master said: "On the morrow those who brought a sheep as their sacrifice had the knife thrust in the wool." Would this not constitute the performance of work with a consecrated thing (which is prohibited)? This is in accordance with the custom of Hillel, concerning whom it is said, that in his time not a single transgression was committed with the consecrated animals, because he instituted the custom that they be brought to the court of the Temple in a non-consecrated state, and consecrated in the court of the Temple.

How can the Passover-sacrifice, however, be brought as an ordinary animal in the Temple on the Sabbath? It is not allowed to consecrate things on the Sabbath? This applies only to ordinary articles which were to be consecrated, but not to such as it was a duty to consecrate; for R. Johanan said, that Passover sacrifices may be consecrated on a Sabbath and a festival sacrifice on a festival.

When bringing the sheep with the knife in its wool, did not that constitute an indirect performance of work on the Sabbath, which, although it was not prohibited by biblical law, was nevertheless prohibited by rabbinical law? This was the question propounded to Hillel, whether an act prohibited only by rabbinical law but not by biblical might be performed on the Sabbath in order to discharge a religious duty, and in answer to which he said that he had forgotten the Halakha, but which he afterwards remembered and decided in the affirmative.

Said R. Jehudah in the name of Rabh: "He who is arrogant, if he be one of the sages his wisdom leaveth him, and if he be a prophet his power of prophecy forsaketh him. If he be a sage his wisdom leaveth him, is aptly illustrated by the case of Hillel, who, as soon as he reproached the people and vaunted his own greatness, when asked concerning a certain Halakha admitted that he had forgotten it; and if he be a prophet his power of prophecy forsaketh him, may be inferred from the case

p. 129

of Deborah the prophetess, as it is written [Judges v. 7]: 'Desolate were the open towns in Israel, they were desolate until that I arose, Deborah, that I arose a mother in Israel,' while further on it is written [ibid. 12]: 'Awake, awake, Deborah,' whence the conclusion that her power left her, for otherwise the admonition to awake would be unnecessary."

Resh Lakish said: A man who becomes angry, if he be a sage his wisdom leaveth him, and if he be a prophet his power of prophecy forsaketh him. The first instance is illustrated by the case of Moses, as it is written [Numb. xxxi. 14]: "And Moses was wroth with the officers of the host," and further it says [ibid. 21]: "And Elazar the priest said unto the men of the army who had gone to the battle, This is the ordinance of the law which the Lord hath commanded Moses," whence the inference that Elazar said this because Moses must have forgotten it. The second instance is illustrated by the case of Elisha the prophet, as it is written [II Kings iii. 14]: "And Elisha said,

As the Lord of hosts liveth, before whom I have stood, surely, were it not that I regard the presence of Jehoshaphat the king of Judah, I would not look toward thee, nor see thee," while in the following passage it is said: "But now bring me a musician. And it came to pass, when the musician played, that the inspiration of the Lord came upon him," whence the conclusion that his power forsook him and could be restored only by the aid of a musician. R. Mani bar Patish said: If a man becomes angry, even if greatness had been predestined for him, it is not granted him, and whence do I adduce this? From the case of Eliab, as it is written [I Samuel xvii. 28]: "And Eliab's anger was kindled against David, and he said, Why didst thou come down hither? and with whom hast thou left those few sheep in the wilderness? I know thy presumption, and the wickedness of thy heart; for in order to see the battle art thou come down," and it is also written, that when Samuel went to anoint one of the sons of Jesse as a king, and the other sons of Jesse were brought before him, he said: "This one also hath the Lord not chosen" [ibid. xvi. 8, 9], while concerning Eliab it is written [ibid. 7]: "But the Lord said unto Samuel, Regard not his appearance, nor the height of his stature; because I have rejected him," whence the conclusion that the Lord had previously intended to have him anointed, but on account of Eliab's anger He had subsequently rejected him.

From what we have learned so far, we know that the continual

p. 130

daily offering and the Passover-sacrifice supersede the Sabbath, but whence do we know that they also supersede the law of uncleanness? I will tell you! In the same manner as we have deduced (by analogy) from the continual daily offering the law of the Passover-sacrifice, so we deduce from the Passover-sacrifice, which supersedes uncleanness, that the continual daily sacrifice also supersedes uncleanness. Whence do we know that the Passover-sacrifice itself supersedes the law of uncleanness? Said R. Johanan: "Because it is written [Numbers ix. 10]: 'If any man whatever should be unclean by reason of a dead body,' etc., we infer from the term, 'any man whatever,' that only individuals must defer the Passover-sacrifice until the second Passover; but if there is a congregation they should prepare the paschal lamb, notwithstanding the fact that they are unclean."

