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CHAPTER III.

MISHNA I.: An anointed priest who has sinned and thereafter was removed from his office, and a ruler who has sinned and was removed from his dignity, the former brings a bullock and the latter a he-goat. However, if both have sinned after they were removed from their offices, the priest in question brings a bullock and the ex-ruler is considered as a common man.

GEMARA: To what purpose is it needed for the Mishna to state that when he has sinned before the removal from his office he is to bring a bullock, as the same is the case even if he did so after the removal? It was necessary because of the law that a ruler after the removal of his dignity is considered common.

Whence is this deduced? From what the rabbis taught [Lev. iv. 3]: "Shall he bring near for *his* sin," which signifies that he has to bring an offering for his previous sin. While concerning a ruler it reads [ibid. 22]: "If a ruler should sin," which signifies that if he has sinned while he is still a ruler, but not when he becomes common.

MISHNA II.: If they were appointed to their respective positions after they had sinned, they are treated as private persons. R. Simeon, however, says: If they become cognizant of their malfeasance before their appointment, they are liable; but if after, they are free. What is meant by ruler? A king, for it is stated [Lev. iv. 22]: "If a prince sins and performs one of the commandments of the Lord his God," etc.; hence, a prince who has above him no one but the Lord his God.

GEMARA: Whence is this deduced? From what the rabbis taught [ibid., ibid. 3]: "If the anointed priest do sin to bring guiltiness," which excludes the transgressions he had committed before he was anointed. This could be deduced by *a fortiori* argument, thus: A ruler who is liable to a sin-offering for an erroneous act is not liable for his acts before he became a ruler. The anointed who is liable for forgetting an erroneous act, so much the less should he be liable for his previous acts. And should you say that with a ruler it is different, as he is not liable

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after his removal from office, to a sin-offering for his sin while he was still a ruler, which is not the case with the anointed? To this it reads in the above-cited verse "the anointed has sinned," which signifies only for that sin which he committed while he was already in his office. On the other hand, on *a fortiori* argument could be used to make a ruler liable for his sin before he ascended the throne, if not for the verse cited above concerning him.

The rabbis taught: "A ruler who will sin," lest one say that such is the heavenly decree that he

shall sin, to this it reads, "If the anointed will sin," which means if it will happen so, and the same is with the ruler.

The rabbis taught: "A ruler should sin" to exclude him who was sick with leprosy, as it reads [II Kings, xv. 5]: "And the Lord afflicted the king with leprosy, and he was a leper unto the day of his death, and he dwelt in the free-house. 1 And Jotham the king's son," etc. What does it mean, free-house? Was he until that time a servant or a slave? Yea; as it happened with Raban Gamaliel and R. Yehoshua, who were on a boat; the former has prepared bread for food, and the latter prepared bread and fine flour for food. And when the bread of R. Gamaliel was consumed by him he relied upon the fine flour of Yehoshua. And to the question of the former: Were you aware that there will be a delay in the journey, that you took with you so much food, he answered: There is a star which appears once in seventy years that makes the captains of the ships err, and I thought perhaps it will appear now and make us err, I therefore prepared more food. Said Gamaliel: You possess so much wisdom and still you are compelled to go on a ship to make your living. And he rejoined: You are wondering about myself, how would you be surprised if you knew about two disciples of yours who are on the land--viz.: R. Elasar Chasma and Johanan b. Goodgada, who can imagine how many drops of water there are in the sea and nevertheless have no bread to eat and no garment for dress. R. Gamaliel then made up his mind to make them officers in the best places of the congregation, and when he returned home he sent for them, but they did not appear; he sent again for them, and when they came he said to them: Do you think that the appointment to such high offices which I am about to confer on you, will make you rulers? Nay;

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slavery I give to you, as it reads [I Kings, xii. 7]: "If thou wilt this day be a servant unto this people," etc.

R. Na'hman b. R. Hisda lectured; it reads [Eccl. viii. 14]: "There is a vanity which is done upon the earth, that there are righteous men"; happy are the righteous whose fate is like that of the wicked in the world to come; and woe is to the wicked whose fate is in this world like that of the righteous in the world to come. Said Rabha: May not the righteous be rewarded in both this and the world to come? Therefore, said he, "Happy are the righteous whose fate is like the fate of the wicked in this world, and woe is to the wicked whose fate is like that of the righteous in this world."

