

p. 1

# TRACT SHEBUOTH (OATHS).

p. 3

## CHAPTER I.

RULES AND REGULATIONS CONCERNING OATHS TO WHICH IS ATTACHED THE LIABILITY OF A SIN-OFFERING OR STRIPES.--THE CONDITIONS OF LIABILITY AS DETERMINED BY THE TIME OF REMEMBERING OR FORGETTING THE OATH.--WHICH OATHS ARE OR ARE NOT ATONED FOR BY PRIVATE AND CONGREGATIONAL SACRIFICES AND ALSO BY THE DAY OF ATONEMENT.--ILLUSTRATIONS OF THE TWO KINDS OF OATHS SUBDIVIDED INTO FOUR.

*MISHNA I.:* There are two kinds of oaths which are subdivided into four. The cognition of uncleanness is of two kinds subdivided into four. The carrying in and out on the Sabbath day is of two kinds subdivided into four, and also aspects of leprosy are in kind two and subdivided into four.

If one was originally cognizant of his being unclean, and (after he had consumed of the holy food or entered the sanctuary) presently became aware of this fact anew (that he committed this or that while being unclean), but was not conscious of it during the act, so he is obliged to bring a rich or poor offering. If, however, he had the knowledge at the start but not at the end of the act, so the he-goat, the blood of which is interiorly to be sprinkled on the day of atonement as well as the day itself, will effect a delay of the punishment until he gets to know his transgression, and then he is to bring the above-mentioned offering.

If there was no antecedent knowledge, but he became conscious of it after, his expiation is effected by the he-goat sacrificed exteriorly on the day of atonement as well as that day itself; for it reads: "Except the sin-offering of the atonement," *i.e.*, what this atones for the other one does, too; just as the exterior he-goat propitiates only where there was one knowing, so propitiates the interior one, only where one knowing took

p. 4

place. But where there was no knowledge either before or after, the propitiation is effected by the he-goats sacrificed on (the) holidays and new-moon days. So R. Jehudah; R. Simeon, however, says: The he-goats of the holidays atone, but not those of the new-moon days, which propitiate only him who ate something polluted while being himself clean. R. Mair says: All goat sacrifices are equivalent as to propitiating (the) pollution of the holy temple and its holy sacrifice. R. Simeon would say: The he-goats of the new-moon days propitiate for the clean who ate something polluted; those of the holidays, for cases where there was no knowing either before or after; and that of the day of atonement, for cases where there is no antecedent but a

subsequent knowing. And when he was asked: May one of them be sacrificed instead of the other? he answered: Aye! Whereupon they retorted: Since they are not all equivalent as to their capacity of propitiating, how can they substitute one another? To which he replied: They all possess this in common that they propitiate for polluting the holy temple and its offerings. R. Simeon b. Jehudah, however, said in his name: The he-goats of the new-moon days propitiate for a clean one who has eaten defiled food; those of the holidays possess a greater power, as they propitiate for the clean who has eaten defiled, and for the case of polluting where there was neither antecedent nor subsequent knowledge; those of the day of atonement are superior to the others in that they propitiate not only for the clean one who has received defiled food and for the case of neither antecedent nor subsequent knowledge, but also for the case where there is no antecedent but a subsequent knowledge. Hereupon he was questioned: May the one he-goat be offered as substitute for the other? And he answered: Yea. To which the others rejoined: It may be admitted that the goats of the day of atonement be offered on the new-moon days, but how can the reverse take place, *i.e.*, that the goats of the new-moon days propitiate for what they are not capable of doing? And his answer was: They all have this in common that they propitiate defilement of the holy temple and of its holy viands.

For wanton pollution of the holy temple and of its holy offerings the interior he-goat of the day of atonement as well as this day itself atones for all other transgressions of the Law both lenient and rigorous, intentional and unintentional, the foreknown and unforeknown, the positive and negative commandments, those entailing koreth or judicial death-punishment, for

p. 5

all these the exported goat atones. Herein are equal Israelites, priests, and the anointed high-priest. What difference does, then, exist between Israelite and priest and anointed high-priest? That the blood of the bullock propitiates for the pollution of the sanctuary and of the holy viands by the priests. R. Simeon, however, says: Even as the blood of the goat prepared in the interior propitiates for the Israelites, so does the blood of the bullock for the priest; even as the confession of sins over the kid to be exported propitiates for the Israelite, so does the confession of sins over the bullock propitiate for the priest.