"*The washing of its entrails.*" What is meant by washing the entrails? Said R. Huna: "The entrails are pricked with a knife and then washed," and R. Hyya bar Rabh says: "They are merely pressed with a knife, and in that manner the filth is removed."

It is written [Isaiah v. 17]: "Then shall the sheep feed according to their wont, and the ruins of the fat ones shall sojourners eat." Said Menasseh bar Jeremiah in the name of Rabh: The term "according to their wont" being expressed by (the Hebrew word) *Kedabram*, and "*Debur*" meaning "speaking," the expression *Kedabram* should be explained to mean, "as they were spoken of." The word "sheep" refers to the Israelites, and thus the passage signifies: "Then shall the Israelites feed as they were spoken of." What was spoken of concerning them? Said Abayi: "By the latter part of that verse and by the 'sojourners' are meant the righteous who at that time were strangers, but in the future they would be the inhabitants and feed on the ruins of the fat ones." Said Rabha to him: This interpretation would be correct if there were not the word "and" between the two passages, but that word gives the latter passage a distinct significance; therefore, said he, the passage will have the meaning given it by R. Hananel in the name of Rabh, who said that in the future the righteous would have the power to arouse the dead; because in this passage quoted it is said: "Then shall the sheep feed according to their wont,"

and in another passage [Micah vii. 14]. "Let them feed in Bashan and Gilead, as in the days of old." By Bashan is meant Elisha,

p. 131

the man of Bashan, as it is written [I Chronicles v. 12]: "Yanai and Shaphat in Bashan," and [II Kings iii. ii]. "Elisha the son of Shaphat" (hence Elisha, being the son of Shaphat, was from Bashan). By Gilead is meant Elijah, as it is written [I Kings xvii. 1]: "Elijah the Tishbite, who was of the inhabitants of Gilead" (and both of these prophets Elijah and Elisha roused the dead). Thus the original passage quoted [Isaiah v. 17] should be interpreted as follows: As in the days of old Elijah and Elisha aroused the dead, so will in the future other righteous men also have that power. [1](#)

R. Samuel ben Na'hmeni in the name of R. Jonathan deduces the above conclusion from the passage [Zechariah viii. 4]: "Thus hath said the Lord of Hosts, Again shall there sit old men and women in the streets of Jerusalem, and every one with staff in hand because of their multitude of years"; and as it is written [II Kings iv. 29]: "Lay my staff upon the face of the lad," the inference that the righteous will have the power to arouse the dead is deduced from the analogy of the two passages, the latter of which deals with the arousing of the dead.

*"The burning of the fat with incense."* We have learned in a Boraitha: R. Simeon said: "Come and observe how pleasing the fulfilment of a religious duty at its proper time was to them! We well know that the burning of the fat and of certain pieces could be accomplished at any time during the night; still they did not postpone it, but accomplished it immediately."

*"To carry and bring it beyond the sabbatical legal limits."* (This passage of the Mishna is explained in Tract Erubin, pages 245-246.)

*"For, said R. Eliezer, if slaughtering an animal,"* etc. (What could R. Jehoshua reply to this?) R. Jehoshua holds to his individual theory, that the enjoyment of a festival by feasting and drinking is also a religious duty (as explained in a Boraitha on Tract Betza). [2](#)

*"R. Aqiba then answered: The act of sprinkling,"* etc. We have learned in a Boraitha: R. Eliezer said to him: "Aqiba, thou hast refuted my assertion with (the instance of) slaughtering; by slaughter shalt thou suffer death!" Said R. Aqiba: "Rabbi, the time when thou judgest me, do not deny what

p. 132

thou thyself taughtest me! The tradition I quote comes from thee, that sprinkling (an unclean person) is a rabbinical law and does not supersede the due observance of the Sabbath."

If R. Eliezer actually taught R. Aqiba to this effect, why was he angry with him? R. Eliezer had forgotten that teaching, and R. Aqiba reminded him through his answer. Why did R. Aqiba not say at the time that he had learned it from R. Eliezer? Because it is not seemly that a teacher be told that he had forgotten.

