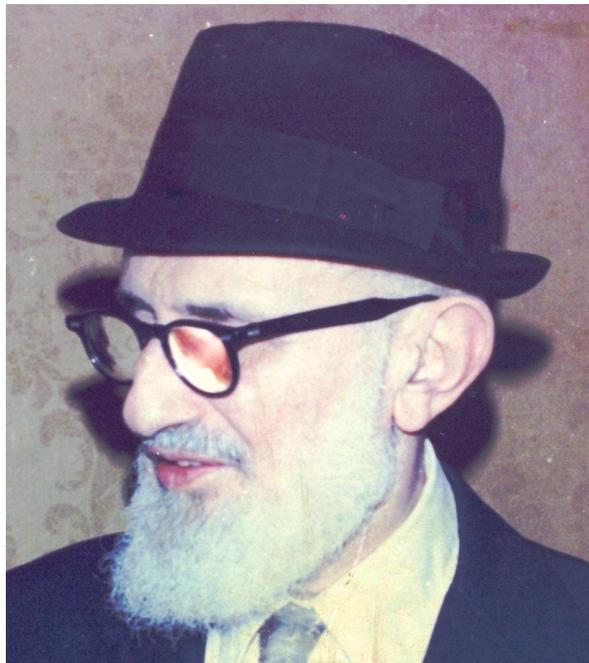


**The Soncino Babylonian Talmud**

**Book I**

**Folios 2a-28b**



**SHEVUOS**

**TRANSLATED INTO ENGLISH WITH NOTES**

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# SHEVUOS – 2a-28b

## Shevu'oth 2a

### CHAPTER I

**MISHNAH.** OATHS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR;<sup>1</sup> THE LAWS CONCERNING THE DISCOVERY OF HAVING [UNCONSCIOUSLY] SINNED THROUGH UNCLEANNESS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR;<sup>2</sup> THE LAWS CONCERNING CARRYING ON THE SABBATH ARE OF TWO KINDS, SUBDIVIDED INTO FOUR;<sup>3</sup> THE SHADES OF LEPROUS AFFECTIONS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR.<sup>4</sup> WHERE<sup>5</sup> THERE IS KNOWLEDGE AT THE BEGINNING AND AT THE END BUT FORGETFULNESS BETWEEN,<sup>6</sup> A 'SLIDING SCALES' SACRIFICE IS BROUGHT.<sup>7</sup> WHERE THERE IS KNOWLEDGE AT THE BEGINNING BUT NOT AT THE END, THE GOAT THE BLOOD OF WHICH IS SPRINKLED WITHIN THE VEIL ON THE DAY OF ATONEMENT<sup>8</sup> TOGETHER WITH THE DAY OF ATONEMENT ITSELF HOLD THE SIN IN SUSPENSE<sup>9</sup> UNTIL IT BECOME KNOWN TO THE SINNER, AND HE BRINGS THE 'SLIDING SCALE' SACRIFICE. WHERE THERE IS NO KNOWLEDGE AT THE BEGINNING BUT THERE IS KNOWLEDGE AT THE END, THE GOAT SACRIFICED ON THE OUTER ALTAR TOGETHER WITH THE DAY OF ATONEMENT ITSELF BRING HIM FORGIVENESS;<sup>10</sup> FOR IT IS SAID: '[ONE HE-GOAT FOR A SIN-OFFERING] BESIDE THE SIN-OFFERING OF ATONEMENT':<sup>11</sup> [THEY ARE LIKENED TO ONE ANOTHER SO THAT WE MAY DEDUCE THAT] BOTH ATONE FOR SIMILAR KINDS OF SIN: JUST AS THE 'INNER' GOAT<sup>12</sup> ATONES ONLY FOR AN UNCONSCIOUS SIN — WHERE THERE WAS KNOWLEDGE [AT THE BEGINNING], SO THE 'OUTER'<sup>13</sup> GOAT ATONES ONLY FOR AN UNCONSCIOUS SIN — WHERE THERE WAS KNOWLEDGE [AT THE END]. WHERE THERE IS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END, THE GOATS OFFERED AS SIN-OFFERINGS ON FESTIVALS AND NEW MOONS BRING ATONEMENT. THIS IS THE OPINION OF R. JUDAH [B. ILA'I]. R. SIMEON

[B. YOHAI] HOLDS THAT THE FESTIVAL GOATS ALONE AND NOT THE NEW MOON GOATS ATONE FOR THIS CLASS OF UNCONSCIOUS OFFENCE.<sup>14</sup> AND FOR WHAT DO THE NEW MOON GOATS BRING ATONEMENT?

(1) Positive and negative with reference to both future action (I swear I shall...; I swear I shall not...) and past action (I swear I did...; I swear I did not...). V. Lev. V, 4.

(2) A person defiled by dead man or carrion who, forgetful of his uncleanness, eats holy food or enters the sanctuary; or, does either of these two actions, whilst conscious of his uncleanness, but not of eating holy (sacrificial) food or entering the sanctuary. V. Lev. V, 2ff.

(3) Two kinds of Hoza'ah, carrying out: standing in public ground, stretching out the hand to private ground, and withdrawing an object; standing in private ground, and removing an object thence to public ground. And two kinds of Haknasah, bringing in: standing in private ground, stretching out the hand to public ground, and withdrawing an object; standing in public ground, and removing an object thence to private ground.

(4) Bahereth, white like snow; Se'eth, like white wool; Sid ha-hekal, white like the plaster of the Temple walls; and Kerum Bezah, white like the membrane round an egg: they are all different shades of white. V. Lev. XIII, 2ff.

(5) The laws of uncleanness are here discussed. The Gemara (3a) explains why these laws rather than the laws of oaths are discussed first. The Sabbath and leprosy laws are explained in their own tractates, and are only mentioned here en passant simply because of their similarity in that they are 'two, subdivided into four'.

(6) I.e., Knowledge at the time of becoming unclean, but forgetfulness (v. n. 2) at the actual moment of eating the holy food or entering the sanctuary.

(7) According to the pecuniary circumstances of the sinner: a lamb or goat, if he be wealthy; two turtledoves or two young pigeons, if he cannot afford a lamb; or the tenth part of an Ephah of fine flour, if he be poor (Lev. V, 6-11).

(8) Lev. XVI, 15.

(9) Shielding the sinner from punishment.

(10) For he can never bring a sacrifice himself, since there was no knowledge at the beginning.

(11) Num. XXIX, 11.

(12) I.e., 'the sin-offering of atonement.' (13) The 'he-goat for a sin-offering.'

(14) V. infra 9b.

# SHEVUOS – 2a-28b

## Shevu'oth 2b

FOR A RITUALLY CLEAN MAN WHO ATE HOLY FOOD THAT HAD BECOME UNCLEAN. R. MEIR SAYS: ALL THE GOATS [EXCEPT THE 'INNER'] HAVE EQUAL POWERS OF ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE<sup>1</sup> AND HOLY FOOD THEREOF.<sup>2</sup> NOW, R. SIMEON HOLDS THAT THE NEW MOON GOATS BRING ATONEMENT FOR A CLEAN MAN WHO ATE UNCLEAN HOLY FOOD; AND THE FESTIVAL GOATS ATONE FOR TRANSGRESSION OF THE LAWS OF UNCLEANNESS WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END; AND THE 'OUTER' GOAT OF THE DAY OF ATONEMENT FOR TRANSGRESSION OF THESE LAWS WHERE THERE WAS NO KNOWLEDGE AT THE BEGINNING BUT THERE WAS KNOWLEDGE AT THE END. THEY<sup>3</sup> [THEREFORE] SAID TO HIM: 'IS IT PERMITTED TO OFFER UP THE GOAT SET APART FOR ONE DAY ON ANOTHER?'<sup>4</sup> HE REPLIED 'YES!' THEY [HOWEVER] ARGUED WITH HIM: 'SINCE THEY ARE NOT EQUAL IN THE ATONEMENT THEY BRING, HOW CAN THEY TAKE EACH OTHER'S PLACE?' HE REPLIED: 'THEY ARE ALL AT LEAST EQUAL [IN THE WIDER SENSE] IN THAT THEY ALL BRING ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF.' R. SIMEON B. JUDAH SAID IN HIS NAME:<sup>5</sup> THE NEW MOON GOATS BRING ATONEMENT FOR A CLEAN PERSON WHO ATE UNCLEAN HOLY FOOD; THE FESTIVAL GOATS, IN ADDITION TO BRINGING ATONEMENT FOR SUCH A CASE, ATONE ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END; THE 'OUTER' GOAT OF THE DAY OF

ATONEMENT, IN ADDITION TO BRINGING ATONEMENT FOR BOTH THESE CASES, ATONES ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE AT THE BEGINNING BUT THERE WAS KNOWLEDGE AT THE END. THEY ACCORDINGLY ASKED HIM: 'IS IT PERMITTED TO OFFER UP THE GOAT SET APART FOR ONE DAY ON ANOTHER?' HE SAID, 'YES!' THEY [FURTHER] SAID TO HIM: 'GRANTED THAT THE DAY OF ATONEMENT GOAT<sup>6</sup> MAY BE OFFERED UP ON THE NEW MOON, BUT HOW CAN THE NEW MOON GOAT BE OFFERED UP ON THE DAY OF ATONEMENT TO BRING ATONEMENT FOR A TRESPASS THAT IS NOT WITHIN ITS SCOPE?' HE REPLIED: 'THEY ARE ALL AT LEAST EQUAL [IN THE WIDER SENSE] IN THAT THEY ALL BRING ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF. FOR WILFUL TRANSGRESSION OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF, THE 'INNER' GOAT OF THE DAY OF ATONEMENT TOGETHER WITH THE DAY OF ATONEMENT ITSELF BRING FORGIVENESS.<sup>7</sup> FOR OTHER TRANSGRESSIONS OF THE TORAH, LIGHT AND GRAVE, WILFUL AND UNCONSCIOUS, KNOWN AND UNKNOWN, POSITIVE AND NEGATIVE, THOSE PUNISHABLE BY KARETH<sup>8</sup> AND THOSE PUNISHABLE BY DEATH IMPOSED BY THE COURT — FOR ALL THESE THE SCAPEGOAT<sup>9</sup> BRINGS ATONEMENT TO ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST. WHAT [THEN] IS THE DIFFERENCE BETWEEN ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST?<sup>10</sup> — [NONE], SAVE THAT THE BULLOCK<sup>11</sup> BRINGS ATONEMENT TO THE PRIESTS FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD.<sup>12</sup>

# SHEVUOS – 2a-28b

**R. SIMEON SAYS: JUST AS THE BLOOD OF THE GOAT THAT IS SPRINKLED WITHIN THE VEIL BRINGS ATONEMENT FOR ISRAELITES, SO THE BLOOD OF THE BULLOCK BRINGS ATONEMENT FOR PRIESTS; AND JUST AS THE CONFESSION OF SINS PRONOUNCED OVER THE SCAPEGOAT BRINGS ATONEMENT FOR ISRAELITES, SO THE CONFESSION PRONOUNCED OVER THE BULLOCK BRINGS ATONEMENT FOR PRIESTS.<sup>13</sup>**

**GEMARA.** Now, the Tanna has just ended the treatise Makkoth; why does he study Shebu'oth?<sup>14</sup> — Because he learned:<sup>15</sup> For rounding the corners of the head<sup>16</sup> the penalty of lashes is incurred twice, once for each corner;

- (1) Lit., 'sanctuary'.
- (2) They all equally atone for sins committed unconsciously, whether there was no knowledge at the beginning but knowledge at the end, or no knowledge either at the beginning or at the end; and for a clean man who ate unclean holy food.
- (3) The Sages.
- (4) If, for example, the goat set apart for offering on the Day of Atonement was lost, and was found only after another had been offered in its place, is it permissible to offer it up on a festival or new moon?
- (5) Another version of R. Simeon b. Yohai's view.
- (6) Because it is more inclusive.
- (7) V. 12b seq.
- (8) Extinction by divine intervention; v. Glos.
- (9) Lit., 'the one to be sent away'.
- (10) This apparent contradiction of the former statement is explained in the Gemara (13b).
- (11) The bullock brought by the High Priest, Lev. XVI, 3-6.
- (12) Whereas for Israelites the 'inner' and 'outer' goats bring atonement for these transgressions; the scapegoat, however, brings atonement both to Israelites and priests for all other transgressions.
- (13) Disagreeing with the previous Tanna who holds that the scapegoat brings atonement to both Israelites and priests for other transgressions, he contends that the scapegoat is for Israelites only; the sprinkling of the blood of the 'inner' goat (attended by no confession) brings atonement to Israelites for transgressions connected with uncleanness; the confession over the scapegoat (attended by no blood sprinkling) brings atonement to Israelites for other transgressions. Similarly, the sprinkling of the blood of the bullock brings atonement to priests for

transgressions connected with uncleanness; and the confession over the bullock brings atonement to them for other transgressions; v. 13b. seq.

(14) Shebu'oth follows immediately upon Makkoth in the Mishnah. What connection is there between the two treatises that the Tanna studies them in this order?

(15) Mak. 20a.

(16) Removing the hair from the temples, where the head joins the cheeks; v. Lev. XIX, 27.

## Shevu'oth 3a

and for shaving the beard, five times, twice for each cheek,<sup>1</sup> and once for the point of the chin. Since he has been discussing a single prohibition involving two punishments, he continues with **OATHS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR.** Why did the Tanna enumerate all the instances of 'two, subdivided into four' only in this treatise, and not in the treatise Shabbath, when discussing the laws of carrying, nor in the treatise Nega'im, when discussing the shades of leprous affections? —

I will tell you: The laws of oaths and uncleanness are mentioned together in the Bible,<sup>2</sup> and are akin to each other in that their transgressor brings a 'sliding-scale' sacrifice;<sup>3</sup> the Tanna therefore mentions them together here, and, having mentioned these two, he includes the rest also. Having begun with the laws of oaths, why does the Tanna proceed to explain the laws of uncleanness first? Because the laws of uncleanness are few he disposes of them first; then he proceeds to explain the laws of oaths which are more numerous.

**OATHS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO: I shall eat; I shall not eat.**

**SUBDIVIDED INTO FOUR: I have eaten; I have not eaten.**

**THE LAWS CONCERNING THE DISCOVERY OF HAVING [UNCONSCIOUSLY] SINNED THROUGH UNCLEANNESS ARE OF TWO KINDS,**

# SHEVUOS – 2a-28b

**SUBDIVIDED INTO FOUR. TWO:** The discovery of having been unclean and partaken of holy food; and the discovery of having been unclean and entered the Temple [the uncleanness having been forgotten in both cases]. **Subdivided INTO FOUR:** The discovery that it was holy food he had eaten while being unclean [having forgotten that it was holy during the eating of it]; and the discovery that it was the Temple he had entered while being unclean [having forgotten it was the Temple at the time of entering].

**THE LAWS CONCERNING CARRYING ON THE SABBATH ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO:** The carrying out by the poor man; and the carrying out by the householder.<sup>4</sup>

**SUBDIVIDED INTO FOUR:** The bringing in by the poor man; and the bringing in by the householder.

**THE SHADES OF LEPROUS AFFECTIONS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO:** Se'eth and Bahereth.

**SUBDIVIDED INTO FOUR:** The derivative of Se'eth, and the derivative of Bahereth.<sup>5</sup> Who is the Tanna of our Mishnah? — It is neither R. Ishmael nor R. Akiba! It is not R. Ishmael, for he states: He is guilty only when the oath is in the future tense.<sup>6</sup> And it is not R. Akiba, for he states: He is guilty only in the cases where he forgets his uncleanness [while eating holy food or entering the Temple], but not in the cases where he forgets that it is the Temple he is entering [or that the food is holy while he is unclean].<sup>7</sup> If you wish, I can say the Tanna of our Mishnah is R. Ishmael, or, if you prefer, I can say it is R. Akiba. It may be R. Ishmael. [Of the four kinds of oaths mentioned, not all are equally serious; but] two incur punishment, and the other two do not. Or, it may be R. Akiba. Two [of the cases of transgression through uncleanness] incur punishment, and two do not. In some cases there is no punishment?

(1) Which has two corners, the end of the lower jawbone where it joins the bottom of the ear, and the end near the chin.

(2) Lev. V, 2ff.

(3) V. p. 1, n. 7.

(4) For the sake of brevity the terms 'poor man' and 'householder' are employed, it being assumed that the poor man stands outside, and the householder inside; v. supra p. 1, n. 3 on Mishnah.

(5) V. supra p. 1, n. 4 on Mishnah.

(6) Infra 25a. Our Mishnah includes also oaths in the past tense.

(7) Infra 14b. Our Mishnah includes the four categories.

## Shevu'oth 3b

But does not the Tanna mention them together with the laws concerning the shades of leprosy: just as in these laws all four shades make him unclean, necessitating a sacrifice, so here [in the case of oaths and uncleanness] all must be equal, necessitating a sacrifice? —

Verily, the Tanna is R. Ishmael; and though in the case of oaths R. Ishmael excludes the past tense, it is only to free the transgressor from bringing a sacrifice<sup>1</sup> [if he transgresses unwittingly], but not to free him from lashes [if he transgresses willfully].<sup>2</sup> And this will be in accordance with Raba's dictum, for Raba said:<sup>3</sup> Clearly did the Torah state that a false oath is like a vain oath<sup>4</sup> [for lashes]; just as a vain oath which is necessarily in the past [being untrue the moment it is uttered, is attended by the penalty of lashes], so is a false oath in the past [attended by the penalty of lashes]. Granted in the case of the oaths, 'I have eaten,' 'I have not eaten,' [he is guilty and receives the lashes, if they are false], as Raba says. Also, in the case of 'I shall not eat,' and he ate, he is guilty [and receives lashes], for he has transgressed a negative precept involving action; but in the case of 'I shall eat,' and he did not eat, why should he receive lashes, since the transgression is of a negative precept involving no action?<sup>5</sup>

[Where then are the four kinds of punishable oaths?] — R. Ishmael holds that the violation of a negative precept not involving action is

# SHEVUOS – 2a-28b

also punishable by lashes. If so, R. Johanan contradicts himself; for R. Johanan said: The rule is in accordance with the anonymous Mishnah;<sup>6</sup> and yet we find it stated: 'I swear I shall eat this loaf today,' and the day passed, and he did not eat it; R. Johanan and Resh Lakish both say he does not receive lashes, R. Johanan's reason for his opinion being because it is a negative precept not involving action, and the transgression of a negative precept involving no action is not liable to lashes; and Resh Lakish's reason being because it is an 'uncertain warning',<sup>7</sup> and an uncertain warning is not a warning — R. Johanan found another anonymous Mishnah [which agrees with his view] Which one? Is it the following anonymous Mishnah?

