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CHAPTER II.

RULES AND REGULATIONS CONCERNING THE COGNITION OF DEFILEMENT; ITS TWO KINDS, SUBDIVIDED INTO FOUR, AND THEIR ILLUSTRATIONS.--THE CEREMONIAL ACCOMPANYING THE CONSECRATION OF THE EXTENSIONS BUILT IN THE COURT-YARD OF THE TEMPLE, AND IN JERUSALEM IN GENERAL.--ILLUSTRATIONS OF POSITIVE COMMANDMENTS THAT DO OR DO NOT ENTAIL LIABILITY.

MISHNA I.: The cognition of uncleanness is of two kinds subdivided into four--viz.: when one after having become unclean perceives it and then forgets all about it, knowing, however, that what he eats is holy; or when he was ignorant of the fact that the food is holy, being, however, aware of his uncleanness; or, finally, when both facts having escaped his memory he ate from the holy food without being cognizant thereof, but learning it after he had eaten, he is to bring a rich or poor offering. If he became unclean and knew it, forgot it afterward, but was fully conscious that he was in the sanctuary or he forgot that it was the sanctuary but knew his uncleanness; or, both facts having escaped his cognition, he enters the sanctuary without knowing it to be such and learns this fact only after he has gone out, he is to bring a foregoing offering.

It is immaterial whether the unclean one enters the courtyard (of the temple) or its extension, since extensions are added to both city and courtyard (of the temple) only in the presence of a king, prophet, *Urim* and *Tumim*, and of the grand Sanhedrim consisting of seventy-one, two thanks-offerings and the chorus; the whole court of justice steps forth, followed by the two thanks-offerings and then all Israel; the inner bread is consumed, the outer one is burnt. But whatever has not been constructed in this manner, does not entail guilt upon him who being unclean enters it.

If one having become unclean in the courtyard of the temple forgot it, remembering, however, that he is in the holy temple; or forgot that he is in the temple but was aware of his uncleanness; or, both facts having escaped his cognition, he made a

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bow or was lingering there for an interval taken up by the making of a bow, or went out by the longer way, he is guilty; but if by the short way, he is not guilty. This is a positive command concerning the holy temple, for disobeying of which one is not guilty.

And which is the positive command concerning menstruation that entails guilt? If one being in relation with a clean woman is told by her: I have just become unclean, and thereupon immediately interrupts his relation with her, he is guilty, for separation from her affords him as much pleasure as his coming to her. R. Eliezar says: One is guilty for forgetting the cause of his uncleanness to have been a reptile, but is not guilty for forgetting (that he is in) the holy temple.

R. Aquiba says (it reads): If he has become ignorant of being unclean, whence it follows that he is guilty of obliviousness as regards uncleanness but not as regards the holy temple. R. Ismael says: The phrase "it will escape his memory" is repeated twice to declare one guilty in both cases: for forgetting his uncleanness as well as for forgetting the sanctuary.

GEMARA: Said R. Papa to Abayi: It states "two divided into four," whereas it ought to be "into six"--viz.: the cognition of defilement of the holy food, and of the sanctuary, in each case antecedent and subsequent. Answered Abayi: According to your theory there ought to be eight subdivisions, as cognition of defilement may be accompanied with ignorance of holy food and of the sanctuary. Rejoined R. Papa: In reality there are eight; the Mishna, however, does not count the first four, which are not at all found in the Scripture (*i.e.*, the Scripture finds one liable, *e.g.*, for eating illegal fat irrespective of his antecedent cognition or ignorance of its being illegal; he must then bring a sin-offering after becoming aware of the fact, hence, of the preceding cognition there is no mention in the Scripture).

"*It is immaterial . . . enters the courtyard,*" etc. Whence is this ceremony attending the extension of courtyards deduced? Said R. Shimi b. Hyye, from [Exod. xxv. 9]: "In accordance with all that I show thee, the pattern of the tabernacle, and the pattern of all the instruments thereof, even so shall ye make it," which last phrase means for the future generations (otherwise this phrase would be superfluous). [1](#)