Why should sprinkling not supersede the due observance of the Sabbath; it is only a matter of holding a little water, and if necessary to enable a man to partake of the paschal lamb, why should it not be permitted on the Sabbath? Said Rabha: "The prohibition is merely a precautionary measure, lest a man carry the water four ells in public ground."

According to R. Eliezer, however, who maintains (in Tract Sabbath) that the preparation for the accomplishment of a religious duty supersedes the Sabbath, what matters it if the water was carried four ells in public ground? I will tell you! R. Eliezer in that instance refers to a religious duty which the man is already obliged to discharge, but in this case the man, being still unclean, is not subject to the performance of that duty, but by being sprinkled is merely rendered so, and in such a case R. Eliezer does not apply his decision.

Rabha said: "According to the opinion of R. Eliezer just quoted, it is permitted to heat water on Sabbath for a child who is *healthy*, in order to strengthen it, and then circumcise it, because the child is already subject to the performance of that duty; but if the child is *not* well, heating water is not permitted, because in such a condition the child is not subject to that duty." Replied Rabha: "If the child is healthy, what need is there of heating water for it? Therefore," said he, "with respect to circumcision, all children are considered as being unwell until they are bathed, and are not subject to the duty of circumcision prior to being bathed. Hence no water should be heated for a child who is healthy, according to R. Eliezer, on the Sabbath, but on the preceding day."

"*The following rule therefore did R. Aqiba lay down,*" etc. Said R. Jehudah in the name of Rabh: "The Halakha prevails according to R. Aqiba." Concerning circumcision R. Aqiba laid down the same rule, and R. Jehudah also said in the name of Rabh, that the Halakha prevails according to R. Aqiba. (At

p. 133

the proper place in Tract Sabbath the reason why R. Aqiba made the rule in both instances is explained, page 295.)

MISHNA: Under what circumstances is it allowed to bring a festal offering in addition to the paschal sacrifice? When the paschal sacrifice is sacrificed on a week-day, when those offering it are legally (ritually) clean, and if it is insufficient for the number appointed to partake thereof. But if it is sacrificed on a Sabbath, if it is sufficient for those appointed to eat it, or when those are legally unclean, no festal offering may be brought in addition to the paschal sacrifice. The festal offering may be brought of the flock, of cattle, lambs or goats, and may be either male or female (animals); the time during which it is a duty to consume it is two days and a night.

GEMARA: The Tana who holds that a festal offering must not be brought on the Sabbath is also the same who maintains that bringing or carrying the paschal sacrifice from beyond the sabbatical legal limits does not supersede the due observance of the Sabbath. Thus the statement in our Mishna is merely supplementary to that of the previous Mishna, and signifies that a festal offering may be brought only on a week-day, but it does not supersede the Sabbath.

For what purpose is a festal offering brought generally in addition to the paschal sacrifice? As we have learned in the following Boraitha: "The festal offering which is brought in addition to

the paschal offering should be eaten prior to the latter, in order that the paschal offering may be the last to satiate the appetite of those who partake thereof."

"*Two days and a night*," etc. Our Mishna is not in accordance with the opinion of Ben Thamah. We have learned in a Boraitha: Ben Thamah said: "The festal offering brought in addition to the paschal sacrifice is in all respects equal to the paschal sacrifice itself, and should be eaten only in the course of one day and night. The festal offering, however, brought on the 15th (the festival proper) should be consumed during the course of *two* days and one night. The festal offering brought on the 14th with the paschal sacrifice only fulfils the duty of enjoying the festival, but the injunction not to come empty-handed into the Temple is not satisfied thereby. The festal offering brought in addition to the paschal sacrifice must be brought of sheep only, but not of oxen; it must be male and not a female, and not over one year old. It should be consumed in the course of one day and night, and must not be eaten

p. 134

except it be roasted, and not by any except those appointed to eat the paschal sacrifice."

What is Ben Thamah's reason for this statement? He bases it upon the teaching of Rabh to Hyya the son of Rabh, as follows: It is written [Exod. xxxiv. 25]: "Neither shall be left unto morning the sacrifice of the feast of the Passover." From the fact that the passage states "the feast of the Passover," while it could have merely said "the Passover," it must be assumed that the festal offering brought in addition to the paschal sacrifice is meant, and the verse distinctly states that it must not be left until morning.