For we learnt: 'But he who leaves over a portion of even a ritually clean paschal lamb; or breaks the bone of an unclean paschal lamb, does not receive the forty lashes.'<sup>8</sup> Granted that he who breaks the bone of an unclean paschal lamb does not receive lashes, because it is written: Ye shall not break a bone thereof<sup>9</sup> — of a ritually clean and not of a disqualified paschal lamb. But he who leaves over a portion of a clean paschal lamb — why should he be exempt, unless it be because he is transgressing a negative precept not involving action, and a negative precept not involving action is not liable to punishment? [This, then, is the anonymous Mishnah with which R. Johanan agrees.] But how do you know that this Mishnah is reflecting the view of R. Jacob, who holds that the violation of a negative precept involving no action is not punishable by lashes?

Perhaps it is reflecting the view of R. Judah [b. Ilai], who holds that this transgression is not punishable by lashes, because Scripture has come to appoint a positive precept to follow the negative precept,<sup>10</sup> but otherwise it would be punishable by lashes. For it is taught: Ye shall let nothing remain until the morning; but that which remaineth of it until the morning ye shall burn with fire:<sup>11</sup> Scripture has come to appoint the positive precept to follow the

negative precept to teach us that this negative precept is not punishable by lashes, — this is the opinion of R. Judah.

R. Jacob says, this is not the reason;<sup>12</sup> but rather because it is a negative precept not involving action, and the disregard of a negative precept not involving action is not punishable by lashes.<sup>13</sup> But he found the following anonymous Mishnah: 'I swear I shall not eat this loaf, I swear I shall not eat it;' and he ate it,

(1) V. Lev. V, 4 seq.

(2) According to this, our Mishnah, in enumerating four kinds of oaths, is referring to willful transgression.

(3) V. infra 21a.

(4) A vain oath is an oath which is demonstrably untrue on the face of it, e.g., 'I swear this is gold' (pointing to a lump of wood or stone). A false oath is an oath which is not, on the face of it, demonstrably untrue, e.g., 'I swear I have eaten a loaf of bread.' It may be true; it is false only if he has not eaten.

(5) V. infra.

(6) Which, in the present instance, is shown to be in accordance with R. Ishmael's view that a negative precept not involving action is liable to the punishment of the forty lashes.

(7) If a transgressor is not warned immediately before committing the sin, the punishment is not inflicted. In this case the actual moment of transgression is uncertain, for he has the whole day in which to fulfill his oath.

(8) Pes. 84a.

(9) Ex. XII, 46.

(10) I.e., to provide a remedy for the violation of the negative precept, averting punishment.

(11) Ex. XII, 10.

(12) Lit., 'not of the same denomination.'

(13) And since the exemption of the transgressor from lashes in the cited Mishnah may be due to R. Judah's reason and not R. Jacob's, the question remains, which is the anonymous Mishnah which supports R. Johanan?

## Shevu'oth 4a

he is guilty of transgressing only one oath:<sup>1</sup> this is the 'useless oath'<sup>2</sup> for which the punishment of lashes is inflicted for willful transgression, and the sliding-scale sacrifice for unwitting transgression.<sup>3</sup> This is the oath

# SHEVUOS – 2a-28b

for which the punishment of lashes is inflicted for willful transgression, but in the case: ‘I swear I shall eat,’ and he did not eat, [we may deduce] he would not receive lashes. [Presumably because the transgression involves no action, and this anonymous Mishnah would be the one with which R. Johanan agrees.] Now, well! This Mishnah is anonymous, and our Mishnah is anonymous; why does R. Johanan prefer the ruling of this Mishnah rather than of ours? But [might it not be asked as a counter-question] even according to your argument, how can Rabbi himself agree with both? —

At first, Rabbi held that a negative precept not involving action is punishable by lashes, and, therefore, stated the ruling of our Mishnah anonymously; afterwards, he held it is not so punishable, and stated the ruling of the second Mishnah anonymously, and [though he had changed his view] he allowed the first Mishnah to stand also.<sup>5</sup> You have explained our Mishnah as being in accordance with R. Ishmael's view, and as referring to lashes for willful transgression: if so, what lashes can there be in connection with the shades of leprosy? —

There are lashes in the case where one cuts off his leprous spot; and as R. Abin said in the name of R. Ila'a; for R. Abin said in the name of R. Ila'a: Whenever there occur in Holy Writ the expressions ‘take heed’, ‘lest’, or ‘do not’, they are negative precepts.<sup>6</sup> In connection with carrying on the Sabbath what lashes can there be? Is it not a negative precept which requires the warning that its violation is punishable by death?<sup>7</sup> and every such negative precept is not punishable by lashes?<sup>8</sup> —

For this very reason we have explained the Mishnah as being in accordance with R. Ishmael's view, who holds that a negative precept requiring the death warning is [if the lashes warning be given] punishable by lashes.<sup>9</sup> But, were it not for this, would it have been possible to explain the Mishnah as being in accordance with R. Akiba's view? [Surely

not! For] has it not been shown that the laws of uncleanness in our Mishnah are not in accordance with his views? —

But did you not say that even according to R. Ishmael, the Mishnah would have to be interpreted as referring to willful transgressions involving the punishment of lashes; and, if so [were it not for the fact that R. Akiba holds that a negative precept requiring the death warning is not punishable by lashes, even if the lashes warning be given],<sup>10</sup> we could just as easily have explained the Mishnah as being in accordance with R. Akiba's view, and as referring to lashes.<sup>11</sup>

If so,<sup>12</sup> the phrase **THE DISCOVERY OF HAVING SINNED THROUGH UNCLEANNESS** [implying unconscious sinning] is inappropriate; the appropriate expression would be ‘warnings against sinning through uncleanness’? — This question need cause no difficulty: the Tanna means ‘the laws concerning the knowledge of the warnings against sinning’... If so, how can there be **TWO, SUBDIVIDED INTO FOUR?** There are only two!<sup>13</sup>

Further, **WHERE THERE IS KNOWLEDGE AT THE BEGINNING AND AT THE END, BUT FORGETFULNESS BETWEEN...** How can there be forgetfulness, if the Mishnah is referring to willful transgression and lashes?

Further, **A ‘SLIDING SCALE’ SACRIFICE IS BROUGHT** [obviously refers to willful transgression]?<sup>14</sup> — Hence, said R. Joseph, we must conclude that the Tanna of the Mishnah is Rabbi himself, who [as editor] incorporates the views of both Tannaim; for the laws of uncleanness he gives the view of R. Ishmael, and for the laws of oaths he gives the view of R. Akiba [the Mishnah referring accordingly to unwitting transgression].

Said R. Ashi: I repeated this statement [of R. Joseph's] to R. Kahana; and he said to me: Do not think that [R. Joseph meant that] Rabbi simply incorporated in the Mishnah the views of both Tannaim, he himself not agreeing; but

# SHEVUOS – 2a-28b

the fact is that Rabbi himself, for a sufficiently good reason, agrees [with R. Ishmael in the laws of uncleanness and with R. Akiba in the laws of oaths]. For it is taught: Whence do we deduce that one is not liable [to bring a sacrifice] except when there is knowledge at the beginning and at the end and forgetfulness between? Scripture records: It was hidden from him — twice.<sup>15</sup> This is the opinion of R. Akiba. Rabbi said: This deduction is not necessary. Scripture says:

(1) The first: for, having uttered the first oath, the loaf is already prohibited to him; and when he utters the second oath, he is, as it were, swearing to fulfill a mitzvah [i.e., to fulfill the first oath]; and he who swears to fulfill a mitzvah, and does not fulfill it, is not liable to punishment; v. infra 27a.

(2) See Lev. V, 4.

(3) Infra 27b.

(4) Rabbi Judah the Prince, redactor of the Mishnah. Why does he include both anonymous Mishnahs, if they contradict each other?

(5) Lit., ‘the Mishnah was not removed from its place’, Rabbi relying on the intelligence of the student to realize that the second Mishnah is the authoritative one. R. Johanan, therefore, agrees with the second Mishnah.

(6) Deut. XXIV, 8: Take heed in the plague of leprosy. Cutting off a leprous spot is therefore a violation of a negative precept, punishable by lashes.

(7) The violation of a negative precept is punishable only if the appropriate warning be given by witnesses.

(8) Even if the warning was, erroneously, that its violation was punishable by lashes.

(9) Mak. 13b.

(10) Ibid.

(11) And not to an offering.

(12) If the Mishnah refers to willful transgression and lashes.

(13) Warnings: against eating holy food whilst unclean, and against entering the Temple whilst unclean.

(14) And the question, ‘Who is the Tanna of our Mishnah?’ still remains unanswered.

(15) Lev V, 2, 3. One being superfluous, it is to teach that the uncleanness was hidden from him after having been known to him (i.e., knowledge at the beginning); knowledge at the end is obviously necessary, otherwise how does he know to bring a sacrifice? (Tosaf).

## Shevu'oth 4b

it was hidden from him [i.e., forgotten], therefore, it must have been known to him at the beginning; then Scripture says: and he knows of it<sup>1</sup> [i.e., at the end], hence, knowledge is essential both at the beginning and at the end. If so, why does Scripture say: it was hidden from him — twice? — In order to make him liable both in the case of forgetfulness of the uncleanness, and in the case of forgetfulness of the Temple or holy food.<sup>2</sup>

Concerning the laws of uncleanness, then, Rabbi has his own reason; but concerning oaths, where we do not find that he gives a reason of his own, how do we know [that he holds OATHS ARE TWO, SUBDIVIDED INTO FOUR]? — It is a reasonable assumption; for, what is R. Akiba's reason for including oaths in the past tense for liability? — Because he expounds ‘amplifications and limitations’!<sup>3</sup> We find that Rabbi also expounds ‘amplifications and limitations’. For it is taught:<sup>4</sup> Rabbi said: The first-born of man may be redeemed<sup>5</sup> by all things except bonds; but the Rabbis<sup>6</sup> said: The first-born of man may be redeemed by all things except slaves, bonds, and lands.

What is Rabbi's reason? — He expounds [the verse in accordance with the principle of] ‘amplifications and limitations’: And those that are to be redeemed from a month old — the verse amplifies; according to thy valuation, five shekels of silver — the verse limits; shalt thou redeem — the verse again amplifies; since it amplifies, limits, and amplifies, it includes everything, and excludes only bonds.

But the Rabbis expound [the verse in accordance with the principle of] ‘generalizations and specifications’: And those that are to be redeemed from a month old — the verse generalizes; according to thy valuation, five shekels of silver — the verse specifies; shalt thou redeem — the verse again generalizes; since it generalizes, specifies, and

# SHEVUOS – 2a-28b

generalizes, you must include in the ‘generalization’ only those things which are similar to the ‘specification’: just as the specification is clearly movable and of intrinsic value, so all things which are movable and of intrinsic value [may be used for redeeming the first-born]; but you must exclude lands, which are not movable, and slaves, which have been likened to lands,<sup>7</sup> and bonds, which, though they are movable, are not of intrinsic value. [Hence, since Rabbi expounds ‘amplifications and limitations’, he agrees with R. Akiba.]

Rabina said to Amemar: Does Rabbi really expound ‘amplifications and limitations’? Surely, Rabbi expounds ‘generalizations and specifications’! For it is taught:<sup>8</sup> [Then thou shalt take] an awl.<sup>9</sup> Hence I deduce that an awl may be used; whence do I deduce also a sharp wooden prick, thorn, needle, borer, or stylus? — It is said: Thou shalt take — anything that may be taken by hand. This is the opinion of R. Jose, son of R. Judah. Rabbi said: and awl — just as an awl is of metal, so only those things which are of metal [may be used]. And we explained the reason for their argument thus: Rabbi expounds ‘generalizations and specifications’,<sup>10</sup> and R. Jose son of R. Judah expounds

(1) Lev. V, 3.

(2) This proves that the statement THE LAWS OF UNCLEANNES ARE TWO SUBDIVIDED INTO FOUR represents the view of Rabbi.

(3) Infra 26a. R. Akiba expounds the verse (Lev. V, 4) thus: If any one swear clearly with his lips — ‘amplification; (i.e., all oaths); to do evil or to do good — ‘limitation’ (i.e., this particularization limits the general statement to oaths which are similar to the particular in that they are in the future tense); Whatsoever it be that a man utter clearly with an oath — another ‘amplification’ (this additional general statement serves to amplify the particular, adding even oaths which are not similar to it, i.e., even those in the past tense, and excluding only swearing to transgress a precept).

(4) Bek. 51a.

(5) V. Num. XVIII, 15, 16.

(6) Representing the opinion of teachers in general. And those that are to be redeemed is a general statement, implying that they may be redeemed with all things; this is followed by a particular statement five shekels of silver, limiting redemption to that

alone; then follows another general statement shalt thou redeem — apparently with all things. According to Rabbi, the particular (five shekels) implies that the first generalization is to be taken as including all things which are similar to the particular, and the final generalization adds even things which are not entirely similar to the particular, excluding only that which is most dissimilar. According to the Rabbis, the particular limits the first generalization to that particular alone, excluding even similar things, but the final generalization adds all similar things, excluding all things which are dissimilar. Though in this verse both generalizations precede the particular (and those that are to be redeemed from a month old shalt thou redeem, according to thy valuation, for five shekels of silver), the procedure is, in such a case, to assume that the particular is between the two generalizations. Rabbi's method of exposition is called ‘amplification and limitation’ (Ribbu u-Mi'ut (ריבוי ומיעוט); the other is called ‘generalization and specification’ (Kelal U-ferat (כלל ופרט)). The former is more inclusive than the latter.

(7) Lev. XXV, 46: And ye may make them (the slaves) and inheritance for your children, to hold for a possession.

(8) Bek. 51a.

(9) Deut. XV, 17, referring to a Hebrew slave who does not desire to be set free at the end of six years.

(10) Explaining the verse thus: Thou shalt take — a ‘generalization’; an awl — a ‘specification’; and thrust it through his ear and into the door — another ‘generalization’ (i.e., anything that may be thrust); in such a case, only those things which are similar to the specification (in the present instance, made of metal) are included. But R. Jose includes everything, excluding only the use of a poison which is powerful enough to bore a hole.

## Shevu'oth 5a

‘amplifications and limitations’.<sup>1</sup> True, elsewhere he expounds ‘generalizations and specifications’, but here [in connection with the redemption of the first-born he expounds ‘amplifications and limitations’, and] his reason is that which was taught in the Academy of R. Ishmael, for in the Academy of R. Ishmael it was taught:<sup>2</sup> In the waters, in the waters — twice.<sup>3</sup> This is not ‘generalization and specification’, but ‘amplification and limitation’. And the Rabbis [who disagree with Rabbi in connection with the redemption of the first-born — what is their reason]?

## SHEVUOS – 2a-28b

Rabina said: They agree with the Western [Palestinian] Academies who hold that where there are two general statements followed by a particular, the particular should be regarded as being between the two general statements, and the verse may then be expounded on the principle of 'generalizations and specifications'. Now that you say that Rabbi [as a general rule] expounds 'generalizations and specifications', the difficulty concerning oaths [in our Mishnah] necessarily remains.<sup>4</sup> We must perforce say, therefore, that [in the Mishnah] he gives R. Akiba's view on oaths, but he himself does not agree. To revert to the main subject:<sup>5</sup> 'Whence do we deduce that one is not liable except when there is knowledge at the beginning and at the end and forgetfulness between? Scripture records: It was hidden from him — twice. This is the opinion of R. Akiba.

Rabbi said: This deduction is not necessary. Scripture says: It was hidden from him, — therefore it must have been known to him at the beginning; then Scripture says: And he knows of it [i.e., at the end], hence, knowledge is essential both at the beginning and at the end. If so, why does Scripture say: it was hidden from him — twice: — In order to make him liable both in the case of forgetfulness of the uncleanness, and in the case of forgetfulness of the Temple or holy food.'

The Master said: 'And it was hidden from him, therefore it must have been known to him'. How do you conclude this? Raba said: Because it is not written: 'and it is hidden from him'.<sup>6</sup> Abaye said to him: If so, in connection with the wife suspected of infidelity, when Scripture says: And it was hidden from the eyes of her husband,<sup>7</sup> will you reason from this also that he knew at the beginning? [Surely not, for] if he knew, the waters would not test her, as it is taught: And the man shall be clear from iniquity, and that woman shall bear her iniquity:<sup>8</sup> when the man is clear from iniquity, the waters test his wife; but when the man is not clear from iniquity,<sup>9</sup> the waters do not test his wife.<sup>10</sup> And further,

in connection with the Torah it is written: It is hid<sup>11</sup> from the eyes of all living, and from the birds of the heavens it is kept secret;<sup>12</sup> will you conclude from this that they knew it? [Surely not, for] it is written: Man knows not the value thereof.<sup>13</sup>

Of necessity then, said Abaye, Rabbi holds that the knowledge gained from a teacher<sup>14</sup> is also called knowledge. But if so, said R. Papa to Abaye, the statement in the Mishnah WHERE THERE IS NO KNOWLEDGE AT THE BEGINNING, BUT THERE IS KNOWLEDGE AT THE END [is incomprehensible, for] is there anyone who has not even the knowledge gained from a teacher? He replied: Yes! it is possible in a child taken into captivity among heathen.

THE LAWS CONCERNING CARRYING ON THE SABBATH ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. We learnt there:<sup>15</sup> The laws concerning carrying on the Sabbath are two, subdivided into four inside;<sup>16</sup> and two, subdivided into four outside.<sup>17</sup> Why does our Mishnah here state simply: TWO, SUBDIVIDED INTO FOUR, and nothing else, whereas the Mishnah there states: Two, subdivided into four inside; and two, subdivided into four outside? —

The Mishnah there deals mainly with the Sabbath laws, and therefore mentions the Principals and Derivatives, but our Mishnah here, which is not concerned mainly with the Sabbath laws mentions the Principals only and not the Derivatives. Which are the principals? — Carrying out: the laws of carrying out are only two.<sup>18</sup> [and our Mishnah says: TWO, SUBDIVIDED INTO FOUR!] And perhaps you will say. [our Mishnah means] two Hoza'oth [carrying out] which are punishable, and two which are not.<sup>19</sup> [That is not possible, for] they are mentioned together with the shades of leprous affections, and just as those are all punishable, so are these? —

We must necessarily say, said R. Papa, that the other Mishnah, which deals mainly with the

# SHEVUOS – 2a-28b

Sabbath laws, mentions those which are punishable, and those which are not; but our Mishnah mentions only those which are punishable, and not those which are not. Which are those that are punishable? Carrying out: these are only two!<sup>20</sup> The Mishnah means two Hoza'oth and two Haknasoth. But the Mishnah says Hoza'oth!<sup>21</sup> — Said R. Ashi: The Tanna calls Haknasah also Hoza'ah. How do you know? —

(1) Which shows that Rabbi does not expound 'amplifications and limitations', and that therefore he does not agree with R. Akiba.

(2) Hul. 67a.

(3) Lev. XI, 9: These may ye eat of all that are in the waters: whatsoever hath fins and scales in the waters, in the seas, and in rivers, they may ye eat. In the waters is a general statement; in the seas and in the rivers is a particular. In this verse the particular is not between the two general statements, but follows them. In such a case, R. Ishmael's Academy assert, the verse is expounded on the principle of 'amplifications and limitations'. Rabbi agrees, and he therefore expounds similarly the verse about the redemption of the first-born.