"*When two thanks-offerings,*" etc. There is a Boraitha that

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the two thanks-offerings mean their bread and not flesh. Whence is this deduced? Said R. 'Hisda, from [Neh. xii. 31]: "And I have prepared two large thanks-offerings." Now, what signifies the attribute "large"? Shall we assume that it means literally, then it should read bullocks! Or should it indicate merely that of their kind they were the large ones; now, does it make a difference before heaven? Does not a Boraitha state: Concerning a cattle burnt-offering it reads [Lev. i. 13]: "Sweet savor unto the Lord"; the same expression concerns a fowl burnt-offering [ibid., ibid. 17]; likewise concerning a meal offering the same term is used [ibid. ii. 2], which is intended to teach that before heaven all offerings, liberal as well as poor, are equal, provided they are offered to gratify the heavenly Father? It remains, therefore, to assume that the attribute, large, means simply the greater part of the thanks-offerings, *i.e.*, the leaven bread, as there is a Mishna teaching that the thanks-offering was five Jerusalem saahs large, which are equal to six country saahs, making two eiphahs each of three saahs, altogether twenty eiphahs, ten of which were leaven and the other ten of matzah. The matzah, however, consisted of three kinds: cakes, wafers, and of what was sodden (hence, the leaven cakes were threefold those of the matzah).

Rami b. 'Hama said: The courtyard was sanctified with the remains of a meal-offering only, in order to make it equal to the City of Jerusalem itself--viz.: as the rule about the things, eatable within the city renders them invalid if carried outside the city, so also with things eatable within the courtyard, they become invalid out side of this yard (and a meal-offering was to be eaten only within the courtyard). Now, lest one say that as the city is to be sanctified with the leaven cakes of the thanks-offering, so also the remains of the meal offering sanctifying the courtyard be of leaven, the answer would be that there can be no meal offering of leaven, since it reads [Lev. vi. 10]: "It shall not be baked leaven, as their portion," etc., which Resh Lakish interprets

to mean that not even a portion thereof be baked leaven; hence, the above supposition is impossible. But again, why not sanctify with the two breads of Pentecost which are leaven? Nay; this cannot be admitted either; because how can this be carried out? Supposing the courtyard to be built before Pentecost, then the breads becoming holy only upon the slaughtering of the two lambs, are not yet capable of sanctifying; furthermore, the sanctification must take place on the day of

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completing the building, hence, the sanctification on the holiday is out of question; nor can it be supposed that the temple be finished on the holiday, since there is a rule that the temple must not violate holidays; finally, to leave the two breads for the morrow of the holiday is not feasible, for they would become invalid in being left over night. But why not leave the finishing until sunset, when the lambs are slaughtered and the breads become holy, so that the sanctification could be carried out? There is a tradition that building the temple must not take place in the night time; as Abayi said: We know that the building of the temple must not be completed in the night, from [Numb. ix. 15]: "And on *the day* that tabernacle," etc., hence *on the day* but not on the night.

"*By the chorus*," etc. The rabbis taught: The orchestra of the thanks-offering consisted of violins, fifes, trumpets on every corner as well as on every elevated stone in Jerusalem and used to play [Psalm xxx. 2]: "I will extol thee, O Lord, for thou hast lifted me," etc., and also [ibid., 91]. Some call this latter song *Negaim* (plagues) because of verse [ibid., 10] in which it reads, "Nor shall any plague," etc; others call it *Pegaim*, because of verse [ibid., 7]: "There shall fall at thy side a thousand." They used to sing this song from verse 1 to 10 inclusive, and also the whole of Chap. III. of Psalms.

R. Jehoshua b. Levi used to say all the verses mentioned above before going to bed. But this seems hardly credible, as he himself said somewhere that none should cure one's self with the verses of the Torah. The answer is that protecting and curing are two different things, and he prohibited to say such verses over a wound. [1](#)

"*Followed by the two thanks-offerings*," etc. Shall we assume that the thanks-offerings follow the court, when we read [Ne'hem. xii. 31, 32]: "Two thanks-offerings . . . after them walked Hosha'yah," etc.? Nay; it means thus: They were all walking, the court being behind the offerings. In what order were the two offerings carried? R. 'Hyye and R. Simeon b. Rabbi differ concerning this: according to one they were one opposite the other, while according to the other they were placed one behind the other. According to the former opinion the one offering that was to be sacrificed on the inner altar was brought near the wall, while according to the latter opinion the one that

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was near to the people of the court was sacrificed. R. Johanan, however, said: It was left to the prophet to decide which of the offerings was to be burnt and which to be eaten.