We have learned in a Boraitha: Jehudah ben Durthai and his son Durthai severed themselves from the company of the other sages and settled in the South (on account of the decree of the sages to the effect that the festal offering does not supersede the Sabbath). He said to them: "When Elijah will come and ask you why ye did not offer a festal offering on the Sabbath, what will ye answer?" and, moreover, he said: "I am astonished at the two great men of this generation, Shemaiah and Abtalion, who were so wise and such excellent preachers, that they did not teach in Israel that the festal offering supersedes the due observance of the Sabbath."

Said Rabh: What was the basis of Ben Durthai's statement? It is written [Deut. xvi. 2]: "And thou shalt sacrifice the Passover-offering unto the Lord thy God, of sheep and oxen," and this surely cannot refer to the paschal sacrifice alone, which must be brought only of sheep and goats. Hence by "sheep" is meant the paschal sacrifice and by "oxen" the festal offering, and as it says "thou shalt sacrifice," it certainly refers to the Sabbath also. Said R. Ashi: Shall we rack our brains to find justifications for men who had severed themselves from the company of our sages? Therefore say, rather, that the passage just quoted refers to the statement of R. Na'hman, who said in the name of Rabba bar Abbahu: Whence do we know that such sheep as had been left over from those which had been separated as paschal sacrifices may be brought as peace-offerings? Because it is written: "Thou shalt sacrifice the Passover-offering unto the Lord thy God, of sheep and oxen," and this surely cannot refer to the paschal sacrifice alone, which must be brought only of sheep or goats. Hence we must say that whatever remains over from the paschal sacrifice may be used for such sacrifices as can be brought either from sheep or oxen.

p. 135

Why does the festal offering in reality not supersede the Sabbath, according to the decree of the sages? Is it not a congregational sacrifice, and as such privileged to supersede the observance of the Sabbath? Said R. Ilayi in the name of R. Jehudah ben Saphra: It is written [Levit. xxiii. 41]: "And ye shall keep it as a feast unto the Lord seven days in the year." The Feast of Tabernacles (to which this passage refers) is, however, to be observed eight days? Hence we must assume that the festal offering does not supersede the observance of the Sabbath, and (leaving out the Sabbath in consequence) there are only seven days left.

When Rabhin came from Palestine he said: "I once said in the presence of my masters that the Feast of Tabernacles may sometimes last only six days. If, *f.i.*, the first day occurs on Sabbath, the last day would also be Sabbath, and as it is not allowed to bring festive offerings on those days, the festival lasts only six days." [1](#)

Said Abayi: "This statement could not have been made by Rabhin (R. Abhin), but rather by Abhin Thekla (Thekla means one who is childless or has lost his children), because it cannot stand; for eight feast days can never occur in succession, as one must be a Sabbath; seven feast days are the rule, whereas it seldom happens that there should be only six." [2](#)

Ula said in the name of R. Elazar: A peace-offering brought on the eve of Passover cannot serve for the fulfilment of the duty of rejoicing on the festival nor for the festal offering to be brought with the paschal sacrifice. The first duty is not discharged, because it is written [Deut. xxvii. 7]: "And thou shalt slay peace-offerings, and eat them there, and thou shalt rejoice before the Lord thy God." Hence the peace-offering must be slain when the time for rejoicing had already arrived, *i.e.*, on the festival; but on the *eve* of Passover it had not yet arrived. The second duty is not acquitted, because a festive offering must be brought of ordinary animals and not of consecrated,

p. 136

and an animal brought as a peace-offering is already consecrated.

When Rabhin came from Palestine, he said, however, in the name of R. Elazar: "A peace-offering brought on the eve of Passover fulfils the duty of rejoicing on the festival, as it need not be brought at the time when rejoicing is already a duty but may be brought previously; but it does *not* fulfil the duty of bringing the festal offering, because it is consecrated, and the festal offering must be brought of non-consecrated (ordinary) animals."

An objection was made: It is written [Deut. xvi. 15]: "And thou shalt only rejoice," and this is an additional behest to rejoice also on the night of the last day of the festival. Perhaps this additional behest refers to the first night? The word "only" in the passage makes the distinction, and confirms the view that it means the last night. Hence we must assume that on the first night rejoicing is not possible, because there was nothing to rejoice with; *i.e.*, the peace-offering was not yet permitted to be slaughtered and the flesh (with which it is necessary to celebrate the festival) could not yet be had. (Is this not contradictory to Rabhin's decree?)

