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CHAPTER II.

MISHNA I.: If an anointed priest has erroneously rendered an unlawful decision against himself and acted accordingly by mistake, he must sacrifice a bullock. But if the decision was conceived in error and the act performed intentionally or *vice versa*, he is free; for the decision of an anointed priest with regard to himself is equivalent to a decision of the court for the people.

GEMARA: "*Erroneously . . . acted accordingly by mistake*," Is this not self-evident? Said Ahaye: It speaks of a case where he forgot the reason of his decision, and when he acted he said that he acts in accordance with the decision, lest one say that in such a case it is considered an intentional act, since if he remembered the reason of the decision he would not act, it comes to teach that it is not so.

"*But if the decision . . . in error and the act performed intentionally*," etc. Whence is this deduced? From what the rabbis taught: it reads [Lev. iv., 3] "to bring guiltiness on the people," which seems superfluous in this connection, but comes to teach that he [the priest] is equal to the congregation; a fact that could be inferred without a special verse, *i.e.* the congregation is exempt from the laws governing the individual, and so is the anointed priest; hence, as the congregation is liable but for forgetting and for acting erroneously, the same should be with the anointed priest; or, on the other hand, a prince is exempt from the laws of an individual, and so is an anointed priest: as the former is liable for erroneous acting without forgetting, the same should be with the latter; it thus remains to see to whom is he [the priest] equal as regards his offering: the congregation brings a bullock, but not a pending trespass offering, and the same does the anointed priest bring; hence, as the congregation is liable but for forgetting and erroneous acting, so also is the anointed priest. But why not say: As in case one acts in accordance with the congregation's decree, he is liable, the same should be if one acts according to the decision of the anointed priest? It reads [ibid.]: "For *his* sin, and not for the sin of another." And whence is it deduced that the anointed priest does not bring a pending

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trespass offering? From [ibid. v., 18] "concerning his sin of ignorance," which signifies: only for him whose sin and erroneous act are considered equal (*i.e.* where both decision and acting were performed in error), exclude the anointed priest, who is liable but for forgetting and for erroneous acting.

MISHNA II.: If he (the said priest) both decided and acted for himself, he brings his atoning sacrifice separately. If, however, he both decided and acted jointly with the congregation, he brings with latter a joint atoning sacrifice. Like the court, that is liable only when it effects a decision partly annulling partly confirming the law, so also the anointed priest, and even if the law in question be one regarding idol worship.

GEMARA: Whence is this deduced? from what the rabbis taught: if he has both decided and acted together with the congregation, lest one say he is to bring a bullock separately, we infer from the case of a prince: as a prince is exempt from the laws governing an individual and so is the anointed priest, too, the same is the case here, viz.: as the prince is to bring a separate offering when he sins separately, but when he sins with the congregation he is atoned for by its offering, the same is the case with the anointed priest; on the other hand, a prince is atoned for together with the congregation on the day of atonement, which is not the case with the anointed priest, and as he (priest) needs a separate offering on the day of atonement, the same should be the case if he has sinned together with the congregation;--against this the afore-cited verse [Lev. iv. 3], which signifies that if he sins separately, he brings a separate offering, and if he sins with the congregation he need not bring a separate offering.

But let us see the nature of the case: if he was the presiding justice, then only *his* decision must be taken into consideration, as the opinion of the rest counts for nothing, and it is obvious that the atonements must be separate; and if he was not presiding, why should he be atoned for separately when his opinion in this case does not count? Said R. Papa: it means that he was equal to the others.

Abaye was about to say that "he sinned separately" means: in a different place; but Rabha said to him: does the difference in place cause the separation? it may be even in one and the same place but concerning different prohibitions, and then it is considered separate sinning.

"Partly annulling," etc. Whence is this deduced? From

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what was said in the Chapter I: by forgetting *something* and not the whole, and whence is it deduced that the same is the case with the anointed priest? from what is discussed above: "To bring guiltiness on the people." Finally, whence is deduced that the same is the case concerning idolatry? From what the rabbis taught: lest one say that because concerning idolatry there is a special verse, it should hence be treated differently,--there is an analogy of expression: "From the eyes," found in both cases (idolatry and other sins) to teach that they are equal in all respects.

MISHNA III.: The conditions determining the liability of both the courts and the anointed priest are: Their ignorance of the thing during the rendering of the decision, and the subsequent erroneous acting. The same conditions hold in decisions regarding idol worship.