GEMARA: Let us see in accordance with whom is our Mishna's statement. It is not in accordance with R. Ismael and also not with R. Aqiba, as according to the former, one is not liable to a sin-offering, only if the oath concerns the future (this is explained in Chap. III. of this tract), and according to the latter, one is liable only for forgetting that the object is defiled, but not if he forgot that this is the sanctuary? The Mishna can be explained in accordance with both. With R. Ismael, as he may say that the expression of the Mishna, two subdivided into four, means that for some of them one is liable, and for some of them one is not. The same can be said concerning R. Aqiba. But how can R. Aqiba's statement be explained so? Does not the Mishna include leprosy in which there is not a single case for which one is not liable to a sin-offering, consequently all the cases mentioned in the Mishna are of the same kind? We must, therefore, say that it is in accordance with R. Ismael only, and to the question that R. Ismael does not make one liable for the past, it may be answered that he frees him from the liability of a sin-offering only, but not from the punishment of stripes, as he holds that stripes apply even to such a negative command in which there is no manual labor, and this is, as Rabha explained elsewhere (Chap. III.), that such is R. Ismael's opinion. But if so, then R. Johanan's statements would contradict each other--namely, at one place he declared that the Halakha prevails according to an anonymous Mishna (our Mishna, which is anonymous, and is in accordance with R. Ismael),

and elsewhere it was thought if one says: I swear to eat this loaf of bread to-day, the day, however, has passed and he did not eat it, according to both Johanan and Resh Lakish stripes do not apply. However, their reasons are different. The reason of the former is that there is no manual act, and the reason of the latter is that the warning to this transgression

p. 6

could not be of a certain, but of a doubtful kind (as perhaps he will still keep to his oath), hence, we see that R. Johanan's decision is that there are no stripes to a non-manual act, though contrary to the decision of the Mishna? R. Johanan's above decision is in accordance with his rule, for it is in accordance with another anonymous Mishna, as follows: "I swear that I will not eat this loaf, I swear again that I will not eat it," and thereafter he did eat, he is liable only for the oath first which had made this bread illegal to him. (The second oath, however, is considered but an oath to keep his word according to the law, and such an oath is not subject to punishment.) This is an utterance oath, to whose intentional transgression stripes apply, and to an unintentional, a rich or poor offering. Now, the expression of the Mishna, this is, means that only to such a transgression which is of a past nature stripes apply, but not to a transgression of a future nature, *e.g.*, I will eat, etc., hence this Mishna, which is also anonymous, is in accordance with R. Johanan's opinion.

But let us see; both Mishnaioth are anonymous, why, then, should R. Johanan choose the last one and not the first? According to this question, you also may ask: Why did Rabbi (editor of the Mishna) insert such two contradictory Mishnaioth? You must say, then, that formerly, Rabbi's opinion was that a negative command of non-manual act is under the category of stripes, but after reconsideration he came to the conclusion that it is not, and therefore inserted the last, but did not care to strike out the first.

Let us see; after all, you have explained the Mishna in accordance with R. Ismael and as concerning stripes, but does not the Mishna mention four kinds of leprosy, to all of which stripes by no means apply? Nay; there is a case to which stripes do apply--viz.: when cuts off the leprosy (before the priest saw it), and this is in accordance with R. Abin in the name of R. Elai, who said that wherever the Scripture uses one of these expressions, "Take heed to thyself, lest *ahl*" (the negative particle of the imperative mood) is a negative commandment. But does not the Mishna mention the violation of Sabbath to which also stripes do not apply, for, it is under the category of capital punishment, to which stripes cannot apply? R. Ismael holds that even to such, stripes do apply, and therefore the Mishna is explained in accordance with him.

R. Joseph, however, says: Our Mishna is in accordance with

p. 7

[paragraph continues] Rabi's own opinion, and he composed it in accordance with different Tanaim, concerning knowing and not knowing, he took R. Ismael's opinion, and concerning oaths he took R. Aqiba's.