Nay; the reason the first night is not included in the additional behest is as is taught in the following Boraitha: Why is the last night of the festival included in the additional behest and the



first night excluded? The last night was preceded by rejoicing and is for that reason included, while the first night was preceded by ordinary days and is for that reason excluded.

R. Kahana said: "Whence do we know that the pieces of the festal offering which was sacrificed on the 15th day (*i.e.*, the festival proper) are invalid if allowed to remain until morning? Because it is written [Exod. xxiii. 18]: 'Neither shall the fat of my festive sacrifice remain until morning,' and immediately following this it is written: 'The first,' etc., whence we adduce that the morning must be the first and not the second morning."

R. Joseph opposed this: "So it is only because the subsequent verse commences with 'the first' that the pieces of the festal offering may remain only until the first morning, but if the verse did not commence with 'the first' it would be allowed to leave them even until the second morning? Can it be that the pieces of a sacrifice the flesh of which becomes useless in the

p. 137

night of the day it was offered may remain even until the second morning?" Rejoined Abayi: "Why not? Do we not find in the case of the paschal offering, according to the opinion of R. Elazar ben Azariah, that while the flesh thereof becomes invalid in the middle of the night, the pieces to be offered up become invalid only in the morning?"

Rabha answered: "R. Joseph means to ask, 'Where do we find an instance of where the Tana dispenses with a passage referring to the flesh, whereas R. Kahana brings a passage regarding the pieces of the sacrifice.'"

MISHNA: If a person brought a paschal sacrifice on the Sabbath, not for its proper purpose, he is obliged to bring a sin-offering in expiation. If he slaughtered other sacrifices to serve as a paschal offering, if they were such that they could not be suitable for the paschal sacrifice, he is guilty; but if they were suitable for that purpose, R. Eliezer declares him culpable, but R. Jehoshua declares him free. For thus argues R. Eliezer: If a person is held to be culpable for changing the name (denomination) of the paschal sacrifice, which he is allowed to slaughter on Sabbath, does it not follow that if he brought sacrifices which were in themselves prohibited to be brought on the Sabbath, under another denomination, that he must in so much greater a degree be considered culpable? To this R. Jehoshua replied: "Nay; we cannot apply the decree concerning a sacrifice which was changed to what was prohibited to offer on the Sabbath, to other sacrifices which had been changed to that which was permitted to be brought on the Sabbath." R. Eliezer replied: "The offerings brought for the whole congregation of Israel shall prove my assertion, for it is lawful to offer them on the Sabbath for their proper purpose; yet whoever brings other sacrifices under their denomination is held to be guilty." Then R. Jehoshua rejoined: "Nay; we cannot apply the decree concerning the offerings of the whole congregation, which have a determinate number, to the paschal sacrifices, which have no determinate number." R. Meir said: One who also offers on the Sabbath other offerings under the denomination of those of the congregation is absolved.

If a person slaughtered the paschal sacrifice for those who will not partake thereof, or for persons who are not appointed to partake thereof, and for uncircumcised and unclean persons, he is culpable; but if he had slaughtered it for those who will and also for those who will not partake thereof, for those appointed,

to eat it and for those who are not, for circumcised as well as for uncircumcised, or for clean and also for unclean persons, he is absolved.

If one slaughtered (the paschal lamb) and a blemish was found thereon, he is culpable; but if, after being slaughtered, it was found to be Trephah (prohibited to be eaten) on account of inward blemishes, he is not culpable. If after slaughtering (the lamb) the man was advised that the participants had withdrawn themselves from it, or had died, or become defiled, he is absolved, because when he slaughtered it, it was under lawful circumstances.

GEMARA: How is the case to be considered concerning the man who brought a paschal sacrifice not for its proper purpose? Shall we assume that he made a mistake (and thought that he was slaughtering another sacrifice), and still he is held culpable? Whence the inference that the denomination of a thing may also be annulled through error; but this is not so. Therefore it must be assumed that there was no error, but that the man intentionally sacrificed the paschal offering for another purpose (*f.i.*, for a peace-offering); if so, how will the latter clause, to the effect that if he slaughtered other sacrifices to serve for a paschal offering and they were suitable for a paschal offering, R.; Jehoshua declares him free, be consistent; for if he did so intentionally, what difference does it make whether the sacrifices were suitable or not, the fact that he sacrificed them on the Sabbath remains--how then could R. Jehoshua declare him free? Hence it must be assumed that this latter clause refers to one who did so through error, and in such an event the first clause of the Mishna will treat of an intentional case while the next clause will refer to an act committed through error? Said R. Abin: "Such is indeed the case."