(4) For if Rabbi does not expound 'amplifications and limitations' he cannot agree with R. Akiba, who includes oaths in the past tense.

(5) Supra p. 11.

(6) The form of the verb (Niphal) used by Scripture has the force of: it became hidden from him, implying knowledge at the beginning.

(7) Num, V, 13: the Niphal is used.

(8) Num, V, 31.

(9) Having known of her intrigue and yet cohabited with her.

(10) Sotah 28a.

(11) The Niphal is used ונעלמה

(12) Job XXVIII, 21.

(13) Job XXVIII, 13

(14) The theoretical knowledge that one who touches an unclean thing becomes unclean is also considered knowledge for the purpose of 'knowledge at the beginning', even if he did not realize at the moment of touching the unclean thing that he had become unclean. According to this, there is always 'knowledge at the beginning', the only exception being the case of a child taken into captivity among heathen.

(15) In Shab. 2a

(16) The haknasah of the poor man and the haknasah of the householder (which are punishable); and the same two Haknasoth when only half the action is done by each person, one person withdrawing the object, and the other taking it from

him, thus completing the action. These two Haknasoth are not punishable.

(17) Two Hoza'oth which are punishable, and two which are not.

(18) Of the householder and the poor man.

(19) v. p. 15, n. 10.

(20) V. previous note.

(21) The word used is Yezi'oth (going out), but it is presumably equivalent to Hoza'oth (carrying out).

## Shevu'oth 5b

Because we learnt: He who carries out from one domain to another domain [on the Sabbath] is guilty.<sup>1</sup> And are we not concerned there also with bringing in, and yet he calls it Hoza'ah.? [No!] Perhaps [the Tanna means] carrying out from a private domain to a public domain. — If so, let him say distinctly: He who carries out from a private domain to a public domain [is guilty]; why does he say: 'from one domain to another domain'? Obviously, to include even bringing in from a public domain to a private domain; and he calls it Hoza'ah — What is the reason? — The withdrawing of an object from its place the Tanna calls Hoza'ah. Rabina said: The Mishnah also lends support to this view, for it states: The laws of carrying [Yezi'oth] on the Sabbath are two, subdivided into four inside; and two, subdivided into four outside: and it goes on to explain haknasah [bringing in]!<sup>2</sup> This is conclusive. Raba said: The Tanna means domains; there are two kinds of domains<sup>3</sup> with regard to carrying on the Sabbath.

THE SHADES OF LEPROUS AFFECTIONS ARE TWO, SUBDIVIDED INTO FOUR. We learnt there:<sup>4</sup> the shades of leprous affections are two, subdivided into four: Bahereth intensively white, like snow; secondary to it [i.e., its derivative], Sid ha-hekal; Se'eth like white wool; secondary to it, Kerum Bezah.<sup>5</sup> R. Hanina said: the Tanna who stated this Mishnah of leprous affections<sup>6</sup> is not R. Akiba; for, if it were R. Akiba, then, since elsewhere he enumerates them one above the other,<sup>7</sup> Sid hekal cannot combine with any other shade; for, with which shade will you combine it? Will you combine it with Bahereth? There is

# SHEVUOS – 2a-28b

Se'eth which is [one degree] higher than it [intervening, Bahereth being two degrees higher]. Will you combine it with Se'eth.? It is not its derivative. If so, Kerum Bezah also — with what will you combine it? Will you combine it with Se'eth? There is Sid which is [one degree] higher than it [intervening, Se'eth being two degrees higher]. Will you combine it with Sid? It is not of its kind.<sup>8</sup>

(1) Shah. 73a.

(2) The poor man, having withdrawn an object from public territory, stretches out his hand into the house, and hands it to the householder; the poor man is guilty. V. Mishnah, Shah. 2a.

(3) Public and private, which produce four punishable transgressions, two Hoza'oth and two Haknasoth. Raba endeavors to explain why the Tanna uses the word Yezi'oth and not Hoza'oth; and he explains that it means 'goings out', i.e., roads or paths which go out or lead out, and is therefore equivalent to domains (Tosaf).

(4) V. Neg. I, 1.

(5) V. supra Mishnah, note 4.

(6) In the form of principals and derivatives, implying that a principal combines with its derivative to form the requisite size of כגריס Garis, bean, to mark the person thus afflicted a leper.

(7) According to their degree of whiteness — Bahereth, Se'eth, Sid, Kerum; holding that two shades, if separated by only one degree, may combine.

(8) For Sid and Kerum are derivatives of two different principals.

## Shevu'oth 6a

This is no question: without Sid Hekal, Kerum Bezah would present no difficulty, for, although Kerum Bezah is [two degrees] lower than Se'eth, Scripture says: For Se'eth and for Sappahath.<sup>1</sup> Sappahath is secondary to Se'eth although it is much [i.e., two degrees] lower. But Sid Hekal presents a difficulty: [with what shade can it combine?] Obviously, then, our Mishnah [in making Sid secondary to Bahereth, and Kerum secondary to Se'eth] is not in accordance with R. Akiba's view. And where have we heard R. Akiba [enumerating the shades of leprosy] one above the other? Shall we say, in the following [Baraitha], where it is taught that R. Jose said: Joshua, the son of R. Akiba, asked R. Akiba. 'Why did

they say the shades of leprosy are two, subdivided into four?'

He replied, 'What should they say?' 'They should say', [said his son, 'All shades] from Kerum Bezah and upwards are unclean'.

He replied, '[The Rabbis stated the law in the form of two, subdivided into four] so that we may deduce that they combine with each other.' His son argued. 'They could have said. "[All shades] from Kerum Bezah and upwards are unclean, and combine with each other".'

He replied, '[The Rabbis stated it in the form of two, subdivided into four] to teach us that a priest who is not well versed in them and their names is not competent to inspect the leprosy shades.' Now, [in his question], Joshua did not suggest [that they could have said that the shades from Kerum Bezah and upwards are unclean and combine, and the shades] from Sid Hekal and upwards are unclean and combine. And because he did not say this, we may deduce that he had heard that R. Akiba held that they all combine with Se'eth,<sup>2</sup> [But this is not conclusive], as [R. Akiba may perhaps hold that] Se'eth combines with its derivative, and Bahereth with its derivative.<sup>3</sup> Well, then from R. Hanina's statement [we may deduce that R. Akiba enumerates the shades one above the other], for R. Hanina said: To what may R. Akiba's statement be compared? —

To four tumblers of milk; into one there fell two drops of blood; into the second, four drops; into the third, eight drops; and into the fourth, twelve drops — some say, sixteen drops. They are all shades of white, but one above the other. [No!]<sup>4</sup> When did you hear R. Akiba holding this view — only in connection with variegated leprosy,<sup>5</sup> but did you hear it in connection with plain [white leprosy]? And if you will say that, just as he holds this view in connection with variegated leprosy, so he holds it in connection with plain; are you really sure that he holds it [even] in connection with variegated leprosy? Is it not taught: R. Akiba

# SHEVUOS – 2a-28b

says: the redness in this and in that [Bahereth and Se'eth] is like wine mixed with water, except that Bahereth is white like snow, and Sid is fainter than it.

(1) Lev. XIV, 56: For a rising and for a scab. Sappahath (translated 'scab') is from a root meaning 'to Join', 'be added to'. It is here taken to denote that which is joined, attached to Se'eth (translated 'rising'), i.e., its derivative Kerum Bezah.

(2) Because he suggests that the Rabbis could have said: the shades from Kerum and upwards are unclean and combine: without differentiating a derivative for Bahereth and a derivative for Se'eth. Hence we may deduce that Se'eth has two derivatives, Sid and Kerum (because Sappahath, which implies derivatives, is connected with Se'eth in Holy Writ), both of which combine with it and each other, and that Bahereth being only one degree higher than Se'eth also combines with Se'eth; but Bahereth has no derivative. Thus R. Akiba holds they are one above the other.

(3) And Joshua really asked: Let them say the shades from Kerum and upwards and from Sid and upwards are unclean and combine; but R. Jose was not particular to quote him verbatim.

(4) Neither is this conclusive.

(5) Reddish-white; v. Lev. XIII, 19

## Shevu'oth 6b

And if it is [as you say, that R. Akiba holds they are one above the other, i.e., Bahereth, then Se'eth], he should have said: White wool [i.e., Se'eth] is fainter than it? — That is so [R. Akiba really said Se'eth, and not Sid]. And so said R. Nathan: R. Akiba did not say: Sid is fainter than it, but white wool [i.e., Se'eth] is fainter than it. And how do we know that Bahereth is brilliantly white? Abaye said: Because Scripture says: And if the bright spot be white.<sup>1</sup> That is white and no other is [as] white [as it].

Our Rabbis taught: Bahereth is deep; and so Scripture says: And the appearance thereof [of the Bahereth] is deeper than the skin<sup>2</sup> — like the appearance of the sun which is deeper than the shade. Se'eth: Se'eth denotes high; and so Scripture says: Upon all the high mountains and upon all the hills that are lifted up.<sup>3</sup> Sappahath: Sappahath denotes an attachment [i.e. derivative]; and so Scripture says: And he

shall say: Attach me, I pray thee, [to one of the priest's offices].<sup>4</sup> We find a derivative for Se'eth.<sup>5</sup>

Whence do we deduce that there is a derivative for Bahereth.<sup>6</sup> R. Zera said: The word 'white' is mentioned with Se'eth,<sup>7</sup> and the word 'white' is mentioned with Bahereth.<sup>8</sup> Just as the 'white' mentioned with Se'eth has a derivative, so the 'white' mentioned with Bahereth has a derivative.<sup>9</sup> In a Baraita it is taught: Scripture put Sappahath<sup>10</sup> between Se'eth and Bahereth<sup>11</sup> to teach you that just as there is a derivative for Se'eth, so there is a derivative for Bahereth. Se'eth is like white wool.

What white wool? — R. Bibi said that R. Assi said: Clean wool of a new-born lamb which is covered, up [to be made] into a cloak of fine wool.<sup>12</sup> R. Hanina said: The Rabbis' enumeration [of the four shades] — to what may it be likened? To two Kings and two Governors: the King of this is higher than the King of that; and the Governor of this is higher than the Governor of that.<sup>13</sup> But this [enumeration] is one above the other!<sup>14</sup> — Well then, the King of this is higher than his own Governor; and the King of that is higher than his own Governor.<sup>15</sup> R. Adda bar Abba said: It is like King, Alkafta,<sup>16</sup> Rufila,<sup>17</sup> and Resh Galutha.<sup>18</sup> But this is one above the other! Well then, it is like King, Rufila, Alkafta, and Resh Galutha. Raba said: It is like King Shapur and Caesar.<sup>19</sup>

R. Papa said to Raba: Which of them is greater? He replied: You eat in the forest!<sup>20</sup> Go forth and see whose authority is greater in the world; for it is written: It shall devour the whole earth, and shall tread it down, and break it in pieces.<sup>21</sup> Said R. Johanan: This is wicked Rome<sup>22</sup> whose authority is recognized all over the world. Rabina said: It is like a [new white] woolen garment, and a worn-out woolen garment; and a [new white] linen garment, and a worn-out linen garment.<sup>23</sup>

# SHEVUOS – 2a-28b

WHERE THERE IS KNOWLEDGE AT THE BEGINNING, etc. Our Rabbis taught: How do we know that Scripture [in demanding a sliding scale sacrifice for uncleanness] refers only to cases where the Temple is entered or holy food eaten while unclean?<sup>24</sup> — There is a good argument for this deduction. Scripture warns against uncleanness,<sup>25</sup> and punishes it;<sup>26</sup> and also enacts that a sacrifice be brought for uncleanness.<sup>27</sup> Now just as Scripture, in warning against uncleanness and punishing it, did so only in cases where the Temple was entered or holy food eaten while unclean; so when it enacted that a sacrifice be brought for uncleanness, it did so only in cases where the Temple was entered or holy food eaten. Then let us include Terumah<sup>28</sup> [for sacrifice, if eaten while unclean], since Scripture also warned [against its being eaten while unclean] and punished [the transgressor with death by divine intervention]?<sup>29</sup> — We do not find that the sin for which the death penalty by divine intervention is inflicted [for willful transgression] should be punishable by sacrifice [for unwitting transgression].<sup>30</sup> You may say it is only the case in regard to a fixed sacrifice, but

- (1) Lev. XIII. 4: 'bright spot' is the translation of Bahereth.
- (2) Ibid. 25.
- (3) Isa. II, 14: נשאות (lifted up) is from the same root as שאת.
- (4) I Sam. II, 36. ספחני (Attach me) is from the same root as ספחת.
- (5) V. supra p. 17, n. 7.
- (6) This question is according to the Sages who hold that Bahereth has a derivative; and not according to R. Akiba who holds that it has no derivative.
- (7) Lev. XIII, 10.
- (8) Ibid. 4.
- (9) This kind of deduction is called גזרה שוה Gezerah Shawah: an inference from similarity of phrases; v. Glos.
- (10) Meaning derivative.
- (11) Lev. XIV, 56.
- (12) A covering of skin is clasped round the lamb to protect the wool.
- (13) Bahereth, the King (i.e., principal) of Sid, is higher than Se'eth, the King of Kerum; and Sid, the Governor (i.e., second in command) of this King (Bahereth), is higher than Kerum, the Governor of

that King (Se'eth). According to this, the order is: Bahereth, Se'eth, Sid, Kerum.

(14) Which is R. Akiba's and not the Rabbis' enumeration.

(15) I.e., Principal and derivative: Bahereth, Sid; Se'eth, Kerum.

(16) High Persian dignitary.

(17) Persian military officer, lower than Alkafta.

(18) Chief of the Babylonian Jews.

(19) I.e., Persian King and Roman Emperor, each having an adjutant.

(20) You live in a forest, and know not what is going on in the world. Surely you know that the Roman Emperor is greater! R. Papa, however, asked the question, because Raba had mentioned Shapur before Caesar. Raba had done so, because he was a Persian subject.

(21) Dan. VII, 23.

(22) Read רומי in the text instead of פרס.

(23) New garments are whiter than worn-out ones. New woolen and linen garments are closer to each other in whiteness than are the new and worn-out garments of each kind; so the two principals are, according to the Rabbis, nearer to each other than are principal and derivative of each kind.

(24) Lev. V, 2. The verse merely states: If anyone touch any unclean thing, making no mention of eating holy food or entering the Temple while unclean.

(25) Num. V, 2-3: Command the Children of Israel that they put out of the camp whosoever is unclean that they defile not their camp; this is explained (Pes. 67a) as a warning against entering the Temple while unclean. Lev. XXII, 4: He shall not eat of the holy things until he be clean; this is the warning against eating holy food while unclean.

(26) With Kareth for willing transgression; Num. XIX. 13: Whosoever toucheth the dead... and purifieth not himself — he hath defiled the tabernacle of the Lord — that soul shall be cut off; this is the punishment for entering the Temple while unclean. Lev. VII, 20: Anyone that eateth of the flesh of the sacrifice of peace offerings... having his uncleanness upon him, that soul shall be cut off; this is the punishment for eating holy food while unclean.

(27) For unwitting transgression.

(28) The priest's share of the produce, which is holy in a minor degree; v. Glos.

(29) מיתה Mithah, as distinct from Kareth (v. Glos.). Lev. XXII, 4: He shall not eat of the holy things until he be clean; this is explained (Yeb. 74b) as being a warning also against eating Terumah while unclean, holy things including Terumah. Ibid. 9: They shall therefore keep My charge, lest they bear sin for it, and die therein, if they profane it; this is the punishment for eating Terumah while unclean.

(30) When willful transgression is punished by Kareth, unwitting transgression is punished by sacrifice (Hor. 8a).

# SHEVUOS – 2a-28b

## Shevu'oth 7a

a sliding scale sacrifice should perhaps be, as in the case of 'hearing the voice of adjuration'<sup>1</sup> and 'swearing clearly with the lips'<sup>2</sup> [where a sliding scale sacrifice is brought for unwitting transgression, though neither Kareth nor death [by divine intervention] is inflicted for willful transgression]? —

Scripture says: [Whatsoever his uncleanness be] by which [he becomes unclean.]<sup>3</sup> By which, excludes Terumah.<sup>4</sup> Let us rather say that by which excludes Temple [and holy food] in that a sliding scale sacrifice shall not suffice, but a fixed sacrifice be necessary? Raba said of Rabbi: He draws water from deep pits;<sup>5</sup> for it was taught: Rabbi said: I read, [If any one touch any unclean thing, whether it be the carcass of an unclean] beast [or the carcass of unclean cattle].<sup>6</sup>

Why should cattle be written?<sup>7</sup> — [To deduce the following:] Here it is said unclean cattle, and further on it is said unclean cattle.<sup>8</sup> Just as there it refers to eating holy food while unclean, so here it refers to eating holy food while unclean. Thus we deduce the law regarding eating holy food while unclean; whence do we deduce the law regarding entering the Temple while unclean? —

Scripture says: She shall touch no hallowed thing, nor come into the sanctuary.<sup>9</sup> Sanctuary is equated with holy food. — If so, Terumah also [should be included for sliding scale sacrifice, if eaten while unclean], for it has been said that she shall touch no hallowed thing includes Terumah?<sup>10</sup> — [No!] Scripture limits the application of the law by the expression, by which.<sup>11</sup> — Let us say that the expression by which excludes Temple [and not Terumah]? — It is reasonable not to exclude Temple, because the same punishment, Kareth, is inflicted [for willfully entering the Temple, or eating holy food, while unclean].<sup>12</sup>

On the contrary, Terumah should not be excluded, because the act of transgression consists of eating, just as in the case of holy food [whereas in the case of the Temple, it is entering it which constitutes the transgression]?

Well then, said Raba:<sup>13</sup> Why is the punishment of Kareth for eating peace offerings [i.e., holy food] while unclean mentioned three times in Holy Writ?<sup>14</sup> — Once for a general statement,<sup>15</sup> once for a particular, and once for the uncleanness written in the Torah without being defined,<sup>16</sup> so that I know not what it means. You may say, then, it means eating holy food while unclean; and since it is unnecessary to have another prohibition for eating holy food while unclean, for I deduce that from Rabbi's statement, you may utilize the prohibition for entering the Temple while unclean. — But this [extra Kareth] we require for R. Abbahu's deduction!

For R. Abbahu said: Why does Scripture mention Kareth three times for eating peace offerings [while unclean]? — Once for a general statement, once for a particular, and once for things which are not eaten.<sup>17</sup> And according to R. Simeon who holds that things which are not eaten are not punishable by Kareth if eaten during uncleanness,<sup>18</sup> [we still require the extra Kareth to deduce that] the 'inner' sin offerings<sup>19</sup> are included;<sup>20</sup> for we might have thought that, since R. Simeon holds that sacrifices which are not offered on the outer altar, as are peace offerings, are not subject to the law of piggul,<sup>21</sup> therefore they are also not subject to the law of uncleanness;<sup>22</sup> he therefore teaches us that they are. [The third Kareth, then, is necessary for this deduction. How then shall we deduce that an unclean person entering the Temple brings a sliding scale sacrifice?]