Said R. Ashi: I have related this explanation before R. Kahana, and he said to me: Do not say that Rabi inserted the above Mishna in accordance with the above Tanaim, and he himself did not approve of them, for in reality, in this Mishna he explains his own opinion, as we find he did

so in the following: Whence do we know that one is not culpable for a transgression of which he was aware both at the start and at the end, but unaware during the act? From [Lev. v. 2-3]: "Escaped his recollection," two times repeated. So R. Aqiba. Rabbi, however, maintains it to be unnecessary, as from the expression "escaped" it is self-evident that he *was* once aware of it, and further on it reads, "he becometh aware," *i.e.*, twice aware, once at the start and again at the end. But should you ask to what purpose "escaped" is written twice (I say) once to make one liable for the forgetting the defilement, and the second for the forgetting the sanctuary.

(Says the Gemara): From this we find that Rabbi has declared his own opinion concerning known and unknown. Where is such to be found concerning oaths? It is common sense. Why, then, does R. Aqiba make one liable for the transgression of a past oath? Because he considers *extensions* and *limitations* (mentioned in the Scripture), and the same did also Rabbi as we have learned in the following Boraitha. Rabbi said: Our first-born male may be redeemed with everything but documents; the rabbis, however, maintain that slaves and real estate are also excluded (and the reasons are there given thus: Rabbi considers extensions and limitations, and the rabbis consider generals and particulars in the Scripture).

Said Rabina to Amamar: Does indeed Rabbi consider extensions, etc., and not generals, etc.? In the following Boraitha we find the reverse; it reads [Deut. xv. 17]: "Then shalt thou take an awl," but whence do we know that one may do it with a thorn, prick, borer, needle or pencil? Therefore it reads: "Shalt thou take," *i.e.*, everything that is to be taken in hand for this purpose. So R. Jose b. Jehudah. Rabbi, however, maintains that since an awl is of metal, so must every instrument for this purpose be of metal. And to the question, what is the point of their difference, we answered that Rabbi considers *generals* and *particulars* (awl is of metal, etc.), and the R. Jose considers

p. 8

[paragraph continues] *extensions*, etc., hence, we see that Rabbi considers *generals* and not *extensions*? Yea; in all other cases Rabbi considers *generals*, but here he considers also *extensions* for the reason explained in the following: The disciples of R. Ismael taught [Lev. xi. 9]. In the "water" is mentioned twice; this is not to be taken as a *general* and a *particular*, but as an *extension* and a *limitation* (this paragraph will be explained in the following tracts). But do not the rabbis hold the above theory? Said Rabina: In the west it was said in every place in the Scripture where the expression of two *generals* are to be found near each other, one may put a *particular* between them, and derive the law of *general* and *particular*.

But now that we come to the conclusion that Rabbi considers extensions, etc., there will remain a difficulty concerning oaths; we must, therefore, say that Rabbi inserted in this Mishna the opinion of R. Aqiba, with which he himself does not agree.

The text said: From the expression "escaped" it is self-evident that he was aware. Why is it self-evident? We find elsewhere the same expression, and no awareness is therein implied. Said Abayi: Rabbi holds that elementary knowledge is considered, *i.e.*, the knowledge one learns in school when yet a child (*e.g.*, he learned that he who toucheth an unclean thing becomes defiled). Said R. Papa to him: According to this theory, how can we find a case in which he was unaware before? And he answered: It may be found with him who was captured by heathens while he was still an infant, and was brought up by them. [1](#)

"*Originally cognisant.*" The rabbis taught: Whence do we know that the verse speaks of the defilement of the temple and its holy offerings? This maybe learned from an inference. The Scripture warns: One shall not make himself unclean, and he who does so shall be punished, and is liable to a sin-offering (for unintentional), and both the warning and the punishment speak about the temple and its holiness. The same is the case when it makes him liable to a sin-offering, it is only in case of entering the temple. But perhaps it means heave-offering, to which there is also warning and punishment? Nay; we do not find a transgression which is under the category of capital punishment,