"*But whatever has not been constructed*," etc. It was taught: R. Huna says: All the details were essential in the construction, while R. Na'hman said: Whatever was not constructed with one of

them, etc. R. Huna bases his theory on the fact that the first sanctification sanctified for the future, too, while Ezra's sanctification was but a kind of memorial. On the other hand R. Na'hman holds that the first sanctification was confined only to the present and Ezra sanctified for his time although there were no Urim and Tumim. Rabba objected to R. Na'hman from our Mishna which plainly states, "in this manner," *i.e.*, with all the details specified there; whereupon he answered: Read there "whatever was not constructed with one of them."

Come and hear another objection: Aba Saul said, there were two Bitzin on the olive mountain, an upper and a lower one; the lower one was sanctified strictly in the manner prescribed by the Mishna, while the upper one was sanctified only by the ascendants from the exile, in the absence of both king and Urim and Tumim. The lower one, whose sanctification was complete, common people used to enter and consume there their lenient holy food, but not second tithe; scholars, however, used to consume there both. In the upper one of the incomplete sanctification the common people used to consume the lenient holiness, while the scholars did not partake there of anything. But why did not they sanctify it completely? Because the complete sanctification needs a king, etc., as prescribed by the Mishna, and such were not at that time. But why, then, was it at all considered a part of Jerusalem? Because being a suburb of Jerusalem it was easily accessible (hence, it is obvious that sanctification cannot be complete unless performed in the manner prescribed by the Mishna)? Concerning this matter the Tanaim of the following Boraitha differ. Ismael b. josh said: To what purpose did the rabbis enumerate all the cities surrounded by walls from the time of Jehoshua, b. Nun? Because the ascendants of the exile being placed in these cities, sanctified them; the first sanctification, however, was abolished when the land ceased to be that of Israel. R. Ismael thus holds that the first sanctification was good only for the present, but not for the future, and this would meet with a contradiction in the following. R. Ismael b. Josh said: Were, then, only these cities?

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[paragraph continues] Is it not written [Deut. vi. 4, 5]: "Sixty cities . . . all these were fortified cities," why, then, had the sages enumerated them? Because the ascendants of the exile were placed in them; and not only to these cities, but also to all cities which were, according to tradition, surrounded with walls at the time of Jehoshua, apply all the commandments imposed upon such cities; for the first sanctification has sanctified them for the future also; whence it is evident that R. Ismael contradicts himself. The answer is that one of these Boraithas was said not by R. Ismael, but by R. Elazar b. josh, as the following Boraitha states, it reads [Levit. xxv. 30]: "Lo choma," meaning literally no wall; but according to the traditional reading it is Lo-choma, meaning "it has a wall," *i.e.*, though it has no wall now but was walled at the time Israel entered Palestine.

"*In the courtyard and forgot it,*" etc. Whence is this deduced? Said R. Elazar [Numb. xix. 20]: "Because the sanctuary of the Lord hath he defiled," and [ibid., 13]: "Hath defiled the tabernacle of the Lord"; now, as there is so necessity of two verses for the inner defilement, one should be applied to the outer one. But are, indeed, the two verses superfluous? Are they not both needed for what we have learned in the following Boraitha in the name of R. Elazar: Why have two verses to mention both sanctuary and tabernacle, was not one sufficient? The answer is: If only tabernacle were mentioned, it could be accounted for by the fact of its being anointed with the holy oil, which was not the case with the temple, and therefore no liability is attached to defilement of latter, on the other hand, if only the holy temple were mentioned, the reason would be that it was sanctified once forever, which was not the case with the tabernacle; hence, the

necessity of both the verses? R. Elazar found difficulty to see the reason for using two names, sanctuary and tabernacle, since elsewhere these two names are used synonymously; he, therefore, infers therefrom his two foregoing conclusions. His statement, however, that the temple is called tabernacle is correct, from [Lev. xxv. 11]: "And will set my tabernacle (*mishkoni*) among you"; but where is it found that tabernacle is called temple? In [Exod. xxv. 8]: "And they shall make me a sanctuary and I will dwell in it" and verse 9 says: "I show thee the pattern of the tabernacle."