Well then, the Nehardeans say in the name of Raba:<sup>23</sup> Why does Scripture mention 'uncleanness' three times<sup>24</sup> in connection with peace offerings? — Once for a generalization, once for a particular, and once for the

# SHEVUOS – 2a-28b

uncleanness written in the Torah without being explained, so that I know not what it means. You may say then, it refers to eating holy food while unclean, and since it is unnecessary to have another prohibition for that, for I deduce that from Rabbi's statement, you may utilize the prohibition for entering the Temple while unclean. But this [extra word 'uncleanness'] we also require; since Scripture had to write [the extra] Kareth for R. Abbahu's deduction, it perforce had to write also [the extra] 'uncleanness', for without it the phrase would have been meaningless? —

Well then, said Raba: We deduce [that an unclean person entering the Temple brings a sliding scale sacrifice] from [the similarity of phrases] 'his uncleanness', 'his uncleanness'. Here it is written: [If he touch the uncleanness of man] whatsoever his uncleanness be.<sup>25</sup>

- (1) Lev. V, 1: He heareth the voice of adjuration, he being a witness; v. infra Ch. IV.
- (2) Ibid. 4: If anyone swear clearly with his lips to evil or to do good; v. infra p. 1, n. 1.
- (3) Ibid. 3.
- (4) The word **כִּבֵּה**, by which, is superfluous, and is taken to limit the applications of the law to some extent, i.e., to exclude a sacrifice for the lesser transgression; so that only for eating holy food while unclean is a sacrifice brought, but not for eating Terumah while unclean.
- (5) I.e., shows great erudition. Here follows another argument to deduce that holy food and Temple are included, and Terumah excluded.
- (6) Lev. V, 2.
- (7) Cattle is included in beast. V. Lev. XI, 2, 3: These are the beasts which ye may eat... whatsoever parteth the hoof . . . among the cattle . . .
- (8) Lev. VII, 21: And when anyone shall touch any unclean thing, whether it be the uncleanness of man or unclean cattle. . . and eat of the flesh of the sacrifice of peace offerings, which pertain unto the Lord, that soul shall be cut off from his people.
- (9) Lev. XII, 4: referring to a woman after childbirth.
- (10) Mak. 14b.
- (11) V. supra p. 22, n. 5.
- (12) Whereas the willful eating of Terumah while unclean is not punishable by Kareth.
- (13) Another argument for including Temple and holy food, and excluding Terumah.
- (14) (a) Lev. XXII, 3: Whosoever he be... that approacheth unto the holy things... having his uncleanness upon him, that soul shall be cut off.

(Approach here means eat; v. Zeb. 45b). (b) Lev. VII, 20: Anyone that eateth of the flesh of the sacrifice of peace offerings... having his uncleanness upon him, that soul shall be cut off (c) Ibid. 21: When anyone shall touch any unclean thing... and eat of the flesh of the sacrifice of the peace offerings... that soul shall be cut off.

(15) Lev. XXII, 3: Whosoever he be... that approacheth unto the holy things. This is a generalization — holy things; Lev. VII, 20: Anyone that eateth of the flesh of the sacrifice of the peace offerings. This is a particular specification — peace offerings. Now, peace offerings are included in holy things: why should they be specified separately? — In order that we may deduce that only holy things which are sacrificed on the altar (as are peace offerings) are included in the law regarding uncleanness, but offerings for the Temple repair are excluded. (Rashi.)

(16) The Kareth in Lev. VII, 21, being superfluous, is for the purpose of teaching that it is the punishment for the witting transgression of that sin (eating holy food while unclean), the unwitting transgression of which is punished by a sliding scale sacrifice in Lev. V, 2 (which is there not fully defined). And since we already know that unwittingly eating holy food while unclean punishable by a sliding scale sacrifice (from Rabbi's deduction, v. supra), we may apply the superfluous Kareth for deducing that it is the punishment for the witting transgression of that sin, the unwitting transgression of which is punishable by a sliding scale sacrifice, i.e., entering the Temple while unclean (for, eating holy food while unclean we already know).

(17) Such as incense. If he eats it wittingly while unclean, the transgressor is punished by Kareth.

(18) V. Zeb. 45b.

(19) Such as the bullock and goat offered on the Day of Atonement, whose blood is sprinkled within the veil.

(20) Eating them while unclean is punishable by Kareth for witting, and sliding scale sacrifice for unwitting, transgression.

(21) Zeb. 43a. פִּיגּוּל (abomination, Lev. VII, 18; XIX, 7, 8) is a sacrifice left over beyond the time limit for its consumption; its eating is punishable by Kareth. Piggul is mentioned only in connection with peace offerings. The 'inner' sin offerings, according to R. Simeon, are, therefore, not subject to the law of Piggul.

(22) Anyone eating an 'inner' sin offering while unclean would not be liable to Kareth for witting transgression, or sliding scale sacrifice for unwitting transgression.

(23) Another version of Raba's statement.

(24) Lev. XXII, 13: having his uncleanness upon him; Lev. VII, 20: having his uncleanness upon him; Lev. VII, 21: when anyone shall touch any unclean thing.

# SHEVUOS – 2a-28b

(25) Lev. V, 3.

## Shevu'oth 7b

And there it is written: He shall be unclean; his uncleanness is yet upon him.<sup>1</sup> Just as there it refers to entering the Temple while unclean,<sup>2</sup> so here it refers to entering the Temple while unclean. — If so, why is the expression by which necessary?<sup>3</sup> — To include [that he who eats] the carcass of a clean bird<sup>4</sup> [and enters the Temple or eats holy food must bring a sliding scale sacrifice]. — But you said that by which is intended to exclude [and not include]! For the very reason that it does exclude it is superfluous: it is written: Or if he touch [the uncleanness]<sup>5</sup> — this implies that only that which defiles by touch is included [in the regulation of the sliding scale sacrifice], but that which does not defile by touch is not included.<sup>6</sup> Then it is written also: by which<sup>7</sup> which implies limitation. We have, then, limitation after limitation; and limitation after limitation serves to amplify.<sup>8</sup>

WHERE THERE IS KNOWLEDGE AT THE BEGINNING BUT NOT AT THE END, THE GOAT THE BLOOD OF WHICH IS SPRINKLED WITHIN THE VEIL, etc. Our Rabbis taught: And he shall make atonement for the holy place, because of the uncleannesses of the Children of Israel...<sup>9</sup> It is possible in this phrase to include three types of uncleanness — the uncleanness of idolatry, the uncleanness of incest, and the uncleanness of bloodshed. Of idolatry the verse says: [He hath given of his seed unto Molech] to defile My sanctuary.<sup>10</sup> Of incest it says: Ye shall keep My charge, that ye do not any of these abominable customs that ye defile not yourselves therein.<sup>11</sup> Of bloodshed it says: And thou shalt not defile the land.<sup>12</sup> Now, I might have thought that for these three types of uncleanness this ['inner'] goat atones, therefore the text says: Of the uncleannesses of the Children of Israel,<sup>13</sup> and not 'all the uncleannesses'. [These three are excluded, because] what [uncleanness] do we find that the text has differentiated from all other uncleannesses? —

You must say, it is the uncleanness of [the transgressor who enters] the Temple or [eats] holy food;<sup>14</sup> so here also [the text in stating that the inner goat atones for the transgression of the laws of uncleanness refers to] the uncleanness connected with Temple and holy food.<sup>15</sup> This is the opinion of R. Judah.

R. Simeon says: From its own text it may be deduced, for it says. And he shall make atonement for the holy place, of the uncleannesses, [i.e.,] of the uncleannesses of the holy place.<sup>16</sup> Now, I might have thought that for every uncleanness connected with the Temple and holy food<sup>17</sup> this goat atones, therefore the text says: And of their transgressions, even all their sins<sup>18</sup> — sins are equated with transgressions; just as transgressions are not liable for sacrifice,<sup>19</sup> so sins [in this verse] are those which are not liable for sacrifice.<sup>20</sup> And how do we know that [only] when there is knowledge at the beginning and not at the end does this goat hold the sin in suspense?<sup>21</sup> — Because the text says, even all their sins — implying sins for which a sin offering may ultimately be brought.<sup>22</sup>

The Master stated: 'It is possible in this phrase<sup>23</sup> to include three types of uncleanness — the uncleanness of idolatry, the uncleanness of incest, and the uncleanness of bloodshed.' With reference to idolatry, how is it possible? If it was witting transgression, the transgressor suffers the death penalty;<sup>24</sup> if unwitting, he brings a sacrifice.<sup>25</sup> — [Yes, it may atone] for witting transgression without warning,<sup>26</sup> or unwitting transgression before it becomes known to him.<sup>27</sup>

(1) Num. XIX, 13.

(2) Ibid: He hath defiled the Tabernacle of the Lord.

(3) V. supra p. 22, n. 5. It had been suggested that by which excludes Terumah; but that argument had been refuted; and now we find that we even require an extra deduction to include Temple; we should therefore not have included Terumah in any case, even without the limitation of by which.

(4) A dead clean bird defiles on being eaten, and not on being touched, as does a dead beast. V. Zeb. 69b.

# SHEVUOS – 2a-28b

- (5) Lev. V, 3.  
(6) Hence the carcass of a clean bird is automatically excluded.  
(7) Ibid. Whatsoever his uncleanness be by which he is unclean. By which implies some limitation or exclusion.  
(8) A double limitation is equivalent to an amplification, just as a double negative is equivalent to a positive. This is one of the thirty-two hermeneutical principles by which R. Eliezer, son of R. Jose the Galilean, expounds Holy Writ. In the present instance the double limitation serves to include that he who eats the carcass of a clean bird and enters the Temple or eats holy food must bring a sliding scale sacrifice.  
(9) Lev. XVI, 16: referring to the sacrifice of the High Priest on the Day of Atonement of the goat the blood of which is sprinkled within the veil.  
(10) Ibid. XX, 3; worshipping Molech is idolatry (Sanh. 64a).  
(11) Ibid. XVIII, 30, referring to incest and other offences enumerated in the chapter.  
(12) Num. XXXV, 34.  
(13) Lev. XVI, 16: The מ of מִטְמֵאתָ (of) is taken as partitive, implying some of, and not all.  
(14) In that a sliding scale sacrifice is brought for unwitting transgression, whereas a fixed sacrifice is brought for other unwitting transgressions.  
(15) And not idolatry, incest, or bloodshed.  
(16) As if in the text the two consecutive words הקדש מטמאת were transposed to read מטמאת הקדש.  
(17) Even where there is knowledge at the end.  
(18) Lev. XVI, 16.  
(19) Transgressions mean witting sins, and cannot be atoned for by sacrifice.  
(20) Excluding those where there is knowledge at the end, when a sliding scale sacrifice is brought.  
(21) And does not atone for the sin where there is no knowledge at the beginning, though it is also not liable for a sacrifice.  
(22) מטמאת which may be atoned for by קטאת; i.e., where there is knowledge at the beginning, but not at the end; a sacrifice is brought later when knowledge comes to the sinner. But where there is knowledge at the beginning, there is no possibility that a sacrifice may ultimately be brought.  
(23) Lev. XVI, 16.  
(24) Stoning; v. Sanh. 53a.  
(25) A she-goat; v. Num. XV, 27. How then could we possibly suggest that the 'inner' goat of the Day of Atonement atones for idolatry.  
(26) When warning has not been given, the death penalty is not inflicted (Sanh. 41a).  
(27) The inner goat will hold the sin in suspense till it become known to him, and he brings a sacrifice.

## Shevu'oth 8a

With reference to incest also, how is it possible? If it was witting transgression, the transgressor suffers the death penalty;<sup>1</sup> if unwitting, he brings a sacrifice.<sup>2</sup> — [Yes, it may atone] for witting transgression without warning, or unwitting transgression before it becomes known to him. With reference to bloodshed also, how is it possible? If it was witting transgression, the transgressor suffers the death penalty;<sup>3</sup> if unwitting, he is exiled?<sup>4</sup> — [Yes, it may atone] for witting transgression without warning, or unwitting transgression before it becomes known to him, or for cases where the punishment of exile is not inflicted.<sup>5</sup>

The Master has stated: 'I might have thought that for these three types of uncleanness this goat atones, therefore the text says, of the uncleanness, and not "all the uncleannesses." What do we find that the text has differentiated from all other uncleannesses? — The uncleanness connected with Temple and holy food; so here also [the text refers to] the uncleanness connected with Temple and holy food. This is the opinion of R. Judah.' What is the differentiation [alluded to]? — [In that] he [alone]<sup>6</sup> brings a sliding scale sacrifice.<sup>7</sup> Then include idolatry;<sup>8</sup> and as to the differentiation, it is in that the sinner brings a she-goat and not a lamb?<sup>9</sup> —

R. Kahana said: We mean a differentiation to relax,<sup>10</sup> but this is a differentiation to restrict.<sup>11</sup> Then include a woman after childbirth, for the text differentiates in her case in that she brings a sliding scale sacrifice?<sup>12</sup> —

R. Hoshai said: [The verse says,] all their sins,<sup>13</sup> and not 'all their uncleannesses.' And according to R. Simeon b. Yohai who said that a woman after childbirth is also a sinner,<sup>14</sup> what shall we say?<sup>15</sup> —

R. Simeon is consistent in that he holds 'from its own text it may be deduced.'<sup>16</sup> Then include

# SHEVUOS – 2a-28b

a leper [who also brings a sliding scale sacrifice]?<sup>17</sup> —

R. Hoshaia said [the verse says]: all their sins; and not ‘all their uncleannesses.’<sup>18</sup> And according to R. Samuel b. Nahman who said, for seven sins leprosy afflicts man,<sup>19</sup> what shall we say?<sup>20</sup> — There the leprosy itself atones for him;<sup>21</sup> and the sacrifice is merely to permit him to join the congregation. Then include a Nazirite<sup>22</sup> who has become unclean, for the text differentiates in his case in that he brings turtledoves or young pigeons?<sup>23</sup> —

R. Hoshaia said [the verse says]: all their sins, and not ‘all their uncleannesses.’<sup>24</sup> And according to R. Eleazar ha-Kappar who said that a Nazirite is also a sinner,<sup>25</sup> what shall we say?<sup>26</sup> — He agrees with R. Simeon who holds that ‘from its own text it may be deduced.’<sup>27</sup> The Master has stated: ‘R. Simeon said from its own text it may be deduced, for it says: And he shall make atonement for the holy place, of the uncleannesses of the uncleannesses of the holy place.’ R. Simeon argues well. [Why then does not] R. Judah [accept this deduction]?<sup>28</sup> — He may say to you that [and he shall make atonement... ] is required [to teach us] that just as he does in the Holy of Holies,<sup>29</sup> so shall he do [outside the veil] in the Temple.

And how does R. Simeon [deduce this]? — He deduces it from and so shall he do.<sup>30</sup> And R. Judah [cannot he also deduce it from this phrase? — No!] From this phrase we might have thought that he must bring another bullock and goat to do [the service outside the veil in the Temple], therefore the text teaches us [and he shall make atonement for the holy place, implying that he shall use the same bullock and goat, and so shall he do means that he shall repeat the service outside the veil].

And R. Simeon [why does he not agree with this argument of R. Judah? — Because the phrase] and so shall he do for the tent of meeting implies everything.<sup>31</sup> The Master stated: ‘I might have thought that for every

uncleanness connected with the Temple and holy food this goat atones, therefore the text says: and of their transgressions, even all their sins [- sins are equated with transgressions; just as transgressions are not liable for sacrifice, so sins in this verse are those which are not liable for sacrifice: but a sin which is liable for sacrifice is exclude, i.e., the inner goat does not atone for it].’<sup>32</sup> Which is it [that is excluded]? Where there is knowledge at the beginning and at the end. [Surely for such a sin] the transgressor must bring a sliding scale sacrifice!<sup>33</sup> The deduction is not necessary save in the case where the sin becomes known to the transgressor near sunset [on the eve of the Day of Atonement].<sup>34</sup> I might have thought that [in the meantime] until he brings his sacrifice,

(1) Stoning; v. Sanh. 53a.

(2) Ker. I, 2.

(3) Decapitation by the sword; Num XXXV, 16; Sanh, 76b.

(4) Num. XXXV, 11.

(5) E.g., if a man ascending a ladder falls on another man and kills him, he is not exiled; v. Mak. 7b.

(6) I.e., the unwitting transgressor of the laws of uncleanness connected with the Temple and holy food.

(7) Whereas for other unwitting transgressions a fixed sacrifice is brought.

(8) That the inner goat of the Day of Atonement should atone for it.

(9) Whereas for other unwitting transgressions, either a she-goat or a lamb may be brought.

(10) A sliding scale sacrifice is an act of leniency on the part of Holy Writ enabling the sinner to bring an offering according to his means (v. p. 1, n. 7) — a differentiation characteristic of the inner goat of the Day of Atonement, which is a sacrifice bought from public funds, and secures for the individual sinner the suspension of his sin.

(11) He must bring a she-goat even at great expense.

(12) Lev. XII, 6-8. If the Day of Atonement arrives before the time when she has to bring her sacrifice, let us say that the inner goat has already atoned for her, and she need not bring a sacrifice.

(13) Ibid. XVI, 16. The inner goat atones for sins; but the woman, in giving birth to a child, has not committed a sin; she brings a sacrifice merely to cleanse her from her uncleanness, so that she may partake of holy food.

(14) Nid. 31b; because of the travail she vows she will not cohabit again with her husband; and she breaks her vow.

(15) Why should not the inner goat atone for her?

# SHEVUOS – 2a-28b

(16) He does not exclude a woman after childbirth because of the phrase all their sins; but he deduces that the inner goat atones only for the sin of uncleanness connected with the Temple and holy food from its own text; v. supra p. 26.

(17) Lev. XIV, 10-32.

(18) A leper is not a sinner,

(19) Calumny, bloodshed, false oath, incest, haughtiness, robbery, selfishness; 'Ar. 16a.

(20) A leper is therefore a sinner; let us say then that the inner goat of the Day of Atonement atones for him.

(21) The distress he suffers because of his leprosy is sufficient punishment for him.

(22) One who vows to consecrate himself to God; he must abstain from grapes and all productions of the vine, and let his hair grow; v. Num. VI, 1-21.

(23) Ibid. 9-10.

(24) A Nazirite is not a sinner.

(25) By his vow he has inflicted upon himself abstinence from wine, and has thereby sinned; Nazir 19a.

(26) Why should not the inner goat atone for him?

(27) That the inner goat atones only for the uncleanness connected with Temple and holy food.

(28) Instead of deducing it from the fact that Holy Writ differentiates in the case of the uncleanness connected with Temple and holy food; v. supra p. 26.