R. Papa and R. Huna b. R. Jehoshua came to Rabha and the latter questioned them if they have learned thoroughly such and such tracts of the Talmud, to which they answered: "Yea." And to his question: Have you become a little rich so that you have time to study properly? They rejoined: Yea; as we bought little grounds. He then applied to them the above-cited verse.

Rabha b. b. Hana said, in the name of R. Johanan, it reads [Hos. xiv. 10]: "For righteous are the ways of the Lord; and the just shall walk in them; but the transgressors will stumble through them"; whereby Lot and his two daughters are meant. To the latter who intended to do a meritorious act, the verse "the just shall walk in them" is applied, and to him who intended to commit a crime, the last words of the same verse are applied. And whence do we know that he has intended to commit a crime? Was he not compelled to this action? It was taught in the name of R. Jose b. R. Huni: Why is the *vav* of the word *bkumah* [Gen. xix. 33] pointed? Because he (Lot) was not aware at the start, but when she got up he became aware of his act. But what could

he do; there was no remedy to what has already passed? He ought to have drunk the second evening.

Rabba lectured [Prov. xviii. 19]: "A brother offended is harder than a strong town"; by this Lot is meant, who separated himself from Abraham. "And quarrels [among brothers] are like the bars of a castle"; it is Lot who made Israel to quarrel with the nation of Amon [Deut. xxiii. 4].

Rabha or R. Itz'hak lectured [Prov. xviii. 1]: "He that separateth himself [from God] seeketh his own desires: at every sound wisdom is he enraged"; by the first part of this verse

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[paragraph continues] Lot is meant, who separated himself from Abraham; and by the second half the punishment of Amon and Moab is meant, of whom a Mishna states the prohibitions of mingling with them are forever lasting. Ula said: Tammar sinned, and kings and prophets were her issues. Zimri sinned and tens of thousands of Israel fell. (How great a difference!)

"*What is meant by ruler,*" etc. The rabbis taught: It reads "A prince." Lest one say a prince of a tribe as, *e.g.*, Na'hshan b. Aminodob, it reads: the above-cited verse [Lev. iv.] and [Deut. xvii. 19], concerning a king, it reads: "He shall fear the Lord his God"; now, as there no one but his God is his superior, so also here.

Rabbi questioned R. Hyye: I, who am a prince, am I liable to a he-goat? And he answered: There are your rivals in Babylon; Rabha objected to him from the following: Kings of Israel and the kings of the house of David have to bring their offerings separately? And he answered: They were not dependent each upon the other, while we are dependent on those in Babylon.

R. Safra taught the above as follows: Rabbi questioned Hyye: I, *e.g.*, who am a prince, am I liable to a he-goat? And he answered: In Babylon there is a tribe (Shebet), etc. (See Sanhedrin).

MISHNA. *III.*: And who is the anointed priest? He who was consecrated to priesthood by the holy ointment and not merely by the many (8) raiments. However, between these two kinds of priests there exists no other difference except the bullock-sacrifice attending the violations of any of the commandments. Nor is there any difference between the priest in office and the retired priest except the bullock of the day of atonement and the tenth of the *Eifah*. Both are equal as regards the services on the day of atonement, the command to marry a virgin, the prohibition from marrying a widow, from defiling themselves to a dead relative, from wild-growing of the hair, from tearing their garments; finally both effect through their respective deaths the return of the homicide from exile.

GEMARA: The rabbis taught: In the oil for anointing which was made by Moses, they used to soak the roots, so R. Jehudah, etc. (Here it is repeated from Tract Kherithoth, 5 b. to 6 b., and as there is its proper place, we omit it here.)

The rabbis taught: The anointed, and lest one say it means the king, it adds "the priest." And lest one say, that also be who was sanctified by his dress only, therefore "the anointed."

[paragraph continues] But still one may say that it means the priest anointed for the war time, therefore and "the anointed priest," *i.e.*, the distinguished one who has no one anointed over him.