GEMARA: Whence is this deduced? From what the rabbis taught: it reads [Lev. iv. 13] "Through ignorance, and a thing be hidden," whence we see that both ignorance and forgetting are necessary. The deduction of the case of the anointed priest is again as above. As to idolatry, lest one say: it was separately taught, hence it requires different treatment, comes the analogy of expression to teach as above. Thus we see that it does not teach concerning the anointed priest regarding idolatry; whence it may be said that our Mishna is in accordance with Rabbi of the following Boraitha: If the anointed priest has sinned in a case of idolatry, according to Rabbi, he is liable for erroneous acting, and, according to the rabbis, for forgetting; all, however, agree that his offering must be a she-goat and that he is not under the category of those who bring a pending trespass offering, and Rabbi's reason is from [Num. xv. 28]: "And the priest shall make an atonement for the person that hath erred"; "for the person" means the anointed priest; "that

hath erred" means the prince; "in his sinning through ignorance" means according to Rabbi that the sinning of each of the two must be through ignorance, while according to the rabbis this part applies only to him who sins through ignorance, exclude the anointed priest who sins through forgetting; and whence do they deduce that he like any other individual must bring a she-goat? From the above-cited verse [ibid., ibid. 27]: "And if *any* person sin," *i.e.*, any one: common, priest, prince, etc.

And whence is it deduced that he does not bring a pending trespass-offering? From [ibid. v. 18] "for his ignorance," which

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can not mean the priest in question who sins by forgetting. On the other hand, according to the rabbis, it intends to exclude the anointed who sins in any case whatsoever not by erroneous acting alone, but when such is accompanied by forgetting.

MISHNA IV.: The court is not liable unless the issued decree concerns a command the intentional and unintentional violation of which entail *Korath* and sin-offering respectively; the same is the case with the anointed priest. The same refers to the case of idol worship.

GEMARA: Whence is this deduced? As stated in the following Boraitha: Rabbi said: It reads [Levi. v. 5]: "*Alehu*" [ibid. xviii. 18]: "*Olehu*," as there it is a case of *Korath* and a sin-offering, the same is the case here. And the deduction that the same applies to the anointed priest is made as above. As to a prince, it is inferred from the analogy of expression [ibid. iv. 22]: "Prohibitions" (*Mitzvoth*), found also [ibid. ibid. 13] concerning the congregation; now, as the latter treats of things the transgression of which is, if intentional under *Korath*, and if unintentional under sin-offering, the same is the case with a prince; while concerning a common individual it reads [ib. ibid. 27]: "If any person" to infer this last from the previous one.

"*The same refers to the case of idol worship.*" Whence is this deduced? From what the rabbis taught: because idolatry is mentioned specially, hence it should be treated differently, so that one be culpable even when the sin is not under the category of *Korath*, etc., therefore the analogy of expression "from his eyes," as there it is under the category of *Korath*, so also here.

But this is concerning the congregation; whence do we know this with regard to the anointed priest, prince, individual? From [ibid. ib. 27]: "*Any* person," *i.e.*, *any*: be he priest, prince, etc. But again, all this is correct according to him who holds the [analogy](#) of expression *Olehu*; but to the rabbis who do not hold so, whence is this deduced? From what R. Jehoshua b. Levi taught to his son [Num. xv. 29, 30]: "One law shall be for you, for him that acteth through ignorance. But the person that doth aught with a high hand," etc., this compares all the laws of the Torah to idolatry: as latter is under both *Korath* and sin-offering, so also all other cases of the same category. But from here you infer only an individual, a ruler, and an anointed priest; whence do we know that the same is the case with the congregation? Infer the first verse [13] from the last [27]. We thus see that according to all, the cited verses [Num. xv. 29, 30] speak of idolatry,

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how is it so understood? Said Rabha, according to others, R. Jehoshua b. Levi; according to still

others, Khdi: it reads [ibid. ib. 22]: "and do not observe all these commandments"; now, a negative commandment that is in importance equal to *all* other negatives is, you must say, idolatry.

The disciples of Rabbi infer this from the same verse [22 and 23] "which the Lord hath spoken unto Moses, all that the Lord hath commanded you by the hand of Moses," and a commandment said, in the words of the Holy One, blessed be He, and commanded again by the hand of Moses is of idolatry; as the disciples of R. Ismael taught that the commandment "I am the Lord; thou shalt have no other gods before me," we have heard from the Almighty Himself; and thereafter it was commanded through Moses in many other places.