(29) Lev. XVI, 14, 15.

(30) Ibid. 16.

(31) That he shall repeat the service outside the veil; and it would not have entered our minds to think that he should bring an extra bullock and goat. Therefore the phrase and he shall make atonement for the holy place, of the uncleannesses is superfluous, and hence may of be utilized for the deduction that the inner goat atones only for the uncleannesses of the holy place, i.e., Temple and holy food.

(32) V. supra p 26.

(33) Why then do we require the deduction to exclude such a sin from the atonement effected by the inner goat.

(34) When there is no time to bring the sliding scale sacrifice, as sacrifices are offered only during the day-time (v. Meg. 20b).

## Shevu'oth 8b

the inner goat should hold the sin in suspense, therefore the text teaches us [that it does not]. The Master stated: 'How do we know that, when there is knowledge at the beginning and not at the end, this goat holds the sin in suspense?' 'How do we know'? What is his question?<sup>1</sup> — This is his question: Now that

you say, 'sins are equated with transgressions: just as transgressions are not liable for sacrifice, so sins are those which are not liable for sacrifice;' you might logically argue, just as transgressions are never liable for sacrifice, so sins are those which are never liable for sacrifice; and which are they? Those where there is no knowledge at the beginning but knowledge at the end; but where there is knowledge at the beginning and not at the end, since, when the knowledge comes to him at the end, he is liable to bring a sacrifice, let us say that the inner goat should not hold the sin in suspense! And if you<sup>2</sup> should say, where there is no knowledge at the beginning but knowledge at the end, the outer goat together with the Day of Atonement atones?<sup>2</sup> —

I might have thought that we should reverse [the atonements].<sup>3</sup> Therefore the text says: even all their sins, so that we may infer that they are ultimately liable for a sin offering<sup>4</sup> [i.e., the inner goat holds in suspense those sins where there is knowledge at the beginning but not at the end]. But why should it not atone completely [instead of merely holding the sin in suspense till he brings his sacrifice]? —

If it had been written: '[And he shall make atonement... of their transgressions and] of their sins,'<sup>5</sup> I should have agreed with you: but now that it is written: '[of their transgressions], even all their sins,' [the text means that it holds in suspense] such transgressions as may ultimately be atoned for by sin offerings.<sup>6</sup> Now since it does not atone completely, what is the purpose of holding it in suspense? —

R. Zera said: So that if he dies [before the knowledge comes to enable him to bring his sacrifice] — he dies without sin. Said Raba to him: If he dies, his death purges him from sin;<sup>7</sup> but, said Raba, the inner goat [by holding the sin in suspense] shields him from sufferings [until he brings his sacrifice].

WHERE THERE IS NO KNOWLEDGE AT THE BEGINNING BUT KNOWLEDGE AT

# SHEVUOS – 2a-28b

THE END THE GOAT SACRIFICED ON THE OUTER ALTAR AND THE DAY OF ATONEMENT ATONE, etc. Now, they<sup>9</sup> have been equated with each other; let the inner goat, then, atone for its own [where there is knowledge at the beginning and not at the end] and for that for which the outer goat atones [where there is no knowledge at the beginning but at the end], and the outcome of this would be [that there would be atonement] in such case where the outer goat was not sacrificed.<sup>10</sup> [No!] The text says: [And Aaron shall make atonement upon the horns of it] once [in the year; with the blood of the sin offering of atonement once in the year shall he make atonement for it]:<sup>11</sup> one atonement it atones, but it does not effect two atonements. Well, let the outer goat atone for its own and for that for which the inner goat atones; and the outcome of this would be [that there would be atonement] in such case where uncleanness occurred between the offering of this [inner goat] and that [outer goat].<sup>12</sup> No!] The text says: once in the year — this atonement shall be

(1) It has just been deduced that the inner goat atones for sins which are not liable for sacrifice, and such a sin is not liable for sacrifice at present.

(2) V. Mishnah: hence we know that the inner goat does not atone for it, and therefore, of necessity it will atone for the sin where there is knowledge at the beginning and not at the end, then why his question?

(3) Viz. the inner goat should atone for the sin where there is no knowledge at the beginning but knowledge at the end, because it is never liable for sacrifice; and the outer goat should hold in suspense the sin where there is knowledge at the beginning but not at the end.

(4) V. supra p. 27, n. 5.

(5) Cf. Lev. XVI, 16 **ומפשעיהם ומהטאתם**

(6) Sins is explanatory of transgressions, i.e., the inner goat atones for the transgressions until such time as they enter the Category **לכל הטאתם**, i.e., until a sin offering is brought; therefore the inner goat atones temporarily, not permanently; in other words, it holds the sin suspense.

(7) Since it was an unwitting sin; death purges also certain witting transgressions for which repentance alone does not suffice, such as the profanation of the Name; v. Yoma 86a.

(8) For certain offences for which Kareth (v. Glos.) is the penalty repentance alone does not suffice, but

sufferings are inflicted on the transgressor to purge him from his sin; v. Yoma 86a.

(9) The inner and outer goats: v. supra p. 2.

(10) Because there were not sufficient goats available.

(11) Ex. XXX. 10: referring to inner goat.

(12) Where an unclean person entered the Temple or ate holy food after the inner goat had been offered, so that it cannot atone for him.

## Shevu'oth 9a

only once a year.<sup>1</sup> And according to R. Ishmael who holds that where there is no knowledge at the beginning but knowledge at the end the transgressor must bring a [sliding scale] sacrifice,<sup>2</sup> for which sin will the outer goat atone? For that where there is no knowledge either at the beginning or at the end. But for this the goats offered on the festivals and New Moons make atonement!<sup>3</sup> He agrees with R. Meir who holds that **ALL THE GOATS GIVE EQUAL ATONEMENT FOR THE UNCLEANNESS CONNECTED WITH THE TEMPLE AND HOLY FOOD**. In that case, for what purpose was the outer goat equated with the inner?<sup>4</sup> — [To teach us that] just as the inner does not atone for other sins, so the outer does not atone for other sins.

**WHERE THERE IS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END THE FESTIVAL AND NEW MOON GOATS BRING ATONEMENT: THIS IS THE OPINION OF R. JUDAH [B. ILA'I].** Said Rab Judah that Samuel said: What is R. Judah's reason? — Because the text says: And one goat for a sin offering unto the Lord:<sup>5</sup> for a sin which is known only to the Lord<sup>6</sup> shall this goat atone. — But this [superfluous word] we require for the deduction of R. Simeon b. Lakish, for R. Simeon b. Lakish said: 'Why is the New Moon goat different in that [the phrase] onto the Lord is used in connection with it? —

[Because] the Holy One, blessed be He, said: This goat shall be an atonement [for Me, as it were,] for my diminishing the size of the Moon!<sup>7</sup> — If so [for R. Simeon b. Lakish's

# SHEVUOS – 2a-28b

deduction], the text could have said: '[a sin offering] for the Lord'; why 'to the Lord'? For our deduction. Then say that it is solely for this deduction [and eliminate R. Simeon b. Lakish's deduction]. If so, the text could have said: 'a sin offering of the Lord;' why 'to the Lord'? Hence we deduce both. Let it [the New Moon goat] atone also for other sins [which are known only to the Lord, i.e., are unknown to the transgressor]! —

In the school of R. Ishmael it was stated that since this [outer goat of the Day of Atonement] comes at a fixed season, and this [New Moon goat] comes at a fixed season; then, just as this [outer goat] atones only for the uncleanness connected with the Temple and holy food,<sup>8</sup> so this [New Moon goat] atones only for the uncleanness connected with the Temple and holy food. Thus we find [that] the New Moon goats [atone for this class of sin]; whence do we know [that] the festival goats [atone for it]? And if you will say that this also follows from the deduction of the school of R. Ishmael,<sup>9</sup> it is possible to refute [this reasoning]: if [the deduction is made] from the New Moon [goat, it may be argued] that it is more frequent [than the festival goat, therefore it atones for this sin, but the festival goat may not atone for it]; and if [the deduction is made] from the Day of Atonement [goat, it may be argued] that the atonement of the Day is more inclusive,<sup>10</sup> [therefore the outer goat of the Day atones for this sin, but the festival goat may not atone for it]. And if you will say,

- (1) No other sacrifice can make this atonement.
- (2) Infra 19b.
- (3) Supra p. 2.
- (4) Ibid. p. 2.
- (5) Num. XXVIII, 15: referring to the New Moon goat.
- (6) But unknown to others, i.e., where there is no knowledge at all either at the beginning or at the end. This deduction is made because the text could have said: one goat for a sin offering; the words unto the Lord are superfluous.
- (7) V. Hul. 60b: It is written: 'And God made the two great lights' (sun and moon — apparently equal); and it is written: 'the greater light' and 'the lesser light' (obviously unequal)! The moon said to

the Holy One, blessed be He: 'How can two kings use one crown?' He replied: 'Go and diminish thyself'.

(8) For it has been equated with the inner goat: supra p. 2.

(9) The festival goat comes at a fixed season, and the New Moon goat comes at a fixed season, and the Day of Atonement goat comes at a fixed season: the first may be deduced from either of the other two.

(10) Atoning for all sins, whereas the festival does not atone; and though Holy Writ states clearly that the festival goat atones, it may be that it has not the power to atone for a sin (such as entering the Temple or eating holy food while unclean), the witting transgression of which is punishable by Kareth.

## Shevu'oth 9b

but we deduced the New Moon [goat] from the Day Of Atonement [goat],<sup>1</sup> and did not refute the argument, [therefore let us deduce the festival goat from the Day of Atonement goat; it may be said in reply that with reference to the New Moon goat] atonement is distinctly mentioned in the text [for a sin which is unknown to the transgressor];<sup>2</sup> and what we desired is merely an intimation [that only the unknown sins connected with Temple and holy food are intended]; but here it may be said that the whole law we cannot deduce.<sup>3</sup> Well then, just as R. Hama b. Hanina said [elsewhere: the text could have said] 'one goat', [but it says] 'and one goat';<sup>4</sup> so here [the text could have said] 'one goat', [but it says] 'and one goat';<sup>5</sup> so that the festival goats are equated with the New Moon goats; just as the New Moon goats atone only for sins where there is no knowledge either at the beginning or at the end,<sup>6</sup> so the festival goats atone only for sins where there is no knowledge either at the beginning or at the end.

The question was propounded: when R. Judah said [that the New Moon and festival goats atone] for sins where there is no knowledge either at the beginning or at the end, does this statement apply only to a sin which will ultimately remain unknown [to the transgressor], but a sin which will ultimately become known<sup>7</sup> is counted as if there were knowledge at the end, and consequently is atoned for by the outer goat [of the Day of

# SHEVUOS – 2a-28b

Atonement] together with the Day of Atonement; or [does his statement include] even a sin which will ultimately become known, since actually at this moment it [is unknown and] may be termed a ‘sin which is known only to the Lord’? —

Come and hear: It has been taught: For sins where there is no knowledge either at the beginning or at the end, and for a sin which will ultimately become known, the festival and New Moon goats atone: this is the opinion of R. Judah.

**R. SIMEON SAYS THE FESTIVAL GOATS ATONE [FOR THIS CLASS OF SIN], BUT NOT THE NEW MOON GOATS. [AND FOR WHAT DO THE NEW MOON GOATS ATONE? FOR A RITUALLY CLEAN MAN WHO ATE HOLY FOOD THAT HAD BECOME UNCLEAN.]** R. Eleazar said that R. Oshaia said: What is R. Simeon's reason?<sup>8</sup> — The verse says: And it hath He given you to bear the iniquity of the congregation.<sup>9</sup> This verse refers to the New Moon goat;<sup>10</sup> and we deduce [by analogy, because of the use of the identical word] iniquity, from the ziz:<sup>11</sup> here it is said iniquity, and there it is said iniquity;<sup>12</sup> just as there it refers to the uncleanness of the flesh,<sup>13</sup> so here it refers to the uncleanness of the flesh.<sup>14</sup> [But, since we deduce one from the other, let us say,] just as there it refers to offerings, so here it refers [only] to offerings,<sup>15</sup> [and let it not atone for a clean man who ate unclean holy food. No!] It is written: ‘the iniquity of the congregation’.<sup>16</sup> Well now, we deduce one from the other; then let the New Moon goat atone for its own,<sup>17</sup> and also do the work of the ziz, and the outcome would be [that there would be acceptance of the offering though unclean,] even when the ziz is broken? —

[No!] the verse says: the iniquity<sup>18</sup> — one iniquity it bears, but it does not bear two iniquities. Well then, let the ziz atone for its own<sup>19</sup> and for that for which the New Moon goat atones, and the outcome would be [that there would be atonement] for uncleanness<sup>20</sup>

which occurred between this [New Moon] and the next?<sup>21</sup> [No!] the verse says: it<sup>22</sup> hath He given you to bear the iniquity of the congregation — it bears the iniquity, but no other bears the iniquity.

R. Ashi said: Here<sup>23</sup> it is written the iniquity of the congregation — congregation and not holy things; and there<sup>24</sup> it is written the iniquity of the holy things — holy things and not congregation. Hence we find that the New Moon goats atone for a clean man who ate unclean holy food. How do we know that the festival goats atone for [sins of uncleanness] where there is no knowledge either at the beginning or at the end? — As R. Hama b. Hanina said [elsewhere,<sup>25</sup> the text could have said:] ‘one goat’, [but it says:] ‘and one goat’; so here [the text could have said:] ‘one goat’, [but it says:] ‘and one goat’.<sup>26</sup>

- (1) Just as this comes at a fixed season, etc., supra p. 33.
- (2) Num. XXVIII, 15: a sin offering to the Lord, as explained above.
- (3) For, since it is necessary to deduce the whole law that the festival goats atone for these sins of uncleanness, the argument may be refuted: the Day of Atonement goat atones for these sins of uncleanness because its atonement is more inclusive, but the festival goats may not have the power to atone for sins which are punishable by Kareth for witting transgression.
- (4) Infra 10a.
- (5) Num. XXVIII, 22: the Passover goat; XXIX, 5: the New Year goat; XXIX, 16: the Tabernacles goat. In these verses the text has ‘and one goat for a sin offering’; the superfluous, Vav and, which is a conjunction, implies that the law with reference to these goats is connected with and is the same as that of the first mentioned goat, i.e., of the New Moon (XXVIII, 15). In connection with the Pentecost goat (XXVIII, 30) the text has ‘one goat’ (not and), but as long as and occurs in even one of the festivals, the other festivals may be likened to it: v. Tosaf.
- (6) This was deduced (supra 9a) from the phrase ‘sin offering to the Lord’, and by analogy from the Day of Atonement goat: just as this comes at a fixed season, etc.
- (7) E.g., if he was seen to become unclean and to enter the Temple, he will be told later.
- (8) For saying that the New Moon goat atones for a clean man who are unclean holy food.
- (9) Lev. X, 17.
- (10) V. Zeb. 101b.

# SHEVUOS – 2a-28b

(11) High Priest's plate of pure gold worn on the forehead: Ex. XXVIII, 36.

(12) And it (the ziz) shall be upon Aaron's forehead, and Aaron shall bear the iniquity committed in the holy things; Ex. XXVIII, 38.

(13) The ziz makes the sacrifice acceptable if the flesh or blood or fat had become unclean, and another need not be offered; but it does not atone for the uncleanness of the person offering the sacrifice: v. Men. 25b.

(14) Hence, the New Moon goat atones for a clean man who ate unclean holy food.

(15) The ziz does not atone for any sin, but makes the offering acceptable if it had become unclean. Let the atonement of the New Moon goat be limited likewise; it will be useful in the event of the ziz becoming broken.

(16) Implying that it atones for sins committed by men.

(17) For a clean man who ate unclean holy food.

(18) 'It (the New Moon goat) hath He given you to bear the iniquity' (Lev. X, 17).

(19) To make acceptable an offering the flesh of which had become unclean.

(20) I.e., the guilt incurred by a clean man caring unclean holy food.

(21) If the New Moon goat alone atones for this kind of sin, a clean man eating unclean holy food immediately after the New Moon would not have atonement until the next New Moon; but if the ziz atones, he will have immediate atonement, for the ziz is worn continually by the High Priest.

(22) אֶזְרֵיזָה the New Moon goat.

(23) Lev. X, 17: referring to the New Moon goat; therefore it atones for a clean man who ate unclean holy food.

(24) Ex. XXVIII, 38: referring to the ziz; therefore it makes acceptable an offering the flesh of which had become unclean.

(25) Infra 10a.

(26) Num. XXVIII, 22; XXIX, 5, 16: referring to the festival goats: and one goat for a sin offering. The 'and' connects and equates the festival goats with the New Moon goat mentioned in the text immediately before them.

## Shevu'oth 10a

Thus the festival goats are equated with the New Moon goats; just as the New Moon goats atone for something connected with holy things, so the festival goats atone for something connected with holy things. And if you should say, let them [the festival goats] atone for that for which the New Moon goat atones, [we would reply. No! for] we have said:

it [hath He given to you to bear the iniquity] — it [the New Moon goat] bears the iniquity, and no other bears the iniquity. And if you should say, let them atone for that for which the Day of Atonement [outer] goat atones,<sup>1</sup> [we would reply. No! for] we have said: once in the year [shall he make atonement for it]<sup>2</sup> — this atonement [of the Day of Atonement outer goat] shall be only once a year. For what, then, do they [the festival goats] atone? If for a case where there is knowledge at the beginning and at the end, the transgressor must bring a [sliding scale] sacrifice? If for a case where there is knowledge at the beginning and not at the end, this is a case where the inner goat and the Day of Atonement hold the sin in suspense? If for a case where there is no knowledge at the beginning but at the end, for this the outer goat and the Day of Atonement atone? Of necessity, therefore, they [the festival goats] atone for a case where there is no knowledge either at the beginning or at the end.