R. Itz'hak bar Joseph found R. Abbahu standing amongst a crowd of men in a room and asked him how this Mishna should be understood, and he answered: "The first clause deals with an intentional case and the next clause with an erroneous commission of an act." R. Itz'hak learned this from R. Abbahu! forty times, and he then retained it forever."

An objection was made, based upon the Mishna where R. Eliezer said to R. Jehoshua: "If a person is held to be culpable for changing the denomination of the paschal sacrifice," etc. If, however, the first clause treats of an intentional case and the next clause of a case of error, would not R. Eliezer's argument

be sufficiently answered by R. Jehoshua simply claiming that the man is free because he committed the deed through error? R. Jehoshua meant to state: According to my opinion, thy argument does not hold good, from the very fact that I hold a man to be free if he committed the deed by mistake; but even according to thy opinion, that a man is also culpable when committing an act through error, thy argument is not effective, for in the first instance the sacrifice was changed to an offering which is prohibited to be brought on Sabbath, while in the second instance the sacrifice was changed to one which might be brought on Sabbath.

R. Eliezer replied: "The offerings brought for the whole congregation of Israel shall prove my assertion, for it is lawful to offer them on the Sabbath for their proper purpose; yet whoever brings other sacrifices under their denomination is held to be guilty." Then R. Jehoshua rejoined:

"We cannot apply the decree concerning the offerings of the whole congregation, which have a determinate number, to the paschal sacrifices, which have no determinate number." Shall we then assume, that where there is a determinate number R. Jehoshua holds a man to be culpable; have we not learned in the case of where two children were to be circumcised, one on the eve of Sabbath and the other on the Sabbath, and by mistake the father had the one to be circumcised on the eve of Sabbath circumcised on the Sabbath, R. Jehoshua declared him free, although there was just *one* (i.e., a determinate number) to be circumcised on Sabbath? Said R. Ami: "The case of the two children to be circumcised was as follows: One of them was to be circumcised on the Sabbath and the other on the eve of Sabbath. When the Sabbath had arrived neither one was yet circumcised, and the father by mistake had the one who was to have been circumcised on the preceding day circumcised on the Sabbath. In doing this he was confused in the performance of a religious duty, however, and for that reason R. Jehoshua declares him free, while in the case of the offerings for the congregation the actual offerings to be brought had already been sacrificed and the man who brought other offerings under their denomination did so when the religious duty had already been fulfilled, and for that reason he is held to be culpable."

What about R. Meir? Does he declare a man free who had offered other sacrifices under the denomination of those of the congregation, even if the actual congregational offerings had

p. 140

already been sacrificed? From R. Meir's explanation [1](#) (Sabbath, page 306), according to the teaching of R. Hyya of the city of Abel Arab, however, of the dispute between R. Eliezer and R. Jehoshua, do we not see that such is not the case? Said the disciples of R. Janai: In the case of the circumcision R. Meir means to state that the child to be circumcised on the Sabbath had already been circumcised on the eve of Sabbath, and thus no child was left to make it obligatory to violate the Sabbath on its account, hence R. Jehoshua declares the man culpable; but in this case, where the Sabbath would be violated for a congregational sacrifice, R. Meir holds that any other sacrifices brought under that denomination are brought with the intention of fulfilling a religious duty, and for that reason they do not make a man culpable.

Said R. Ashi to R. Kahana: "Why should this latter case differ from the former; if a Sabbath may be violated for other congregational sacrifices, it may surely be violated also for other children who are to be circumcised on that day?" R. Kahana replied: "In that particular instance the Sabbath could not be violated by the father of the children, because he had no child for whom this would have been necessary, while the instance of the congregational sacrifice embodies a multitude of men and applies to all alike."