MISHNA V.: The court is not liable for a decree concerning a command or a prohibition with regard to (polluting) the sanctuary. Nor must one bring a pending offering for a doubtful violation of the said command or prohibition. But in case of erroneous teaching and of doubt, each regarding a command or prohibition with reference to a woman in her menses, a bullock and a pending offering are required respectively. The command in the case is: Keep away from a woman in her menses. The prohibition is: Have no sexual intercourse with her.

GEMARA: Whence is it deduced that the congregation is not liable to any offering, while the individual is not liable to a pending offering either? Said R. Itz'hak b. R. Dimi, it reads [Lev. iv. 27]: "and become guilty" concerning a sin and pending offering, and also [ibid., ibid. 13]: "and they become guilty," which signifies: as the guiltiness of an individual is attended with a sin offering established for all, so also the guiltiness of the congregation is attended with such an offering; and as the latter's offering is an established one, so also the pending offering must be brought only for the doubt about a transgression to which an established offering applies, but not about that of the sanctuary to which a rich and poor offering applies.

MISHNA VI.: There is no liability when the decree concerns an adjuring challenge to testify, a hastily made vow, the defilement of the temple and its holy objects; the same is the case with the ruler, so R. Jose the Galilean. R. Aqiba, however, says: The ruler is liable in all these cases but the first one, for the king can neither judge nor be judged, neither testify for others nor have others testify for him.

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GEMARA: Said Ula: What is the reason of R. Jose the Galilean? [Lev. v. 5] "And it shall be, if he have incurred guilt by any one of these [things], that he shall confess that concerning which he hath sinned," which speaks of all that are treated of in the Mishna, and which signifies that he who may be guilty for one of these may be guilty also for the others, but who is not guilty for one of these is not so for the others either. But perhaps the verse means that if he incur guilt even for one of these? Therefore it must be said that the reason of R. Jose the Galilean is the following Boraitha: R. Jeremian used to say: It reads [ibid., ibid. 7], "And if his means be not sufficient," and then [ibid., ibid. 11], "If he can not afford." All this speaks of persons that can be classed as poor and rich, which is not the case with either priest or ruler, as concerning the latter it reads [ibid., ibid. 22], "of the Lord his God," which signifies him who has for his superior only his God; and concerning the former it reads [ibid. xxi. 10]: "And the priest that is highest among his brethren," meaning that he is highest in beauty, in might, in wisdom and in wealth; and the anonymous teachers say: whence is it deduced that if he [priest] is not rich his people should make him the richest: from same verse: "that is highest among his brethren,"

signifying that his brethren make him highest.

MISHNA VII.: As regards all commandments of the Torah, whose intentional and unintentional violations entail respectively Korath and sin offering, a private individual brings offers (in the latter case) a (female) sheep or goat, the ruler, a he-goat; the high priest or the supreme court, a bullock. In matters of idol worship the private individual, ruler and priest bring a she-goat, while the court (that has erroneously decided) a bullock and a he-goat, former as burnt offering, latter as a sin offering. The [pending](#) offering (for a doubtful malfeasance) is imposed upon the ruler and private persons, the anointed priest and the court are free therefrom. The trespass offering (for a sure misdeed) is imposed besides the first two also upon the high priest, while the court is exempt therefrom. For challenging by oath to testify, for a hastily made vow, for defiling the temple and the holy objects thereof, the erroneously decreeing court is free; while private individuals, the ruler, the high priest are liable; with the exception, however, that the last one is according to R. Simeon not liable in the said case of defilement. And what is the sacrifice they bring? A poor and rich offering. R. Eliezar says: The ruler brings (for temple defilement) a he-goat.

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GEMARA: There is a Boraitha: R. Simeon laid down this rule: In whatever an individual is liable to a pending offering, the ruler is equal to him, while the anointed priest and the court are free; on the other hand, in whatever a trespass offering applies the ruler and the anointed priest are equal, while the court is free, viz.: for a witness-oath, an uttered oath and the defilement of the sanctuary and its holy objects the ruler and the anointed are liable, and the court is free; however, the ruler is not liable for a witness-oath and the anointed for the defilement of the sanctuary, etc.; and in an act where a rich and poor offering applies the ruler is equal, while the anointed and the court are free.

Now, is not the Boraitha involved in a contradiction concerning the liability of the ruler and the priest? Said R. Huna b. R. Jehoshua: this presents no difficulty; as one Tana speaks of poverty, while the other, of extreme poverty, and R. Simeon holds with R. Agiqa concerning extreme poverty when the ruler is free from that offering, but differs with him concerning poverty, in which case he holds the ruler, too, liable.

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