**R. MEIR SAYS ALL THE GOATS HAVE EQUAL POWERS OF ATONEMENT, etc.** Said R. Hama b. Hanina: what is R. Meir's reason? — The text [could have] said: 'one goat', [but it says:] 'and one goat' — all the goats are thus equated with each other: the conjunction and adds to the preceding subject. It was at first assumed that each deduced [its additional powers of atonement] from its neighbour;<sup>3</sup> [but that cannot be, for] R. Johanan said: In the whole Torah a law may be deduced by analogy from another law which has itself been deduced by analogy, except in the case of holy things, where a law may not be deduced by analogy from another law which has itself been deduced by analogy.<sup>4</sup> — This need cause no difficulty: they may all deduce from the first.<sup>5</sup> Granted, in every case where the text has 'and one goat',<sup>6</sup> but in the case of Pentecost and the Day of Atonement where the text has not 'and one goat', how can we deduce [their laws]? — Well then, said R. Jonah, the verse says: 'These ye shall offer unto the Lord in your festivals'<sup>7</sup> — all the festivals are equated with each other.<sup>8</sup> But the

# SHEVUOS – 2a-28b

New Moon is not a festival! Verily, the New Moon is also called a festival, as Abaye said [elsewhere], — for Abaye said Tammuz of that year<sup>9</sup> they made a full month [of thirty days], as it is written: He hath called a solemn assembly [or, festival] against me to crush my young men.<sup>10</sup> R. Johanan said: R. Meir agrees that the goat offered within [the veil on the Day of Atonement] does not atone their<sup>11</sup> atonements, nor do they atone his atonement. He does not atone their atonements: he atones one atonement, and does not atone two atonements;<sup>12</sup> they do not atone his atonement, for the verse says: once in the year [shall he make atonement]<sup>13</sup> — this atonement shall be only once in the year. It was likewise taught [in a Baraitha]: For a case where there is no knowledge either at the beginning or at the end, and for a case where there is no knowledge at the beginning but knowledge at the end, and for a clean man who ate unclean holy food, the festival goats and the New Moon goats and the goat offered outside [the veil on the Day of Atonement] bring atonement: this is the opinion of R. Meir. The inner goat, however, he leaves out, and that they [the others] atone [his atonement] he also leaves out.<sup>14</sup>

NOW, R. SIMEON SAYS THE NEW MOON GOATS ATONE FOR A CLEAN MAN WHO ATE UNCLEAN HOLY FOOD, etc. Granted that the New Moon goats do not atone for that for which the festival goats atone, because the text says: [It hath He given you to bear] the iniquity<sup>15</sup> — one iniquity it bears, but it does not bear two iniquities; but let the festival goats atone for that for which the New Moon goats atone? — [No!] The text says: it<sup>16</sup> [hath He given you to bear the iniquity] — it bears the iniquity, but no other bears the iniquity.<sup>17</sup> Granted that the festival goats do not atone for that for which the Day of Atonement goat atones, because the text says: once in the year [shall he make atonement]<sup>18</sup> — this atonement shall be only once a year; but let the Day of Atonement goat atone for that for which the festival goats atone? [No!] The text says: [And Aaron shall make atonement upon the horns

of it] once<sup>19</sup> — one atonement it atones, but it does not atone two atonements. But once is written in connection with the inner goat [and not the outer]! — The text says: [One goat for a sin offering,]<sup>20</sup> beside

(1) Where there is no knowledge at the beginning but at the end.

(2) Ex. XXX, 10; supra 8b.

(3) The Passover goat (Num. XXVIII, 22) is mentioned in Holy Writ immediately after the New Moon goat; it is equated with it, and therefore, like it, atones for a clean man who ate unclean holy food (R. Meir agreeing with R. Simeon that the New Moon goat atones for a clean man who ate unclean holy food.) The Tabernacles goat (Num. XXIX, 16), mentioned immediately after the Day of Atonement goat, is equated with it, and therefore, like it, atones for a case where there is no knowledge at the beginning but at the end; and the Day of Atonement goat, being equated with the Tabernacles goat, atones, like it, for a case where there is no knowledge either at the beginning or at the end. Similarly, all the goats deduce the necessary laws from each other, each one from its nearest neighbor in Holy Writ; the result is that they all equally atone for all things which they atone for individually.

(4) How then, for example, can R. Meir deduce that the Day of Atonement goat atones for a clean man who ate unclean holy food? This has to be deduced first from the Tabernacles goat, which in its turn (being likened to the Passover goat) has to be deduced from the New Moon goat?

(5) They need not deduce, by gradual stages, each one from its nearest neighbor, but they may all equally and simultaneously deduce from the New Moon goat to atone for a clean man who ate unclean holy food; and the New Moon goat may deduce from them (the festival goats) to atone for a case where there is no knowledge either at the beginning or at the end. And all may deduce from the Day of Atonement goat to atone for a case where there is no knowledge at the beginning but at the end; and the Day of Atonement goat from them for a case where there is no knowledge either at the beginning or at the end.

(6) The and adds to the preceding subject, and equates them with each other.

(7) Num. XXIX, 39.

(8) New Moon is included in festival: Mo'ed מועד, appointed season, is the word used in the text.

(9) The second year after the Exodus. The twelve men who went to reconnoiter the land of Canaan left on the 29th of Sivan, and returned on the 8th of Ab (the 2 last days of Sivan, 30 days of Tammuz, and 8 days of Ab 40 days). And the people wept that night (Num. XIV, 1), i.e., on the eve of the 9th of Ab. Because they wept for no reason that night, it was

# SHEVUOS – 2a-28b

fixed as an annual night of weeping for the future. (The first and second Temples were destroyed on that date); v. Ta'an. 29a.

(10) Lam. I, 15: according to Abaye the verse means this: He called a Mo'ed, מועד (festival), i.e., He intercalated an extra day, making Tammuz 30 days, so that the 30th day was proclaimed New Moon (festival), in order to crush my young men, in order that the night of weeping (9th of Ab) would coincide with the date my young men were to be crushed centuries later at the time of the destruction of the Temple.

(11) The outer goat of the Day of Atonement, festival and New Moon goats.

(12) Supra 8b.

(13) Ex. XXX, 10; supra 8b.

(14) He does not include the inner goat with the others; nor does he say that the other goats atone (or hold in suspense) where there is knowledge at the beginning but not at the end.

(15) Lev. X, 17; supra 9b.

(16) New Moon goat.

(17) Supra 9b.

(18) Ex. XXX, 10; supra 8b.

(19) Ibid.

(20) I.e., the outer goat.

## Shevu'oth 10b

the sin offering of atonement<sup>1</sup> — hence the outer is equated with the inner.

**R. SIMEON B. JUDAH SAID IN HIS [R. SIMEON B. YOHAI'S] NAME: [THE NEW MOON GOATS ATONE FOR A CLEAN MAN WHO ATE UNCLEAR HOLY FOOD; THE FESTIVAL GOATS, IN ADDITION TO ATONING FOR A CLEAN MAN WHO ATE UNCLEAR HOLY FOOD, ATONE ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END; THE OUTER GOAT OF THE DAY OF ATONEMENT, IN ADDITION TO ATONING FOR A CLEAN MAN WHO ATE UNCLEAR HOLY FOOD, AND FOR A CASE WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END, ATONES ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE AT THE BEGINNING BUT THERE WAS KNOWLEDGE AT THE END.]** What is the difference: the New Moon

goats do not atone for that for which the festival goats atone because the text says: [it hath He given you to bear] the iniquity<sup>2</sup> — one iniquity it bears, but it does not bear two iniquities; then let the festival goats also not atone for that for which the New Moon goats atone, because the text says: it [hath He given you to bear the iniquity]<sup>3</sup> — it bears the iniquity, but no other bears the iniquity?<sup>4</sup> —

Because [the emphasis on] it does not seem justified to him.<sup>5</sup> What is the difference: the festival goats do not atone for that for which the Day of Atonement goat atones, because the text says: once in the year [shall he make atonement]<sup>6</sup> — this atonement [of the Day of Atonement goat] shall be only once a year; then let the Day of Atonement goat also not atone for that for which the festival goats atone, because it is written: [And Aaron shall make atonement upon the horns of it] once<sup>7</sup> — one atonement it atones, but it does not atone two atonements?<sup>8</sup> [The emphasis on] once does not seem justified to him.

Why? — For it is written in connection with the inner goat [and not the outer]. If so, let the festival goats also atone for that for which the Day of Atonement goat atones, because once [in the year] is written in connection with the inner goat [and not the outer]. In reality, [the emphasis on] once does seem justified to him,<sup>9</sup> but here it is different, for the text says: And Aaron shall make atonement upon the horns of it once in the year — the horns, namely, of the inner altar: with reference to this [we say that] it atones one atonement and not two atonements, but with reference to the outer [we may say] it atones even two atonements.<sup>10</sup> Ulla said that R. Johanan said: The regular offerings which are not required for the community are redeemed unblemished.<sup>11</sup>

Rabbah sat and stated this law. Said R. Hisda to him: Who heeds you and R. Johanan, your teacher! Whither has the holiness in them departed!<sup>12</sup> He replied to him: Do you not hold that we do not say, 'whither has the holiness in them departed'?<sup>13</sup> For we learnt in a

# SHEVUOS – 2a-28b

**Mishnah:**<sup>14</sup> The remainder of the incense — what was done with it?<sup>15</sup> The wages of the workmen were allocated [from the Temple treasury],<sup>16</sup> and the extra incense was exchanged for this money, and given to the workmen as their wages, and was then re-bought [from them] with the new donations.<sup>17</sup> Now why [should this procedure be permitted]? Let us say, ‘whither has the holiness in them departed?’<sup>18</sup> — He said to him: You argue from incense! Incense is different,

(1) I.e., the inner goat: Num. XXIX, 11.

(2) Lev. X, 17; supra 9b, 10a.

(3) Ibid.

(4) Why, then, does R. Simeon differentiate, and say that the festival goats do atone for that for which the New Moon goats atone?

(5) It hath He given you to bear the iniquity does not necessarily imply that no other goat can bear the iniquity. It may mean that it (the New Moon goat) was also, in addition to other goats, given the power of bearing the iniquity (of a clean man who ate unclean holy food). But the emphasis on iniquity he holds to be justified, for this word is clearly singular: the verse therefore implies that the New Moon goat atones for only one iniquity.

(6) Ex. XXX. 10: second half of the verse.

(7) Ibid.: first half of the verse.

(8) Why then does R. Simeon say that the Day of Atonement goat does atone also for that for which the festival goats atone?

(9) For, though it is written in connection with the inner goat, it has already been explained that the outer is equated with the inner (v. supra p. 2). Hence, the latter half of the verse: with the blood of the sin offering of atonement once in the year shall he make atonement for it implies that the atonement of the sin offering (i.e., inner goat, and also outer goat, for it has been equated with it) is only once a year, i.e., the other goats (such as the festival goats) cannot make this atonement.

(10) The first half of the verse does not mention the sin offering (i.e., inner goat), but only the inner altar; therefore we cannot say that the deduction that it atones only one atonement refers also to the outer goat; for the outer goat has been equated with the inner goat, but not with the inner altar; hence the outer goat of the Day of Atonement atones also for that for which the festival goats atone.

(11) In the Temple store-room for congregational offerings there had always to be at least six lambs which had been examined and found free from blemish (‘Ar. 13a), in order that there should always be a ready supply for the two daily offerings (Num.

XXVIII, 1-4). On the first of Nisan the lambs of the previous year (i.e., the day before) were not permitted to be sacrificed, because congregational sacrifices were not allowed to be bought with the previous year's donations to the Treasury; hence there were always four lambs left which are not required for the community. These could be redeemed, though they were unblemished, although an individual's offering may not be redeemed unless it has a blemish which disqualifies it as a sacrifice (Men. 101a). The method of redemption was to exchange the four lambs for their money equivalent, the lambs becoming Hullin (un-holy), and the money becoming holy, and being utilized for making gold plates to cover the walls and floor of the Holy of Holies. Since the lambs were now not holy, they could be re-bought with the money subscribed in the New Year (1st of Nisan) to the Temple treasury.

(12) Since they were consecrated bodily, (קדושת הגוף) and not merely for their value (קדושת דמים), how can they become Hullin if they are unblemished?

(13) In the case of a congregational offering, as distinct from an individual's offering.

(14) Shek. IV 5.

(15) The incense (Ex. XXX, 34-36) was compounded from eleven ingredients: balm, onycha, galbanum, frankincense (in quantities of seventy manehs each in weight), myrrh, cassia, spikenard, saffron (sixteen manehs each), costus (twelve manehs), aromatic bark (three manehs), and cinnamon (nine manehs) — altogether 368 manehs, one for each day of the year (half in the morning, and half in the evening) and three extra for the Day of Atonement (v. Ker. 6a). But in an ordinary lunar year there were 11 manehs over (the lunar year being 354 days); and though these 11 manehs were necessary for supplementing the incense in intercalary years, they had to be bought from the new donations every 1st of Nisan (Tosaf). Some method had to be devised, therefore, of making the remainder of the old incense valid for the new year. — The lye obtained from a species of leek and the Cyprus wine which are mentioned in connection with the incense, were not actual ingredients, but were used simply for whitening the onycha, and also for making its odor more pungent (Ker. 6a).

(16) Omit ממנה in the text. The workmen were the family of Abtinah who were skilled in compounding the incense for the Temple: Yoma 38a.

(17) The incense, having been exchanged for the money, became Hullin, and could be re-bought with the donations of the new year, becoming holy again, and valid for the new year.

(18) And not permit the incense which had once been holy to become Hullin; yet we do not say this. It is assumed at present that the mortar in which the incense is pounded, being a holy vessel, makes the incense bodily holy.

# SHEVUOS – 2a-28b

## Shevu'oth 11a

for it has [only] a monetary holiness.<sup>1</sup> — If so, let it not become invalid by [the touch of] a Tebul yom,<sup>2</sup> and yet it has been taught: As soon as it [the incense] is placed in the mortar it becomes liable to invalidation by [the touch of] a Tebul Yom! But perhaps you will say, all things which have only a monetary holiness are liable to invalidation by [the touch of] a Tebul Yom — [that cannot be,] for we have learnt:<sup>3</sup> The meal-offerings<sup>4</sup> are liable to be trespassed against<sup>5</sup> as soon as they are verbally consecrated; when they are consecrated in the vessel,<sup>6</sup> they become liable also to invalidation by [the touch of] a Tebul Yom, and one lacking atonement,<sup>7</sup> and by Linah.<sup>8</sup> [Hence we may deduce:] ‘When they are consecrated in the vessel’ — yes, [they become liable to invalidation by the touch of a Tebul Yom,] but before they are consecrated in the vessel — no!<sup>9</sup> —

Well then, is it [the incense] holy bodily? If so, let it become invalidated [also] by Linah, and yet we have learnt:<sup>10</sup> The handful,<sup>11</sup> and the frankincense,<sup>12</sup> and the incense, and the meal-offering of the priests,<sup>13</sup> and the meal-offering of the anointed [High] Priest,<sup>14</sup> and the meal-offerings brought with libations,<sup>15</sup> are liable to be trespassed against as soon as they are verbally consecrated; when they are consecrated in the vessel, they become liable also to invalidation by [the touch of] a Tebul Yom, and one lacking atonement, and by Linah, [Hence we may deduce:] When ‘they are consecrated in the vessel’ — yes, [they become liable to invalidation by Linah,] but before they are consecrated in the vessel — no.<sup>16</sup>

He said to him: You argue from [the fact that it is not invalidated by] Linah [that therefore the incense is not bodily holy]! Incense is different [it is bodily holy even in the mortar, but is not invalidated by Linah], because it retains its form all the year.<sup>17</sup> Nevertheless, the question remains<sup>18</sup> [since the incense is bodily

holy]: whither has the holiness in them departed? —

Rabbah said: The Beth Din make a mental stipulation that if they are required, they are required [i.e., utilized]; but if not, they shall be holy only for their value.<sup>19</sup> Said Abaye to him: But you, Sir, yourself said, if one consecrates a male [ram] to be holy only for its value, it nevertheless becomes bodily holy?<sup>20</sup> This is no question: [I said it becomes bodily holy] in the case where he said it should be holy for its value to buy a burnt offering;<sup>21</sup> but if he said it should be holy for its value to buy libations [it does not become bodily holy].<sup>22</sup> — Abaye asked him, [It was taught:]<sup>23</sup> The bullock and [inner] goat of the Day of Atonement which were lost, others being set apart in their stead,

(1) It is holy only for its value, and not bodily holy. The mortar in which it is pounded is not deemed to be a holy vessel; the incense can, therefore, be redeemed for money and become Hullin, but why should the daily offerings which are actually holy bodily, be redeemable if unblemished?

(2) Lit., ‘bathed on that day’: a person who, having become unclean, and bathed, is not restored to perfect ritual cleanliness till sunset (Lev. XXII, 6, 7). His touch, before sunset, defiles holy objects. If the incense is not holy bodily, it should not become invalid by the touch of a Tebul Yom. (The holier the object the more easily it is liable to defilement.)

(3) Me'i. 9a.

(4) Of an individual who had sinned (Lev. V, II), מנחה חרטה; or a voluntary meal-offering (Men. 103a); or that which is brought with a thanksgiving sacrifice (Lev. VII, 12, 13).

(5) Lev. V, 15: unlawful use of sacred property constitutes מעילה, trespass.

(6) Having been brought to the Temple, and placed in the appropriate holy vessel, their holiness is increased.

(7) An unclean person such as a זב (gonorrhoeist: Lev. XV, 1-15); זבה (woman having irregular issue of blood: Lev. XV, 25-30); woman after childbirth (Lev. XII, 1-8); and leper (Lev. XIV, 1-32); must bring a sacrifice on becoming clean. Before the sacrifice is brought the person is מפורים; v. Ker. 8b. Strictly speaking, these four do not ‘lack atonement’, for they have committed no sin; they merely have to bring a sacrifice in order to be permitted to partake of holy food.

(8) Being kept overnight.

(9) Hence things which have only a monetary, and not a bodily, holiness, are not liable to invalidation

# SHEVUOS – 2a-28b

by the touch of a Tebul Yom; why then should the incense, if it has only a monetary holiness, become invalidated by the touch of a Tebul Yom?

(10) Me'i. 10a.

(11) Lev. II, 2: a handful (three middle fingers bent over the hollow of the palm) was taken by the priest from an individual's meal-offering, and burnt on the altar; the rest was eaten by the priest.

(12) Ibid. I: frankincense was put on the meal-offering to flavor it.

(13) Lev. VI, 16: a priest's meal-offering was wholly burnt on the altar.

(14) Ibid. 15.

(15) Num. XXVIII and XXIX: these meal-offerings are wholly burnt.

(16) This vessel is not the mortar in which the incense is pounded, but the vessel in which it is placed when brought to the altar to be burnt; for, while in the mortar, the Baraitha states, it is invalidated by the touch of a Tebul Yom, and not by Linah, whereas this Mishnah states that when the incense is consecrated in the vessel it is invalidated also by Linah; obviously, therefore, this is a different (holier) vessel. The incense, then, before it is placed in this holier vessel is not bodily holy.

(17) Linah does not alter its appearance or freshness as it would, for example, in the case of meat. When consecrated in the vessel, however, it is liable to invalidation by Linah (though it still retains its form), because all other things consecrated in a vessel are liable to invalidation by Linah; if incense were not so liable, it might sometimes be erroneously inferred that the others were also not so liable.

(18) Both in the case of incense and the daily offerings; why should they be redeemable if bodily holy?

(19) The authorities, when buying animals for the daily offerings, or when having the incense compounded, decide that only that which is necessary for that year shall become bodily holy; and that the rest shall become holy only for their value, and therefore be redeemable.

(20) And cannot be redeemed, because it is itself fit for a sacrifice. Accordingly, even granted that the Beth Din do make the stipulation that they shall be holy only for their value, the daily offerings and incense ought still to retain their bodily holiness, and the question. 'Whither has the holiness in them departed?' remains.