*"If a person slaughtered the paschal lamb for those who will not partake thereof,"* etc. Is this not self-evident? We well know that if a man slaughtered on an ordinary Passover-day a sacrifice for those who will not partake thereof the sacrifice is invalid; surely, then, if he did so on a Sabbath which was also Passover, he is culpable! Because the latter clause, concerning one who slaughters a sacrifice for those who will and those who will not partake thereof, teaches that the man is *not* culpable, it also cites the instance of where he *is* culpable. Is this latter case not self-evident? If the sacrifice was offered on an ordinary Passover-day under the same circumstances, we know that it is valid; surely, then, a man is not culpable if he offers it on Sabbath! Hence we must assume that because the Mishna commences with an instance of where the sacrifice was brought not for its proper purpose, it also mentions the case of where it was brought for those

who will not partake of it.

p. 141

For what purpose was the original clause in the Mishna cited? In order to quote the dispute between R. Eliezer and R. Jehoshua.

*"If after slaughtering the man was advised that the participants had withdrawn,"* etc. R. Huna said in the name of Rabb: "A trespass-offering which became ownerless (when it must be allowed to feed until it receive a blemish) and was slaughtered without its being stated for what purpose, is valid as a burnt-offering." Thus we see that it is not absolutely necessary to annul its original denomination in order to make it valid for another, but it may be offered up without comment.--Why, then, should it be necessary to allow it to feed until it receives a blemish, would it not be valid if, for instance, the owner had offered up something in its place and immediately offered it up without comment? This is merely a precautionary measure, to prevent a man from offering up a trespass-offering which was not yet substituted by another offering.

R. Hisda objected to R. Huna, and based his objection upon our Mishna, which says: If after slaughtering (the lamb) the man was advised that the participants had withdrawn themselves from it, he is absolved, because when he slaughtered it, it was under lawful circumstances; and a Boraitha teaches, that if a case like this happen on an ordinary Passover-day and not on a Sabbath, the sacrifice must be immediately burned. This would be perfectly proper if the original denomination of the sacrifice had to be plainly annulled, because, as long as its denomination is not annulled, a paschal offering remains what it is, and if it have no owner it must be immediately burned, because it becomes of itself invalid; but if the denomination need not be plainly annulled and if sacrificed without comment it is of itself changed into a peace-offering, then it becomes invalid, not because the invalidity is contained in itself, but because it was offered after the continual daily offering (of the evening), and we well know that in such an event the offering must not immediately be burned, but must be left until morning and then burned. Why, then, does the Boraitha decree that it must be immediately burned?

R. Joseph the son of R. Sala the Pious explained before R. Papa that the Boraitha is in accord with the opinion of Joseph ben Hunai, as we have learned in a Mishna: Joseph ben Hunai said: All sacrifices offered under the denomination of a paschal offering or a sin-offering are invalid. Whence we see that the

p. 142

invalidity is contained in itself and does not arise on account of other circumstances. For that reason the Boraitha decrees that it must be immediately burned. So far as the commission of an act through error is concerned, Joseph ben Hunai holds with R. Jehoshua, and absolves the culprit.

[125:1](#) Such as cooking, lighting a fire, splitting wood, etc.

[125:2](#) Such as moving things from one legal limit into another without the combination of an Erub. (*Vide* Tract Betza.)

[126:1](#) Even if that day be the last day on which an unclean person may be sprinkled, and occur on the 14th (of Nissan), when should he not be sprinkled, he would not be allowed to partake of the paschal lamb.

[131:1](#) This lecture is inserted because in the previous paragraphs sheep were dealt with in connection with the Passover-sacrifice.

[131:2](#) The entire argument concerning the enjoyment of a festival will be brought up at its proper place in Tract Betza (Yom Tob).

[135:1](#) This statement of Rabhin is virtually a refutation of R. Ilayi's inference that the Feast of Tabernacles lasts only seven days, because the Sabbath, on which no festive offering is brought, is not counted--by stating that at times the Feast could last only six days.

[135:2](#) The original text only reads "Could Abhin Thekla have said this?" In the commentary of Solomon Lurie, entitled "Yam shel Shlomo," it is stated, and rightly so, that Abayi would not have spoken so disrespectfully of Rabhin, who lived generations before him and was a great man, and hence the explanation rendered by us is given.

[140:1](#) In the Boraitha of R. Meir's explanation, Sabbath, 30, last paragraph before the Mishna, the words "taught R. Hyya" are missing, Here, however, it says, "R. Hyya of Abel Arab," which in the original of Sabbath is not mentioned at all.

---

[Next: Chapter VII: Roasting the Paschal Lamb; If the Paschal Lamb Becomes Defiled; Parts of Lamb Eaten](#)