p. 9

to which the liability of a sin-offering attaches, when done unintentionally. However, such is the case with a special offering; but let him bring a rich and poor offering which is to be brought for utterance or witness oath? It reads [Lev. v. 3]: *Boh*, literally *in it* 1 to exclude all other things. But perhaps it means to exclude the sanctuary to which a rich or poor offering does not suffice, and only a special is needed? Said Rabha: I apply to Rabbi the saying, "He draws water from very deep wells," as we have learned in the following Boraitha. Rabbi said. I read in the Scripture (in concern with a rich or poor offering) a beast; to what purpose, then, is also written a cow? (is it not included in the term beast?) It is for an analogy of expressions. Here it reads, "an unclean cattle," and further on [Ibid. vii. 22] the very same expression, which speaks particularly about the defilement of the holy offerings; hence, as here it speaks of the holy offerings, so does the former expression, too. But this concerns the holy offerings only; whence do we know that the same is the case with the sanctuary itself?

From [ibid. xii. 4]: "Anything hallow shall she not touch, and into the sanctuary," etc.; we see, then, that the sanctuary is compared to its holiness.

The sages of Nahardea said in the name of Rabha: There is mentioned in relation to peace-offerings three times, defilement. And why? One for a general, one for a particular, and one for the expression defilement with regard to a rich or poor offering, but it does not explain the kind of a defilement; and not knowing what it means, we assumed it to mean the defilement of holiness; but now as Rabbi above inferred this from another place, we apply this defilement to the sanctuary itself.

"*Originally cognisant . . . became aware anew.*" The rabbis taught [Lev. xvi. 16]: "Shall make an atonement for the holy place because of the uncleanness," etc. In this case there can be three kinds of defilement: by idolatry, licentiousness, and bloodshed, for we find, in regard to idolatry [ibid. xx. 3]: "In order to defile my sanctuary"; concerning licentiousness [ibid. xviii. 30]: "Ye shall not defile yourselves therewith"; finally, concerning bloodshed [Numb. xxxv. 34]: "Ye shall not render unclean." Lest one say that for all these three defilements the he-goat atones, therefore [Lev. xvi. 16]: "*Mitumoth*," literally, from the uncleanness of the children of Israel, but not all of

p. 10

them; and as we saw elsewhere that the Scripture has separated the defilement of the sanctuary and its holiness from all other defilements, we must say that here, also, it means the sanctuary, etc. So R. Jehudah. R. Simeon, however, maintains that this theory is inferred from the very

same place, as it reads, "he shall make an atonement for the holy place from the uncleanness (*mitumoth*)," consequently it means from the uncleanness of the holy place. But lest one say that for every defilement which happens to be in the sanctuary the he-goat atones, therefore, further on, "because in all their transgressions, in all their sins," it compares intentional transgressions to sin. As to the former, offerings do not apply, so, also, does it not to sins, which are not under the category of offerings (and which of them are under this category? That of which he was aware at the start and at the end, but forgot during the act). And whence do we know that in a case of which he was aware at the start, but not at the end, that the same he-goat makes it pending? From "in all their sin," *i.e.*, all sins which are under the category of a sin-offering.

The master said: There are three kinds of defilement, etc. Let us see how was the case; *e.g.*, idolatry, if intentional, is under capital punishment; if unintentional, then the transgressor is liable to a sin-offering. The same is the case with licentiousness: for intentional, capital punishment, and unintentional, a sin-offering; and the same with bloodshed: intentional, by capital punishment; unintentional is punished with exile. It may be said that in the first two it means that it was done intentionally but without warning; and concerning bloodshed, if committed unintentionally by such a person who cannot be exiled, *e.g.*, a high-priest of whom it is said in tract Sanhedrin that he cannot be exiled.

The master said: The he-goat makes it pending. How is this to be understood? If it does not atone, what is the use of making it pending? Said R. Zera: It means, *i.e.*, if the transgressor dies then it may be considered that if he dies before he becomes aware of it, this sin is not reckoned to him any more. Said Rabha to him: In case he dies, the death itself completes the atonement; it is the he-goat that saves him from chastisement before he becomes aware by making it pending.