(21) And since the ram is itself fit for a burnt offering, it cannot be sold in order that for its money another ram may be bought.

(22) Similarly, the Beth Din have the power to stipulate at the outset that the daily offerings or incense not required shall become holy only for their value to provide gold plates for the floor and walls of the Holy of Holies.

(23) Tosaf. Yom Hakkip. IV.

## Shevu'oth 11b

and also the goats to atone for idolatry<sup>1</sup> which were lost, others being set apart in their stead — they all die.<sup>2</sup> This is the opinion of R. Judah. R. Eleazar and R. Simeon say: They pasture till they become unfit [for sacrifice],<sup>3</sup> then they are sold, the money going as a donation [to the Temple treasury], for a congregational sin-offering does not die.<sup>4</sup> — Why [should they be starved, or pasture till they become blemished]? Let us say the Beth Din make a mental stipulation [that if they be lost and found again they be redeemed unblemished]? —

You quote the case of lost sacrifices! Lost sacrifices are different, because they are rare.<sup>5</sup> But the red heifer<sup>6</sup> is rare, and yet it was taught:<sup>7</sup> The red heifer is redeemed on account of any disqualification in it; if it died, it is redeemed; if it was slaughtered,<sup>8</sup> it is redeemed; if he found another which was more excellent, it is redeemed;<sup>9</sup> but if he had already slaughtered it on its wood-pile,<sup>10</sup> it can never be redeemed?<sup>11</sup> The red heifer is different, for it is in the category of holy things for Temple repair.<sup>12</sup> If so,<sup>13</sup> how is it redeemed if it died or was slaughtered [outside the prescribed place], surely we require 'placing and valuation'?<sup>14</sup> —

This will be in accordance with R. Simeon, who says that holy things for the altar are subject to the law of 'placing and valuation', but holy things for the Temple repair are not subject to the law of 'placing and valuation'.<sup>15</sup> If it is in accordance with R. Simeon's view, how will you explain the last clause:<sup>16</sup> If he had already slaughtered it on its wood-pile, it can never be redeemed? Surely, it has been taught:<sup>17</sup> R. Simeon says. 'The red heifer defiles the defilement of edibles,<sup>18</sup> because it had a period of fitness.'<sup>19</sup> And R. Simeon b. Lakish said: 'R. Simeon used to say that the red heifer may be redeemed [even] on its woodpile!'<sup>20</sup> Well, then, the red heifer is different, because it is expensive.<sup>21</sup> The Master said: 'If it died, it is redeemed.' Do we then

# SHEVUOS – 2a-28b

redeem holy things in order to feed dogs?<sup>22</sup> — R. Mesharsheya said: [It is redeemed] for the sake of its hide.<sup>23</sup> Do the Beth Din, then, make a mental stipulation [merely] for the sake of its hide?<sup>24</sup> — R. Kahana said: ‘Men say, of a camel the ear [is valuable].’<sup>25</sup>

He further asked him:<sup>26</sup> **THEY SAID TO R. SIMEON: IS IT PERMITTED TO OFFER UP THE GOAT SET APART FOR ONE DAY ON ANOTHER? HE SAID TO THEM: IT MAY BE OFFERED. THEY ARGUED WITH HIM: SINCE THEY ARE NOT EQUAL IN THE ATONEMENT THEY BRING, HOW CAN THEY TAKE EACH OTHER'S PLACE? HE REPLIED: THEY [ARE ALL AT LEAST EQUAL IN THE WIDER SENSE IN THAT THEY] ALL BRING ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNES IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF.<sup>27</sup> Now, why [should R. Simeon give such an unconvincing reply]? Let him say, the Beth Din make a mental stipulation in their case!<sup>28</sup> — You argue thus against R. Simeon! R. Simeon does not hold that the Beth Din are empowered to make a mental stipulation; for R. Idi b. Abin said that R. Amram said that R. Johanan said: The regular offerings which are not required for the community are, according to R. Simeon, not redeemed unblemished;<sup>29</sup> and, according to the Sages, are redeemed unblemished. Who are the Rabbis who disagree with R. Simeon [and hold that the Beth Din make a mental stipulation]? Shall we say they are the Rabbis [who state the law] of incense?<sup>30</sup>**

(1) Num. XV, 22-26: referring to congregational lapse into idolatrous worship through erroneous ruling of the Beth Din,

(2) I.e., the lost ones which were found again after the others had already been sacrificed (v. Hor. 6a); they are put in a special stable, and not given food, so that they die. V. Kid. 55b; Tem. IV, 1; Tosaf. Yom Tob.

(3) By becoming blemished.

(4) I.e. is not starved to death. Sin-offerings of individuals are, in certain circumstances, starved to death; but not congregational sin-offerings. V. Tem. 15a.

(5) It is rare for a sacrifice to be lost, and the Beth Din, therefore, do not deem it necessary to make a stipulation for such an infrequent occurrence.

(6) Num. XIX. During the whole period of the first and second Temples only seven were prepared. V. Parah III, 5.

(7) Tosaf. Parah I.

(8) Outside the spot prescribed for the purpose on the Mount of Olives. V. Parah III, 6-11,

(9) Even if it has no blemish.

(10) In the proper place and in accordance with the prescribed ritual.

(11) Even if he finds a better one. Since everything in connection therewith has been correctly performed, it would not be seemly to redeem it and make it Hullin (v. Gos.). Now reverting to the first clause of this Baraitha, how could it be redeemed without a blemish, seeing that the Beth Din do not make mental stipulations in connection with rare matters?

(12) קדשי בדק הבית I.e., holy only for its value, and not for offering on the altar, קדשי מזבח, and therefore redeemable without a blemish הבית בדק קדשי is equivalent to קדושת דמים; v. Yoma 42a.

(13) If it is holy only in respect of its value.

(14) Lev. XXVII, 11, 12; He shall place (lit., cause to stand) the beast before the priest. And the priest shall value it. The beast must be able to stand on its feet to be valued and redeemed. If it died or was slaughtered, it cannot stand: how, then, can it be redeemed? It appears that if it were holy for the altar, the question would not arise, for, according to one authority (v. Tem, 32b), offerings for the altar, when redeemed, do not require ‘placing and valuation’. V. Tosaf.

(15) Tem, 32b: they may be redeemed even if they are not able to stand,

(16) Lit., ‘say the last clause.’

(17) Tosaf. Parah VI.

(18) After it has been slaughtered, its flesh can become unclean by contact with the carcass of an unclean animal (or clean animal not ritually killed), and it can then make edibles unclean by contact. Although the enjoyment of any kind of benefit from it is prohibited, and, according to R. Simeon, only edibles that are permitted are considered edibles capable of receiving and transmitting defilement (Men. 101b), it is, nevertheless, counted as an edible, because there was a time when the use of it might have been permitted, as explained infra. If it be asked, surely the flesh of the red heifer itself defiles without contact with a carcass, v. Hul. 82a, Rashi; B.K. 77a, Tosaf., for an explanation.

(19) I.e., capable of being counted fit as an edible.

(20) I.e., if a better one was obtainable, the heifer could be redeemed even after having been ritually slaughtered. This is the period of fitness to which R. Simeon alludes, and in virtue of which the flesh is regarded by him as an edible; R. Simeon holding that whatever is capable of being redeemed is

# SHEVUOS – 2a-28b

counted as if it were redeemed. How, then, can the Baraitha be in accordance with R. Simeon's view, since the last clause in it states that if he slaughtered it on its wood-pile it can never be redeemed?

(21) The Baraitha will not be in accordance with R. Simeon's view; and the reason for its statement that if he found a better heifer it can be redeemed, is that the Beth Din make a mental stipulation to that effect; and though a red heifer is rare, yet, because it is expensive, the Beth Din deem it worthwhile to make such a stipulation. The red heifer was expensive because it was difficult to obtain one which fulfilled all the ritual requirements: e.g., two black or white hairs rendered it unfit (Parah II, 5). A perfectly red heifer was so rare that almost any price could be demanded by the owner. Dama b. Nethina, a heathen, received 600,000 gold denarii for a red heifer (Kid. 31a).

(22) If it died, its consumption is prohibited.

(23) Which may be utilized.

(24) Which is such an insignificant item.

(25) A proverb current in his day. Of a valuable animal even a small part is valuable.

(26) Abaye asked Rabbah.

(27) Supra Mishnah 2b.

(28) That if a goat set apart for the Day of Atonement, for example, is not offered on that day, it may be offered on a festival or New Moon. V. Rashal, comment on Rashi, a.l.

(29) This proves that he does not hold that the Beth Din are empowered to make a mental stipulations; (v. supra 11a).

(30) Supra 10b. The incense left over at the end of the year was redeemed, because the Beth Din made a mental stipulations to that effect.

## Shevu'oth 12a

[It may be retorted,] Incense is different, because it cannot be put to pasture.<sup>1</sup> Well, then, the Rabbis [who State the law] of the red heifer.<sup>2</sup> [But again it may be urged:] Perhaps the red heifer is different, because it is expensive!<sup>3</sup> —

Well, then, the Rabbis [of our Mishnah] who argued with him.<sup>4</sup> [But here again,] how do you know that it is R. Judah<sup>5</sup> [who argues with R Simeon], and that thus he argues with him: 'It is right according to my view, holding as I do that the Beth Din make a mental stipulation; therefore the goat set apart for one day may be offered on another; but according to you who say, no, [we do not say the Beth Din make a mental stipulation], why should

the goat set apart for one day be offered on another?' —

[How do you know this?] Perhaps it is R. Meir<sup>6</sup> [who argues with R. Simeon], and thus he argues with him: 'It is right according to my view, holding as I do that all the goats bring equal atonement, therefore the goat set apart for one day may be offered on another; but according to you [who do not hold that all the goats bring equal atonement], why should the goat set apart for one day be offered on another?'

[Who, then, are the Rabbis who disagree with R. Simeon, holding that the Beth Din make a mental stipulation?] — But. R. Johanan had a tradition that, according to R. Simeon, they [the daily offerings] are not redeemed [unblemished]; and, according to the Sages, they are redeemed.<sup>7</sup> And according to R. Simeon who does not hold that the Beth Din make a mental stipulation [that the daily offerings which are not required should be redeemed], what is done with them?

R. Isaac said that R. Johanan said: They are offered as desserts to the altar. R. Samuel, son of R. Isaac, said: R. Simeon admits, however, that the goats for a sin-offering are not themselves offered as dessert for the altar, but their money equivalent;<sup>9</sup> for here [in the case of the surplus daily offering], it was originally intended for a burnt-offering, and it is now also a burnt-offering; but there [in the case of the sin-offering], it was originally intended for a sin-offering, and now it will be a burnt-offering; [it is, therefore, not permitted to be offered up itself,] a restriction being imposed even after [the congregation have had] atonement [with another sin-offering], as a preventive measure [in case it may be offered up] before [the congregation have had] atonement [with another].<sup>10</sup> Abaye said: We have also learnt [in a Baraitha];<sup>11</sup> The bullock and [inner] goat of the Day of Atonement which were lost, others being set apart in their stead; and also the goats to atone for idolatry which were lost, others being set apart in their

# SHEVUOS – 2a-28b

stead — they all die: this is the opinion of R. Judah.

R. Eleazar and R. Simeon say: They pasture till they become unfit [for sacrifice], and then they are sold, the money going as a donation [to the Temple treasury],<sup>12</sup> for a congregational sin-offering does not die!<sup>13</sup> — Now, why [should they pasture till they become blemished and then be sold]? Let them be offered up themselves as burnt-offerings [as dessert for the altar]. Obviously, therefore, [since they do not say this], we may deduce that a restriction is imposed [even] after atonement as a preventive measure [in case they may be offered up] before atonement.

Raba said: We have also learnt:<sup>14</sup> and the second one<sup>15</sup> pastures till it becomes unfit [for sacrifice], when it is sold, and the money goes as a donation [to the Temple treasury].<sup>16</sup> Now, why [should it pasture till it becomes blemished and then be sold]? Let it be offered up itself as a burnt-offering [as dessert for the altar]. Obviously, therefore, [since this is not done,] we may deduce that a restriction is imposed [even] after atonement as a preventive measure [in case it may be offered up] before atonement, Rabina said: We have also learnt:<sup>17</sup> A guilt offering<sup>18</sup> the owner of which died, or obtained atonement [with another], pastures till it becomes unfit [for sacrifice],<sup>19</sup> when it is sold, and the money goes as a donation [to the Temple treasury]. R. Eliezer says: It dies.<sup>20</sup>

R. Joshua says: He brings a burnt-offering for its money.<sup>21</sup> Now, let it be offered up itself as a burnt-offering [as dessert for the altar]. Obviously, therefore, [since this is not done,] we may deduce that a restriction is imposed [even] after atonement as a preventive measure [in case it may be offered up] before atonement. This is conclusive. This has also been taught [in the following Baraitha]:<sup>22</sup> What do they bring from the surplus [congregational offerings]?

(1) Therefore the Beth Din make a mental stipulation, but in the case of the regular daily offerings that are left over at the end of the year, since they may be put to pasture till they become blemished, and then redeemed, the Beth Din would make no mental stipulations. The Rabbis who state the law of incense may, therefore, agree with R. Simeon in the case of the daily offerings. Who, then, are the Rabbis who disagree with him?

(2) Supra 11b. The red heifer may be redeemed unblemished.

(3) Therefore the Beth Din deem it worthwhile to make a mental stipulation, but in the case of the daily offerings which are not expensive, the Beth Din possibly do not make a mental stipulation.

(4) Thus: Since the goats are not equal in the atonement they bring, and since you do not hold that the Beth Din can make a mental stipulation that if the goat of the Day of Atonement, for example, was lost and found later, it may be offered on a subsequent festival, how according to you, can the goat set apart on one day be offered on another? These Rabbis, then, themselves hold that the Beth Din can make a mental stipulation.

(5) Who agrees with R. Simeon that the goats do not bring equal atonement (v. supra. Mishnah 2a), and disagrees with him only in that he holds that the Beth Din make a mental stipulation that the goats can take each other's place.

(6) Who holds that all the goats bring equal atonement (v. supra Mishnah 2b). R. Judah, however, may not argue with R. Simeon, as he may not hold that the Beth Din make a mental stipulation, and R. Meir's question to R. Simeon could quite as easily be directed against R. Judah too. R. Judah, also, would agree with R. Simeon's reply.

(7) Because they do hold that the Beth Din make a mental stipulation.

(8) קיץ is summer fruit, v. II Sam. XVI, 1, 2. These burnt offerings were consumed by the altar after the usual obligatory offerings had been consumed, just as summer fruit (dessert) is taken at the end of a meal. Barth (Jahrb. Der jud. Liter. Gesel. VII. 129), connects קיץ המזבח with the Syriac קיסא 'wood', and translates it 'fuel for the altar', i.e., the extra burnt offerings are used as fuel for the altar when the ordinary offerings have been consumed. This is ingenious, but farfetched, and against the Talmud's own explanation of the word (infra 12b, top) 'as white figs for the altar'. Barth's objection that קיץ though meaning 'summer fruit', never has the meaning 'dessert', is unreasonable, for fruit is obviously dessert. — R. Simeon holds that the superfluous regular offerings are sacrificed on the altar as congregational freewill burnt-offerings, because they were originally intended as burnt-offerings (though as regular offerings and not as dessert); just as he holds, in the Mishnah, that a goat

# SHEVUOS – 2a-28b

which was not offered on a festival may be offered on the New Moon or Day of Atonement because, through not exactly the same, they are all at least equal in that they atone for the sins of uncleanness connected with the Temple and holy food.

(9) If, for example, the New Moon goat for the month of Adar was lost, and found in Nisan, it cannot be offered up then, for it was bought with money from the previous year, but it may be used as dessert for the altar; it cannot, however, itself be offered on the altar as a burnt-offering, for it was originally intended as a sin-offering. It is allowed to pasture till it becomes blemished, and is then redeemed, and the money is expended on the purchase of an animal for a burnt-offering as dessert for the altar.

(10) After the congregation have had atonement with another sin-offering there is no reason why this sin-offering should not itself be permitted to be offered up as a burnt-offering as dessert for the altar. It is, however, prohibited, for, if it were permitted, it might be taken as a precedent for offering it up as a burnt-offering even before the congregation have had atonement with another sin-offering, when it is still a sin offering, having been expressly allocated for that purpose.

(11) V. supra 11a. Confirming that R. Simeon holds sin offerings may not themselves be used as dessert for the altar, but only their money equivalent may be used, because a restriction is imposed even after atonement, in case they may be offered up before atonement.

(12) From which burnt offerings are bought as dessert for the altar. V. Suk. 56a, Rashi.

(13) Supra 11a-b.

(14) Another confirmation.

(15) Two goats were required for the Day of Atonement (Lev. XVI, 5-10), one of which, after lots had been cast, was offered up as a sin-offering, and the other hurled down a steep precipice in the wilderness (Yoma 67a). If the goat which had to be sent into the wilderness died, two other goats had to be obtained, and lots cast again. There were now two goats for a sin-offering to the Lord, the one left over from the first pair and one from the second pair. One of them was offered up as a sin-offering, and the other left to pasture till it became blemished, when it was sold, and the proceeds expended on a burnt-offering as dessert for the altar.

(16) Yoma 62a: 'Because a congregational sin-offering does not die.' It is R. Simeon who is known to hold this view; and yet he says that the goat is not itself offered up as dessert for the altar, but is sold, after it becomes blemished, and a burnt-offering bought from the proceeds.

(17) Tem. 20b. Another confirmation.

(18) Lev. V, 15-26; XIV, 12; XIX, 20-22; Nuns. VI, 12. There are different kinds of guilt-offerings, v. Zeb. V, 5.

(19) A sin-offering would, in such circumstances, be starved to death, v. Tem. 16a. Where a sin-offering is starved, a guilt-offering pastures, Tem. 18a.

(20) Holding the view that a guilt-offering is like a sin-offering; v. Zeb. 2a.

(21) The owner of the guilt-offering who obtained atonement with another sells this one, and for its money brings a burnt-offering; it is counted as his own private burnt-offering, and he must therefore supply the libations to go with it. According to the first view, as it comes from funds that had gone to the Temple treasury, it is counted as a congregational burnt-offering, and the libations are supplied from the public funds. V. Tem. 20b.

(22) In confirmation that surplus congregational offerings remaining over at the end of the year are used as dessert for the altar, as R. Simeon holds; but v. Tosaf.