"*There is no difference between the anointed,*" etc. Our Mishna is not in accordance with R. Nair, as he holds that he who was sanctified by the eight dresses, has to bring a bullock for the transgression of all the negative commandments which are to be found in the Scripture; while the sages did not agree with him. But how can you say that our Mishna is in accordance with the rabbis? Does not the latter part state, "There is no difference between a priest who is still in his office and one retired, but concerning the bullock of the day of atonement and the tenth of Eipha," all which can be only in accordance with R. Nair, as we have learned in the following: If it happened to the high-priest a thing which makes him temporarily unfit for service, so that he was substituted by another priest, then the former returns to his office and his substitute remains with all the obligations of a high-priest, so R. Nair; R. Jose, however, maintains that the substitute is no more fit either as a high-priest or as a simple one. And he added: It happened to Joseph b. Ailim of Ceparas that something made him temporarily unfit, to serve as high-priest, and another one was substituted, and his brethren the priests did not allow his substitute to be either a high-priest or a common one: a high-priest because of animosity, and a common one because of the rule that one may be raised in sanctification but not lowered; hence, we see that the first part of the Mishna is in accordance with the rabbis, and the second with R. Mair. Said R. 'Hisda: So it is. But R. Jose said: It is in accordance with Rabbi, who edited the Mishna in question in accordance with different Tanaim. Rabha, however, said: It is in accordance with R. Simeon, who holds with R. Mair in one case, but differs with him in the other. (The difference of opinion of the above Tanaim is translated already in Tract Joma.)

The Mishna states: "Except the five things which are said in the portion regarding a high-priest." Whence is this deduced? From what the rabbis taught [Lev. xxi. 10]: "And the priest that is highest among his brethren," means the high. priest. "Upon whose head anointing oil hath been poured," means that who was appointed for the war. "And who hath been consecrated to put on the garments," means that who was sanctified by the garments only; and to all them it says,

[paragraph continues] "Shall not let the hair of his head grow long, and his garments shall he not rend. Neither shall he go in to any dead body," etc. And lest one says that they all may perform the holy service in the first day in which death occurs in his family, it reads, "For the crown of the anointing oil of his God is upon him," which means, upon him but not upon his appointed colleague, *i.e.*, the appointed for the war, and as the latter was separated from the above, one might say that he is also commanded to take a virgin; therefore [ibid. 13]: "And he shall take a wife in her virgin state," *he* and not some other one. However, in the latter case Tanaim differ.

MISHNA IV.: The high-priest rends his garment from below; the common priest, from the top. The former, while in mourning, may offer sacrifices but not eat thereof; the latter, if in mourning, must do neither the one nor the other.

Said Rabh: From below means literally he shall tear from the bottom of the garment. Samuel, however, says: From the bottom of the seam, and on top means on the top of the seam. But both must be on the bottom of the collar.

MISHNA V.: What is more common precedes the less common; the more holy precedes the less sanctified. If the bullock of the anointed priest and that of the congregation are simultaneously ready as sacrifices, the former precedes the latter in all respects.

GEMARA: Whence is this deduced? Said Abaye [Numb. xxviii. 23]: "Besides the burnt-offering of the morning, which is for a continual burnt-offering, shall ye prepare these." Now, as it reads already the burnt-offering of the morning, why was it necessary to state which is for a continual offering? To teach that what is more common precedes the less. And whence do we know that what is more sanctified precedes the less one? From what was taught by the disciples of R. Ismael: "Thou shalt sanctify him," means to every sanctification he shall begin first, he shall make the benediction first, and he shall be the first to take the best share.

"*The bullock of the anointed,*" etc. Whence is this deduced? From [Lev. iv. 21]: "And he shall burn him as he has burned the first bullock." To what purpose was the "first" necessary? To teach that he must make precede the bullock of the congregation in all respects.

The rabbis taught: If the bullock of the anointed priest and that of the congregation were standing, the former precedes the

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latter in all respects, because as the anointed one atones and the congregation is atoned, it is but right that he who atones shall precede the atoned one in all respects. And so also it reads [ibid. xvi. 17]: "So shall he make an atonement for himself, and for his [household](#), and for the whole congregation of Israel.

MISHNA VI.: The man has the preference over the woman in respect of preservation of life and of returning a loss. The woman has the preference in respect of dressing and of being ransomed from captivity. If two persons of different sex are menaced with being (sexually) disgraced, the man must be protected first.

GEMARA: The rabbis taught: if it happened that he, his master and his father were in captivity (and he was able to redeem one of them), he himself has the preference over the latter, and his master has the preference over his father. His mother, however, has the preference over all. A sage has the preference over a king of Israel, as if a sage dies we have no equal to him, but if a king dies all Israel are fit for the throne. A king has the preference over a high priest, as [I Kings i. 33]: "Take with you the servants of your lord," etc. A high priest has the preference to a prophet, as [ibid. 34]: "And let Zadek the priest with Nathan the prophet," hence the priest precedes the prophet. The priest anointed with the anointed oil precedes him who was sanctified by his garments. The latter precedes the one appointed for the war, and he precedes him who was removed from office on being blemished, and he precedes segan (vice high priest), and he precedes the Amarkhal. (What does Amarkhal mean? said R. Hisda: the head officer of the temple.) The last one precedes the treasurer, and he precedes the head of the watching officer. He (the head) precedes the head of the family priest, and the latter precedes a common priest.