"*If he had no antecedent knowledge . . . by the he-goat sacrifice exteriorly,*" etc. Let us see; both he-goats are considered equal. Why, then, should the inner he-goat not atone also for

p. 11

the things the exterior one atones for? And the difference would be that if the exterior happened not to be sacrificed at all, the interior would do also his atoning? It reads [Exod. xxx. 10]: "Upon its horns once," *i.e.*, it atones only one atonement, but not two. Why should not the exterior atone for itself and for the interior also, and the difference would be that a defilement happened during the time between the sacrifice of the interior and that of the exterior? The verse says "once in a year," *i.e.*, once, and not twice in a year. But according to R. Ismael, who said that to such a case offerings apply, what then does the exterior he-goat atone for? For such a case in which there was no knowledge at either start or the end, but does not for such atone the festival and the new-moon goats? He holds with R. Mair, who said that the atonement of all the goats are equivalent, as they atone for defilements in the sanctuary and its holiness, and the equality of the interior and exterior goats lies that both do not atone for other transgressions outside of the sanctuary with its holiness.

"*So R. Jehudah.*" Said Jehudah in the name of Samuel: The reason why R. Jehudah of the Mishna so maintains is [Numb. xxviii. 15]: "And one he-goat for a sin-offering unto the Lord,--*i.e.*, for such a sin of which none is aware but the Lord, this he-goat atones.

The schoolmen propounded a question: Does R. Jehudah speak only of such a case which could

never be known, but not such which must come to knowledge at the end (*e.g.*, if there were witnesses who saw him entering the sanctuary while he was defiled, of which they are bound to inform him thereafter) and which is atoned by the exterior he-goat on the day of atonement; or even of such a case which so long as it is not known to him at the present time, is considered that nobody knows of it but the Lord? Come and hear the following: For such a case in which there was no knowledge at the start and the end, and also for such a transgression that finally the transgressor must be informed of, the festival and new-moon he-goats atone; such is the decree of R. Jehudah.

"*But not of the new-moon.*" Said R. Elazar in the name of R. Oshia: The reason of R. Simeon's theory is thus [Lev. x. 17]: "And he had given it to you to bear the iniquity," etc., which applies to the new-moon he-goat, and by an analogy of the expression "iniquity," which is also found concerning the golden plate on the forehead of the high-priest [Exod. xxviii. 38],

p. 12

it may be said that as the latter atones only for bodily defilement, so also the he-goat in question does. And lest one say that as the golden plate of the high-priest atones only for such things which come on the altar, so also should the he-goat in question; it reads here, "the iniquity of the congregation," [1](#) but not of the things of the altar.

"*R. Meier says: All goat-sacrifices are equivalent,*" etc. Said R. Hama b. R. Hanina: The reason of R. Meier's theory is that in some places it is written "the he-goat," and in others "and the he-goat" (the letter *vahve*, prefixed to he-goat, means and), and this intends to signify all the he-goats with regard to their atoning power. But this is correct only where the *vahve* is written, but how is it concerning the day of Pentecost and the day of atonement where the word he-goat is not written with a *vahve*? Therefore said R. Jonah, it reads [Numb. xxix. 39]: "These shall ye prepare unto the Lord on your appointed festivals, "whence all the festivals on which a he-goat is sacrificed are equal to one another. But is not there the he-goat on new-moon, which is not a festival? In reality the new-moon is also called festival, as Aabayi said elsewhere: The month of Thamuz in the year when the temple was destroyed, was a full month of thirty days, as it reads [Lament. i. 15]: "He hath called an assembly (*moëd*)," which *moëd* means literally festival (and the thirtieth day of the month is new-moon). [2](#)

R. Johanan said: R. Mair admits that the interior he-goat does not atone for what all other he-goats do, nor do the latter atone for what it does; it does not atone for what the others do, because it is written "once," which signifies that it atones but for one sin and not for two; on the other hand, they do not atone for what it does, as it reads "once a year," which signifies that such an atonement takes place only once a year. There is a Boraita in support to this: For the case where there was no knowledge at either start or end, and for that where there was none at the start but at the end, also for that where a clean one has consumed defiled food, the he-goats of the festivals, of the new-moons, and the exterior he-goat of the day of atonement atone; so R. Meier. We see here that he left out the interior he-goat and also what it atones for.