"*He made a bow or was lingering,*" etc. From this it may be said that the bowing must also take a certain time. Said Rabha: This is so only when, while bowing, he turned his face

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to the outside, but not if to the inside of the temple; and the Mishna is to be interpreted thus: if he made the bow toward the inside or turned his face toward the outside for a certain interval; and here is an illustration: Suppose he kneels only, then no time is needed; but if he bows, *i.e.*, falls down and stretches his hands and feet, then a certain time must be taken up. And how long is this time interval? R. Itz'hak b. Na'hmeni, with whom was Simeon b. Pazi, according to others *vice versa*, or Simeon b. Na'hmeni, one says, it is so long as would take to say this verse [II Chron. vii. 3]: "And all the children of Israel were looking on as the fire came down, and the glory of the Lord was resting upon the house; and they kneeled down with their faces to the ground upon the pavement, and prostrated themselves, and gave thanks unto the Lord for he is good; because unto everlasting endureth his kindness"; while the other says: Only from "they kneeled" until the end of the verse. The rabbis taught: *Kidah* is bowing to the ground face to the earth, as [I Kings, i. 31]: "Then did Bath-sheba bow," etc.; kneeling is to stand upon the knees, as [ibid. viii. 54]: "From kneeling on his knees"; finally, bowing is prostrating one's self, as [Gen. xxxvii. 10]: "To bow down ourselves to thee to the earth."

"*If by the short way he is not guilty.*" Rabha said: On the short way even if he kept on going the whole day the toe of one foot touching the heel of the other, he is free. He, however, propounded a question: If his walk was interrupted every time, must these intervals be added and counted or not? Now, why does not Rabha decide his question by his own doctrine from above? Because above he treats of the case done without interruption. Abayi asked Rabba: If he walked through the long way so quickly, as it takes no longer than by the short way, what then? Is the time essential and then he is free, or is the way essential and then he is liable? He answered: The long way cannot be made shorter by contracting the time of walking it.

R. Oshia said: I would like to say something, but am afraid of my colleagues; if one enters a leprous house backwards, although all his body was already in the house except his nose, he remains clean, as [Lev. xiv. 46]: "And he who goeth into the house," etc., means going in in the ordinary way, but not backwards; now, the reason of my hesitating is that my colleagues may, on the basis of the latter quotation, say that even when all his body, nose, too, is already in the house he is clean.

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[paragraph continues] Said Rabba: If the whole body was in, he should not be worse than vessels in such a house, of which it reads [ibid. 36]: "That all shall not be made unclean." There is a Boraitha supporting R. Oshia: On the roofs of the temple no holy of holy food must be

consumed, no lenient holies must be slaughtered there, and he who, while unclean, enters the temple by these roofs is not culpable, as [ibid. xii. 4]: "And into the sanctuary shall she not come" means the coming in in the ordinary way.

"*This is a positive command concerning, the holy temple,*" etc. What is the standpoint of the Tana from which he says "this is"? He refers to a statement in the Mishna in Horioth (Mishna, I.): There is no liability attached to a positive and negative commandment, etc., regarding which our Tana says. This is the positive commandment to which liability is not attached; but where, then, is a positive command entailing liability? It is "the having of intercourse with a woman" mentioned in the Mishna.

It was taught: Abayi said in the name of R. Hyya b. Rabh, in this last case the transgressor is liable to twice stripes: one for the intercourse, and one for the separation. So also said Rabha in the name of Samuel b. Shila, quoting R. Huna. Rabba, however, deliberating on this point, said: Let us see how was the case; if it treats of a scholar who had relation with his wife at the time she usually gets her menses, then he is justly culpable for the intercourse as for an unintentional offence, as he thought he will finish before, and for the separation, which act is with him as a scholar an intentional one, he is not liable to stripes (as such an act entails Korath); on the other hand, if it treats of an ignorant, why should he be liable twice? Is this not a case analogous to that where one consumed twice illegal fat the size of an olive in one forgetfulness, when he is culpable only once? And should you say that the transgressor acted so not at the usual time of menstruation, then, if he be a scholar he is not liable at all, since the intercourse was had innocently, while as regards separation it is here, too, an intentional act; if, however, he be an ignorant, he is culpable only once, *i.e.*, for the separation! Said Rabha: It treats of a time near to the menstruation, and of him who is a scholar and is aware that one must not have intercourse at such a time, but not that separation is prohibited (he is culpable twice: for the intercourse, because though aware that he must not have, he may none the less have thought that he will finish it before the menses ensue;

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and for the separation, the prohibition of which was unknown to him). Rabha said further: Both the acts we find treated of in Mishnaioth; concerning separation in our Mishna, and concerning the intercourse in Tract Nidah, as follows; If blood be found on his shirt the two are unclean and liable to a sin-offering.