MISHNA VII.: The following precede one another in order of arrangement: the priest, Levite

(simple), Israelite, bastard, nathin, proselyte, a freed slave; provided, however, they are equally qualified in learning; but if, *e.g.*, the bastard be a learned man in the Law, while the high priest is an ignorant, the preference is on the part of the former.

GEMARA: "*Equally qualified*," etc. Whence is this deduced? Said R. A'ha b. R. 'Hanina, from [Prov. iii. 15], "She is more precious than pearls"; (1 pninim), which means from the high priest who enters the *sanctum sanctissimum*.

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There is a Boraitha: R. Simeon b. Ia'hai said that it is but right that a free slave have the preference over a proselyte, as *the former was brought up* with us in sanctity, which is not the case with the latter; however, as a slave has been placed in the category of the "cursed" [Genes. ix. 25], a proselyte has the preference.

The disciples of R. Elazar b. Zadok questioned their master: Why is one more anxious to marry a female proselyte than a freed female slave? and he answered as a reason the slave's being in the category of the "cursed," and also because the proselyte is supposed to have kept herself in chastity, which, as a rule, is not the case with the slave.

They further questioned: Why does the dog know his master, and the cat does not? and his answer was: It is certain that he who eats from what is left by a mouse is apt to have a poor memory, so much the more so the cat that himself consumes the mouse. They questioned again: Why do all these animals (*i.e.* dogs, cats, and the like) reign over the mice? and he answered: Because the mice are instinctively mischievous, since, says Rabha, they tear even garments; and R. Papa says: They gnaw through even the handle of a pick-ax.

The rabbis taught the following five objects are conducive to one's forgetting his studies: The eating up of the remnants of the mice's or cat's food, of the heart of a cow, the frequent consuming of olives, the drinking of the water left from one's own washing, and, finally, the bathing of one's feet one kept on the other. According to others add yet this: the putting of one's clothes under one's head while sleeping,

The following five are apt to strengthen one's memory: Bread baked on coals, and particularly the consuming of the coals themselves, soft eggs without salt, the frequent drinking of olive oil, of wine flavored with spices, of water left after its use for a dough. According to others add yet this: to dip the finger in salt and consume the latter. According to others add this: the consuming of wheat bread and particularly of the wheat itself.

This Boraitha furnishes a support to R. Johanan who was wont of saying that as an olive causes one to forget one's studies acquired during a period of 70 years, so the oil thereof calls back to one's memory the studies of such a period.

Concerning the consuming of salt on one's finger, according to Resh Lakish this must be done with one finger; while Tanaim differ: according to R. Jehudah it is with one finger and

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not two, according to R. Jose two and not three fingers, and the negative sign of it is *Kuritzah*, i. e. taking a fistful of the meal-offering (done always with three fingers).

The following ten objects are cumbrous to one's studies: passing under the rope of a camel and particularly under the camel itself; passing between two camels, between two women, the passing of a woman between two men, passing through the obnoxious odor of a carcass, passing under a bridge where nature was not running for 40 days, the eating of half-baked bread, of meat taken out with the $\bullet\omega\mu\eta\rho\alpha\tau\rho\varsigma$ (spoon with which the scumming is done), drinking from a well streaming through a cemetery, looking on the face of a corpse. According to others add yet, reading the inscriptions on a tombstone.

The rabbis taught: when the prince enters, all the people present in college rise to their feet, without again taking their seats until he tells them to do so. When the chief justice enters. the people occupying two rows of seats facing the entrance rise and remain standing until he takes his seat. If the sage enters, the occupants of one row rise and remain standing until he takes his place. The children as well as the disciples of the sages, if their help in the studies is needful, are allowed to pass over the heads of the people (seated on the floor), but not when their help is not wanted. The children of such scholars who superintend the congregation, if they comprehend the subjects treated of, may enter, sit down with their faces to their fathers and backs to the people; but if not, they have to sit in the opposite order. R. Elicar b. R. Zadok said that also at a banquet these children may be invited for the sake of their parents. If one of them has to go out for physiological requirements he may return, Said Rabha, this is so only when their fathers are still alive and also present.