p. 13

"*R. Simeon used to say: He-goats of the new-moons,*" etc. It is correct that the new-moon's he-goat does not atone for what the festival's do, as it reads "a sin," which means one sin, but not

two, but why should not that of the festivals atone for what the new-moon's does? Because of the expression "its," which signifies its iniquity but not that of another. Furthermore, the festival's (goats) do not atone for what that of the day of atonement does, because it reads "once a year," which means such be only once; nor does that of the day of atonement atone for what the festivals' do, because it is written "once," which means it atones once but not twice; and although this is written but concerning the interior he-goat, yet there is another place where it is called the sin-offering of the day of atonement in which the interior is included; and it has been already said above that in this respect the exterior is equalled to the interior. And R. Simeon b. Jehudah, who said that the he-goat of the festivals does atone for what the new-moon's atones, does not hold the extension "it" mentioned above.

Ula said in the name of R. Johanan: Daily offerings which were not necessary for the congregation any more, may be redeemed, although they have no blemish; Rabba sat down and repeated this Halakha. Said R. 'Hisda to him: Who will listen to you and to R. Johanan your master, for, whereto vanished their sanctity? And his answer was: Where, indeed, do you think it went to? Is not there a Mishna (Shekalim, 4, e): The sanctification of the incense on hand was then transferred to money, etc., and there was no question raised as to where the sanctity went to? Whereupon R. 'Hisda rejoined: Incense is incomparable, as it was not sanctified in a holy vessel, but by the money paid. (See Appendix.)

"*For intentional defiling,*" etc. Whence is this deduced? From what the rabbis taught [Lev. xvi. 16]: "And he shall make an atonement for the holy place, because of the uncleanness of the children of Israel, and because of their transgressions in all their sins." Transgressions (*P'shaim*) imply intention, as [II Kings, iii. 7]: "King of Moab hath rebelled (*Pasha*) against me," and [ibid. Viii. 22]: "Then did Libnah revolt"; on the other hand, sin implies unintention, as [Lev. iv. 7]: "If any person do sin (*Techtah*) through ignorance."

"*For other transgressions, etc. . . . lenient and rigorous.*" Let us see; does not lenient mean positive and negative commandments, while rigorous, such to which *korath* and capital

p. 14

punishment apply? And again, "known" means intentional, unknown, erroneous; why then the repetition? Said R. Jehudah: It intends to say that for all other transgressions found in the Torah, be they lenient or rigorous, be they committed intentionally or unintentionally and in latter case with knowledge or ignorance thereof, atonement is effected by the he-goat. And lenient are the positive and negative commandments, and the rigorous are those to which Korath and capital punishment apply. But again, how can there be a transgression of a positive commandment? If the transgressor has not repented [Prov. xxi. 27]: "The sacrifice of the wicked is an abomination"; and if he has, why the specific on the day of atonement, when any day is good, as the Boraitha teaches: When one transgresses a positive commandment and repents it, he is atoned for before yet leaving the place. Hereupon said R. Zera: It speaks of no repentance, and our Mishna is in accordance with Rabbi, who holds that the day of atonement atones for each of the transgressions found in the Torah, regardless of antecedent repentance; except him who shakes off the yoke, explains the Torah not according to its real meaning and destroys the covenant in his flesh; as for him, the day of atonement atones, provided he first repented, otherwise it does not. Rabbi bases this, his opinion, on [Numb. xv. 31]: "Because the word of the Lord hath he despised," which means, he who has shaken off the yoke of, and misinterpreted, the Torah, "and His commandments hath he broken," which means, he who has



destroyed the covenant in his flesh [ibid. 30]: "Hicoreth Ticoreth," meaning literally "cut off, shall be cut off," *i.e.*, cut off before, shall be cut off after, the day of atonement; but lest one say the same is the case with him who has repented, it reads "the iniquity is therein," whence it is to infer that only in case the iniquity is upon him (but not after the repentance when the iniquity is gone). The rabbis, however, explain this verse thus: "Cut off" in this world and "shall be cut off" in the world to come; and as to the iniquity, it means if he die upon repenting, the death completes the atonement.