The master says: Immediate separation entails culpability. How then should he behave? Said R. Huna in the name of Rabh: He should support himself on the tips of his fingers until *phallus moretur* and then separate himself.

It was taught: R. Jonathan b. Lequnia asked his brother, R. Simeon, where is the warning against having intercourse with a menstruant woman? In answer he took some dry mud and threw it upon him, saying: Is it not plainly stated in [Lev. xviii. 19]? Whereupon he rejoined: I mean to ask where is the warning against separating one's self from her who gets her menses in the time of intercourse? Said 'Hiskia, from [ibid. xv. 24]: "And if any man should lie with her, and the uncleanness of her separation come upon him," etc., which means even when he separates from her when the menses ensue during the intercourse. But again, here we find only the positive command: "He shall be unclean seven days" [ibid.]; when, then, is the negative command against separating one's self? Said R. Papa: The above-cited verse [ibid. xviii. 19]: "Shalt thou

not approach (*Tikrab*)" means also thou shalt not separate thyself, as [Isa. lxxv. 5] uses the word *K'rab'* to mean separating, so does there *tikrab'* mean separate.

The rabbis taught [Lev. v. 31]: "And ye shall separate the children of Israel from their uncleanness," whence you derive the warning that the children of Israel should separate themselves from their wives near the period of menstruation; so R. Jashia. And for how long? Said Rabha: For twelve hours. R. Johanan said in the name of R. Simeon b. Jo'hai: He who does not separate from his wife at the said period, his children even if equal to the sons of Aaron, will die; as after the above-cited verse and verse 33 follows the mention of the death of Aaron's children. R. 'Hyya b. Aha said in the name of R. Johanan: He who does separate himself for that period will be rewarded with male children, as [ibid. xi. 47]: "To distinguish between the clean and unclean," is followed by [ibid. xii. 2]: "If a woman . . . and born a male child." R. Jehoshua b. Levi added: He will be rewarded with sons who will be fit to

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decide law questions, as it reads [ibid. x. 10, 11]: "So that ye maybe able to distinguish. . . . to teach." R. Benjamin b. Japheth said in the name of R. Elazar: He who sanctifies himself during the intercourse will be rewarded with male children, as [ibid. xi. 44]: "Ye shall sanctify yourselves," etc., which chapter is followed by verse [ibid. xii. 2].

"*A reptile*," etc. What is the point of their difference? Said 'Hiskia: A reptile and a carcass; according to R. Eliezer he must exactly know the cause of his defilement, whether reptile or carcass, while R. Aqiba maintains that the knowledge, and not the exact cause, of his defilement is necessary. And so also was this point explained by Ula.

The rabbis taught: "If there were two paths one of which was unclean (but it was not certain which one), and one passed through one of them entering, however, the temple after passing through the other path, too, he is liable; if, however, after passing the first path he entered the temple by forgetting and on becoming aware thereof he performed the sprinkling and took a legal bath, and then passed the other path and again entered the sanctuary by forgetting, he is liable. R. Simeon, however, declares him free. On the other hand, R. Simeon b. Jehudah holds him, in the name of R. Simeon, free even in the first case." How is this last decision to be understood? In the first case where he passes the *two* paths there is no doubt that he passed an unclean one, how, then, can he be free? Said Rabha: The decision concerns a case where he, having passed both paths, forgets, enters the temple, and thereafter recollects his passing through but one of the paths; and the point of difference here is that the first Tana quotes R. Simeon as holding that partial cognition is considered as the whole, which R. b. Jehudah in his name denies. But why does the Boraitha hold liable him who has performed sprinkling, etc.? Is not here the cognition concerning a *doubtful* case and hence he should not be liable? Said R. Johanan: Here the Tana regards the doubtful cognition as a certain one. Resh Lakish, however, said: This Boraitha is in accordance with R. Ismael, who holds that antecedent cognition is not requisite. [1](#)

Footnotes

[18:1](#) Rabha's objection thereto is already translated in Sanhedrim.

[20:1](#) See Sanhedrim.

[26:1](#) The further discussion will appear in Tract Kerithoth.

[Next: Chapter III](#)