Said R. Johanan: This Mishna was taught in the time of R. Simeon b. Gamaliel, when he was the prince, R. Nathan the president, and R. Mair the sage of the college. When R. Simeon would enter, the people rose; likewise when either R. Mair or R. Nathan entered the people would rise; said then the prince: If so, there is no difference between me and the others, whereas I should like that a difference be made; and he accordingly enacted the rules laid down in the Mishna. However, this was carried out in the absence of R. Mair and R. Nathan, so that on the morrow when they came and saw the people behind the 2 rows remaining in their seats, they asked the reason thereof, in

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answer to which they were told of the prince's enactment. There. upon said R. Mair to R. Nathan: I am the sage and you are the president, let us enact something in our behalf; let us ask R. Simeon to teach us Tract Uktzin (stalks of fruit), and as we are aware that he is not versed therein, we will say unto him [Psal. cvi. 2] "Who can utter the mighty acts of the Lord?" he "who can publish all his praise!" Thereupon we will depose him and you will take his place and I yours. R. Jacob b. Oarshi (Rabbi's master) overheard this plan and was embarrassed as to how he could prevent R. Simeon's reputation from being marred; he then hid himself in back of R. Simeon's attic and began to study aloud Uktzin over again and again, until R. Simeon has noticed it and the idea struck him that something must have happened in the college, to which Jacob would like to draw his attention; he accordingly was quick enough to take up the study of Uktzin, and, indeed, succeeded in acquiring close familiarity with this Tract. On the morrow he was asked in the college, according to the premeditated plan, to lecture on Uktzin which he did, and after he was through he said to them: If my attention had not been called to this Tract, I

should have been put to public shame by your plan. On his command, then, R. Mair and R. Nathan were removed from the college. They, however, were circulating in writing, questions and objections and throwing them in to the college; to those that could not be resolved in college, they would themselves write the answers and send them again to college. Said R. Jose to the college: The whole Torah is outside and we should remain inside the college? This pressure urged R. Simeon to allow the relegated to return under the penalty, however, that the Halakhas be not proclaimed in their names. Therefore R. Mair's Halakhas were henceforth classed with the anonymous teachers, and R. Nathan's were given as "according to some." It once happened that both had dreams commanding them to reconcile R. Simeon; whereupon R. Nathan did so, while R. Mair said that he does not yield to dreams as they are nonsense. When R. Nathan came to reconcile him, R. Simeon b. Gamaliel said: Because thy father's (official) belt helped thee to be president of the court, must we make thee Nasi (prince)?

Rabbi taught to R. Simeon his son: The anonymous teachers say so and so; interrupted him his son; who are they whose water we imbibe and whose names we do not mention? And he answered: They were the men who conspired to destroy your glory and that of your father's house, rejoined he; [Eccl. ix, 6.]

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[paragraph continues] "Also their love, and their hatred, and their envy are now already lost," answered the Rabbi paraphrasing. (Psal. ix.): The enemy is lost, but his ruinous deeds are still existing; said R. Simeon: this would be right if the deeds of the rabbis in question remained effective, but they whom you have in view had only an intention, and one that has never been realized. Thereupon Rabbi taught to him again; so and so was said in the name of R. Mair. Said Rabha: Rabbi, though modest in nature, yet refrained from saying I it was said by R. Mair,' but taught it was said *in the name* of R. Mair.

Said R. Johanan: R. Simeon C. Gamaliel and the rabbis differed with regard to the following: according to one the erudite scholar, while according to the other, the dialectician, has the preference. A message concerning this point was sent to the west, and the answer thereto was: the erudite has the preference, since every one is in need of the owner of the stored-up wheat. R. Joseph was the erudite, and Rabha was the dialectician, and though the answer of the west was in favor of the former, he did not accept the position of head of the college for 22 years, until Rabha who accepted this position died. During all this time R. Joseph did not invite to his house even a barber, but was himself going wherever he needed.

Abaye and Rabha, R. Zera and Rabha C. Mathma were sitting together at the time when the presidency of the college was vacant, and they have decided that he who will recite a point that will meet no objection be elected to this office. The sayings of them all were objected, excepting that of Abaye which was not; thereupon Rabha noticing that Abaye was raising his head, said to him: Wa'hmeni, begin your lecture (you are the head of the college).

The schoolmen questioned regarding R. Zera who was a genius and in the habit of raising objections, and Rabha C. Mathma who was slow, careful and considerate in drawing conclusions, which of the two types has the preference. This question remained undecided.

Footnotes

[20:1](#) Leeser's translation does not correspond.

[25:1](#) *Pninin* is homonymous with *Pnim*, which means inside.