But how can this Mishna be in accordance with Rabbi, when the second part, "There is no difference between the Israelite, priest and anointed high-priest," is only the view of R. Jehudah; hence, the first part should, too, rather be in accordance with the latter? Said R. Joseph: The whole Mishna is the opinion of Rabbi who agrees with R. Jehudah concerning the

p. 15

latter part only. Said Abayi to him: Does the master mean to say that Rabbi agrees with R. Jehudah, while R. Jehudah does not agree with Rabbi, or he does agree, and that you say the former is only because it is customary that the disciple agrees with his master? And he answered: I am very specific in this expression; Rabbi upholds R. Jehudah, while R. Jehudah does not agree with him with regard to the first part of the Boraitha; as we have learned in the following Boraitha: Lest one say that the day of atonement atones for both repenters and non-repenters, there is an analogy in the following. A sin and trespass offerings atone as well as the day of atonement, and as the former atones for but them who repent, so does also the day of atonement; but lest one say there is a considerable difference between them, as the said offerings atone only for sinning by error, while the day of atonement atones even for an intentional act, whence it might atone also for non-repenters, therefore it reads [Lev. xxiii. 27]: "But . . . it," which excludes non-repenters. Now, this Boraitha is found in Siphrah, and according to tradition all the anonymous Boraithas of Siphrah are in accordance with R. Jehudah. [1](#)

"No difference between an Israelite," etc. Does not the Mishna contradict itself by saying here there is no difference, etc., and immediately hereafter asking what is the difference between, etc.? Said R. Jehudah: It is to be explained thus, all the above-mentioned persons are atoned for by the exported he-goats for all other transgressions without any difference; a difference between person and person arises, however, with regard to the bullock that atones only for the priests in the case of defilement of the temple and its holiness; and this is only in accordance with R. Jehudah of the following Boraitha; it reads [Lev. xvi. 31]: "And he shall make an atonement for the *sanctum sanctissimum*" means the innermost holy chamber; "and for the tabernacle of the congregation" means the whole temple; "and for the altar," literally; "shall he make an atonement" means the courtyards of the temple; "and also for the priests," literally; "and for all the people of the congregation", means Israelite; "shall he make the atonement" means the Levites; hence, they all are equally atoned for by the exported he-goat for all transgressions but that of defilement. Such is the

p. 16

dictum of R. Jehudah; R. Simeon, however, maintains that as the blood of the interior he-goat atones for the defilement of the temple by the Israelites, so does the blood of the bullock atone for the defilement of the temple by the priests; likewise, as the confession of sins over the exported he-goat atones for all other transgressions by Israelites, so does the confession over the

bullock atone for the priests in all other transgressions. And as to the above deduction that all are equally atoned for, it means that they are equal, in as much as the category of atonement is concerned.

Who is the Tana of the following Boraitha? It reads [ibid. xvi. 15]: "He shall kill the goat of the sin-offering of the people," which means that which does not atone for the priests; but what does atone for them? Aaron's own bullock, because it is assigned to atone for his house also. And lest one say that they should not be atoned for even thereby, as the phrase "of him" is used concerning Aaron's bullock, then the priests who must be atoned for would remain without all atonement, we say it is better they should be atoned for by Aaron's bullock, which, atoning for all the house of Aaron, is *eo facto* no longer "of him" individually, than to be atoned for by the interior he-goat, which does not include any other thing. As to the possible objection that "his house" is meant to exclude other priests, there is a verse [Ps. cxxxv. 19, 20]: "O house of Aaron, bless the Lord; O house of Levi. . . ye that fear the Lord, bless the Lord," and this includes all the priesthood. There is a Boraitha relating that the disciples of R. Ismael taught: Such is the custom of the divine attribute of justice that the righteous atone for the wicked and not that the wicked atone for another wicked.

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## Footnotes

[8:1](#) The text repeats here what is already translated in tract Sabbath about carrying on Sabbath which is two divided into four, and also about leprosy, therefore we omit it.

[9:1](#) [Leeser's](#) translation does not correspond.

[12:1](#) The text discusses again, why should not the golden plate atone also for that which the he-goat does, and *vice versa*? and as it is almost the same which was said above, we omit it.

[12:2](#) See Taanith, p. 86.

[15:1](#) There is a contradiction in the Boraithas of Siphrah, which will be treated of in Tract Krithoth.

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[Next: Chapter II](#)