## Shevu'oth 12b

Dessert like white figs<sup>1</sup> for the altar. But it is written: For any leaven or honey ye shall not offer up as smoke, as an offering made by fire unto the Lord?<sup>2</sup> — R. Hanina explained: [The burnt-offerings are dessert for the altar] as white figs are [dessert] for man. R. Nahman son of R. Hisda expounded: A burnt-offering of a bird is not offered as dessert for the altar.<sup>3</sup> Raba said: This is an absurdity! Said R. Nahman b. Isaac to Raba: Wherein lies its absurdity? I told it him; and in the name of R. Shimi of Nehardea I told it him; for R. Shimi of Nehardea said: The surplus offerings are utilized as congregational donations;<sup>4</sup> and a burnt-offering of a bird cannot be a congregational burnt offering.<sup>5</sup>

And Samuel also agrees with R. Johanan,<sup>6</sup> for Rab Judah said that Samuel said: In the case of congregational offerings, it is the knife that draws them to what they are.<sup>7</sup> It has also been taught likewise:<sup>8</sup> And R. Simeon admits that the goat which was not offered on a festival may be offered on the New Moon; and if it was not offered on the New Moon, it may be offered on the Day of Atonement; and if it was not offered on the Day of Atonement, it may be offered on a festival; and if it was not offered on this festival, it may be offered on another festival; for it was originally intended only to make atonement on the outer altar.

# SHEVUOS – 2a-28b

AND FOR WILFUL TRANSGRESSION OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF THE GOAT OFFERED WITHIN [THE VEIL] AND THE DAY OF ATONEMENT ITSELF BRING ATONEMENT.<sup>9</sup> How do we know this? For our Rabbis learnt. [Scripture says:] And he shall make atonement for the holy place, because of the uncleannesses of the children of Israel, and because of their transgressions, even all their sins;<sup>10</sup> Transgressions mean rebellious acts,<sup>11</sup> and thus it says, The king of Moab hath rebelled against me;<sup>12</sup> and also, Then did Libnah revolt at the same time.<sup>13</sup> Sins mean unwitting sins, and thus it says: If any one shall sin through error.<sup>14</sup>

FOR OTHER TRANSGRESSIONS OF THE TORAH, LIGHT AND HEAVY, WILFUL AND UNWITTING, KNOWN AND UNKNOWN, POSITIVE AND NEGATIVE, THOSE PUNISHABLE BY KARETH AND THOSE PUNISHABLE BY DEATH AT THE HAND OF THE BETH DIN FOR ALL THESE THE SCAPEGOAT BRINGS ATONEMENT.<sup>15</sup> Surely LIGHT is equivalent to POSITIVE AND NEGATIVE; HEAVY is equivalent to THOSE PUNISHABLE BY KARETH AND THOSE PUNISHABLE BY DEATH AT THE HAND OF THE BETH DIN; KNOWN is equivalent to WILFUL; and UNKNOWN is equivalent to in UNWITTING!<sup>16</sup> —

Rab Judah said: Thus he means:<sup>17</sup> For other transgressions of the Torah, whether light or heavy, whether committed unwittingly or willfully — those committed unwittingly, whether their doubtful commission<sup>18</sup> was known to him or not known to him; and these are the light transgressions: positive and negative; and these are the heavy transgressions: those punishable by Kareth and those punishable by death at the hand of the Beth Din. That positive precept [for transgression of which the scapegoat atones] — how is this [to be understood]? If he did not

repent, [why should the scapegoat atone? Surely it is written:] The sacrifice of the wicked is an abomination!<sup>19</sup> If he did repent, [why do we require the scapegoat? Repentance on] any day avails, for it was taught: If he transgressed a positive precept and repented, he does not move from there until he is forgiven!<sup>20</sup> — R. Zera said:

(1) V. Ber. 40b.

(2) Lev. II, 11. Any sweet fruit juice is called honey. (Rashi, a.l.) How, then, can you use the expression like white figs for the altar?

(3) The money obtained from selling superfluous congregational sin-offerings or individual guilt-offerings is not expended on buying a turtle-dove or young pigeon to be offered as dessert for the altar.

(4) And the money obtained from their sale is used for providing burnt-offerings as dessert for the altar on behalf of the congregation.

(5) Lev. I, 14: He shall bring his offering of turtle-doves or of young pigeons. His offering: an individual may bring a bird as an offering, but not a congregation. (Sifra)

(6) Supra 12a, that, according to R. Simeon, the surplus of regular offerings are used as dessert for the altar; and, according to the Rabbis, they are redeemed unblemished, and are re-bought to be sacrificed as regular offerings in the coming year; so that, both according to R. Simeon and the Rabbis, the regular offerings themselves are sacrificed, and they need not be put to pasture till they become blemished.

(7) It is the slaughtering knife, or, in other words, the moment of slaughter, that determines their purpose. Before they are slaughtered, however, they may be changed, according to R. Simeon, from one type of offering to another, e.g., from regular burnt-offerings to dessert (also burnt-offerings); and, according to the Rabbis who hold that the Beth Din have the power to make a mental stipulation, the year's surplus of regular offerings may be redeemed unblemished, and later re-bought and sacrificed as regular offerings in the coming year. V. Rabbenu Hananel and Tosaf. a.l.; Zeb. 6b, Rashi and Tosaf.

(8) Confirmation of Samuel's statement that congregational offerings are drawn by the knife to be what they are; and that even R. Simeon holds this view. The Rabbis obviously hold this view, for they say the Beth Din have the power to stipulate that the surplus regular offerings may be redeemed unblemished; but even R. Simeon, who disagrees with them, nevertheless holds that an offering which was set apart for one purpose may be sacrificed for a similar purpose, for he holds that the goats of all the festivals, New Moon, and Day of Atonement, are interchangeable, because they are all at least equal in

# SHEVUOS – 2a-28b

that they are offered on the outer altar to bring atonement for transgressions of the laws of uncleanness connected with the Temple and holy food; and he would therefore similarly hold that the surplus regular offerings may be offered as dessert, because regular offerings and dessert are both at least equal in that they are both burnt-offerings; and it is at the moment of slaughter that their purpose is fixed.

(9) Supra 2b.

(10) Lev. XVI, 16; with the inner goat (verse 15).

(11) I.e., willful transgressions.

(12) II Kings III, 7. The word used, פשע, is from the same root as that which is used in Lev. XVI, 16, and translated transgressions.

(13) Ibid. VIII, 22. The same root, פשע, is here also used for revolt.

(14) Lev. IV, 2. The word used for sin is from the same root, חטא, as that which is used for sins in Lev. XVI, 16.

(15) Supra 2b.

(16) Then why the repetition?

(17) The latter half is explanatory of the former half: POSITIVE AND NEGATIVE is explanatory of LIGHT, and KARETH AND DEATH is explanatory of HEAVY. And both light and heavy transgressions whether committed willfully or unwittingly are atoned for by the scapegoat. KNOWN AND UNKNOWN is an amplification of UNWITTING.

(18) If, for example, he ate one of two pieces of fat, one of which was prohibited fat (חלב 1, Lev. III, 3, 4), and the other permitted fat (שומן); and he is in doubt as to which of the two he ate, he would normally have to bring a guilt-offering for a doubtful sin (אשם תלוי, v. Lev. V, 17, 18, Rashi). Whether he became aware or not of the doubtful commission of this sin before the Day of Atonement, and if he had not yet brought his offering, he need not bring it after the Day of Atonement, for the scapegoat had atoned for it (Ker. 25a-b).

(19) Prov. XXI, 27.

(20) Yoma 86a.

## Shevu'oth 13a

[It refers to the case of a man] who persists in his rebellion;<sup>1</sup> and it is in accordance with Rabbi's view, for it was taught: Rabbi said: For all transgressions of the Torah, whether he repented or not, the Day of Atonement brings atonement, except in the case of one who throws off the yoke,<sup>2</sup> perverts the teachings of the Torah,<sup>3</sup> and rejects the covenant in the flesh<sup>4</sup> — [in these cases,] if he repented, the Day of Atonement brings atonement, and if

not — the Day of Atonement does not bring atonement.

What is Rabbi's reason? For it was taught: [Scripture says:] Because he hath despised the word of the Lord:<sup>5</sup> this refers to one who throws off the yoke, or perverts the teachings of the Torah; and hath broken His commandment:<sup>5</sup> this refers to one who rejects the covenant in the flesh; that soul shall utterly be cut off:<sup>5</sup> to be cut off before the Day of Atonement; he shall be cut off, after the Day of Atonement.<sup>6</sup> I might think that [this is the case] even if he repented, therefore Scripture says: his iniquity shall be upon him.<sup>5</sup> I did not say [that the Day of Atonement does not bring atonement] except when his iniquity is still on him.<sup>7</sup>

And the Rabbis?<sup>8</sup> — [They may reply: Scripture means] to be cut off, in this world; he shall be cut off in the world to come.<sup>9</sup> His iniquity shall be upon him: if he repented<sup>10</sup> and died, death wipes out [the sin].<sup>11</sup> But how can you establish [our Mishnah as being] in accordance with the view of Rabbi?<sup>12</sup> Surely since the last clause is in accordance with R. Judah's view, the first clause must also be in accordance with R. Judah's view!

For the last clause states — [THE SCAPEGOAT BRINGS ATONEMENT FOR] ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST.<sup>13</sup> Now, who holds this view? R. Judah.<sup>14</sup> Therefore the first clause must also be in accordance with R. Judah's view!<sup>15</sup> — R. Joseph said: It is really in accordance with Rabbi's view, and he is in agreement with R. Judah.<sup>16</sup> Said Abaye to him: Do you, Master, mean particularly that Rabbi agrees with R. Judah, but R. Judah does not agree with Rabbi;<sup>17</sup> or that just as [you say,] Rabbi agrees with R. Judah, so also R. Judah agrees with Rabbi, but you state, as is customary, that a disciple agrees with his master?<sup>18</sup> —

He replied: I mean particularly that Rabbi agrees with R. Judah, but R. Judah does not

# SHEVUOS – 2a-28b

agree with Rabbi; for it was taught: I might think that the Day of Atonement should atone for those who repent and for those who do not repent; and [although] an analogy [might be adduced to the contrary thus]: since sin-offering and guilt-offering atone, and the Day of Atonement atones, [we might therefore say,] just as the sin-offering and guilt-offering atone only for those who repent,<sup>19</sup> so the Day of Atonement atones only for those who repent, [yet we could argue,] sin-offering and guilt-offering do not atone for willful transgression<sup>20</sup> as for unwitting, [therefore they atone only for those who repent], but the Day of Atonement atones for willful as for unwitting transgression, [therefore let us say that] just as it atones for willful as for unwitting transgression, so let it atone for those who repent and for those who do not repent — therefore Scripture says: Howbeit<sup>21</sup> [on the tenth day of this seventh month is the Day of Atonement] — this limits [the power of the Day of Atonement].

Now, who is the author of any anonymous statement in the Sifra? — R. Judah;<sup>22</sup> and it states that [the Day of Atonement atones] for only those who repent, and not for those who do not repent.<sup>23</sup> But there is a contradiction between one anonymous statement in the Sifra and another! For it was taught: I might think that the Day of Atonement should not atone unless he fasted on it, and called it a holy convocation,<sup>24</sup> and did no work on it; but if he did not fast on it, and did not call it a holy convocation, and worked on it — whence do we deduce [that the Day atones for him]?

Scripture says: It is a Day of Atonement<sup>25</sup> — in all cases [it atones].<sup>26</sup> Abaye said: This is no question; this [latter statement] is in accordance with the view of Rabbi,<sup>27</sup> and that [former statement] is in accordance with the view of R. Judah. Raba said: Both statements are in accordance with Rabbi's view; but Rabbi admits [that the Day does not atone for] the Kareth of the Day itself;<sup>28</sup> for, if you will not say this, does not Rabbi hold that there is Kareth for the Day of Atonement!<sup>29</sup> Why

not?<sup>30</sup> It is possible, for example, in the case where he committed [the sin]<sup>31</sup> at night, and died, so that the Day did not come to atone for him!<sup>32</sup> — But, say:

- (1) I.e., who did not repent, nevertheless the scapegoat atones for him, according to Rabbi; and the verse, the sacrifice of the wicked is an abomination, which implies that a wicked man (i.e., who does not repent) cannot obtain atonement with a sacrifice, has reference to a sacrifice on any other day, except the Day of Atonement.
- (2) Denying the existence of God.
- (3) Lit., 'reveals an aspect of the Torah (not in accordance with the correct interpretation)', or 'acts in a bare-faced manner against the Torah.' For a full discussion of the phrase, v. Sanh. 99a and Aboth III, 11.
- (4) Circumcision. V. loc. cit.
- (5) Num. XV, 31. Lit., 'to be cut off, he shall be cut off' הכרת חכרת: the infinitive preceding the finite verb is taken as emphatic.
- (6) I.e., the Day of Atonement shall not have the power to wipe out the sin.
- (7) I.e., when he did not repent. According to Rabbi, therefore, it is only for these three sins that the Day of Atonement brings no atonement without repentance; but for other sins it brings atonement even without repentance.
- (8) Who disagree with Rabbi, holding that the Day does not atone even for other sins, without repentance. How will they interpret the emphasis of Scripture on that soul shall utterly be cut off?
- (9) In the case of these three sins, if the sinner does not repent; and even death cannot wipe out these sins without repentance; but in the case of other sins, if he does not repent, death has the power to wipe them out. The Day of Atonement, however, has not the power to wipe out even other sins without repentance.
- (10) His iniquity being no longer upon him.
- (11) Whereas in the case of other sins, apart from these three, death without repentance wipes them out.
- (12) That for all sins, except these three, the Day of Atonement brings atonement, even without repentance; and that the Mishnah, in stating that the scapegoat of the Day of Atonement atones for the transgression of positive precepts, refers to cases of non-repentance, in accordance even with Rabbi's view.
- (13) Supra 2b.
- (14) Infra 13b: that the scapegoat brings atonement for the priests.
- (15) And not Rabbi's.
- (16) That the scapegoat brings atonement for the priests.
- (17) That the Day of Atonement brings atonement even when there is no repentance.

# SHEVUOS – 2a-28b

(18) R. Judah the Prince was a disciple of R. Judah b. Il'ai; and therefore you said that Rabbi agrees with R. Judah, but the reverse is also true.

(19) Lev. V, 5: he shall confess that wherein he hath sinned (sin-offering); Num. V, 7: they shall confess their sin (guilt-offering); (cf. verse 8, and Lev. V, 15).

(20) V. Rashi: the majority of sin offerings and guilt offerings atone only for unwitting transgressions, but there are a few exceptions.

(21) Lev. XXIII, 27. Heb. ַּחֲטָאִים implies limitation: that the Day should atone only for those who repent. V. Sifra, a.l.

(22) Sanh. 86a: an accepted Talmudic maxim. The Sifra is the Tannaitic exposition of Leviticus (v. Sanh. p. 567, n. I).

(23) Hence R. Judah, who is the author of the anonymous passage quoted from the Sifra, does not agree with Rabbi.

(24) By including in the prayers on that day: Blessed art Thou, O Lord... Who sanctifiest Israel and the Day of Atonement; and by wearing holiday garments to signify his acceptance of the Day as holy. V. Ker. 7a, Tosaf.

(25) Lev. XXIII, 28. V. Sifra, a.l.

(26) Hence this anonymous statement in the Sifra holds that the Day atones even for those who do not repent (but actually sin on the very Day); it, therefore, contradicts the other statement in the Sifra.

(27) That the Day atones even for those who do not repent. It is not an anonymous statement, but should be mentioned in the Sifra as being the view of Rabbi.

(28) The first anonymous statement that the Day does not atone for those who do not repent refers only to the sins, punishable by Kareth, of the Day itself, such as non-fasting and working; the second statement that the Day does atone, even when the person does not fast, refers to other sins, i.e., the Day atones for other sins committed during the year even without fasting on the Day; but it cannot atone for the sin of non-fasting on the Day itself.

(29) If the Day atones for all sins, even connected with the Day itself, without repentance, why does Scripture decree the punishment of Kareth for transgressing the Day (Lev. XXIII, 29)? It can never be put into effect. Obviously, therefore, Rabbi must make the distinction which Raba suggests.

(30) Rabbi may hold that the Day atones even for the Kareth which it itself carries, and yet it is possible to find a case where Kareth is inflicted.

(31) Punishable by Kareth, e.g., non-fasting.

(32) The night of Atonement cannot atone; Only the Day has the power of atonement: For on this Day shall atonement be made for you (Lev. XVI, 30).

## Shevu'oth 13b

Does not Rabbi hold that there is Kareth for the day [of the Day of Atonement]?<sup>1</sup> Why not?<sup>2</sup> It is possible in the case where he ate a piece of meat, which choked him,<sup>3</sup> so that he died; or, he ate it almost at the setting of the sun,<sup>4</sup> so that there was not time to atone for him.<sup>5</sup>

[THE SCAPEGOAT BRINGS ATONEMENT EQUALLY FOR] ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST.<sup>6</sup> This itself is contradictory: he states that [THE SCAPEGOAT BRINGS ATONEMENT EQUALLY FOR] ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST; then he states WHAT IS THE DIFFERENCE BETWEEN ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST?<sup>7</sup> Rab Judah said, thus he means: Israelites, priests, and the anointed High Priest all equally obtain atonement with the scapegoat for other sins, and there is no difference between them [in this respect]; but what is the difference between Israelites, priests, and the anointed High Priest? [This:] the bullock atones for the priests for transgression of the laws of uncleanness in connection with the Temple and holy food thereof [whereas for Israelites the inner and outer goats atone for these transgressions].

And who holds this view?<sup>8</sup> R. Judah; for it was taught: [Scripture says:] And he shall make atonement for the most holy place,<sup>9</sup> this means the Holy of Holies; and the tent of meeting,<sup>9</sup> this means the Holy place; and the altar<sup>9</sup> — in its usual sense; he shall atone,<sup>9</sup> this means for the various compartments in the Temple court; and for the priests<sup>9</sup> — in the usual sense; and for all the people of the assembly;<sup>9</sup> this means the Israelites;<sup>10</sup> he shall atone,<sup>9</sup> this means for the Levites; they are all equated for one atonement,<sup>11</sup> in that they obtain atonement with the scapegoat for other sins: this is the opinion of R. Judah.

# SHEVUOS – 2a-28b

R. Simeon says: Just as the blood of the goat offered within [the veil] atones for Israelites for transgression of the laws of uncleanness connected with the Temple and holy food thereof, so the blood of the bullock atones for the priests for transgression of the laws of uncleanness connected with the Temple and holy food thereof; and just as the confession pronounced over the scapegoat atones for Israelites for other sins, so the confession pronounced over the bullock atones for the priests for other sins.<sup>12</sup> But according to R. Simeon [it may be asked]: Surely they have been equated!<sup>13</sup> — In what respect are they equated? In that they all obtain atonement, but each obtains atonement with his own.<sup>14</sup>

What is R. Simeon's reason?<sup>15</sup> — It is written: And he shall take the two goats:<sup>16</sup> the scapegoat is equated with the goat offered within [the veil]; just as the goat offered within [the veil] does not atone for the priests for transgression of the laws of uncleanness connected with the Temple and holy food thereof, because it is written concerning it: [the goat of the sin offering] that is for the people;<sup>17</sup> so the scapegoat does not atone for the priests for other sins. And R. Judah?<sup>18</sup> — He may say to you: For this reason they are equated, that they should be alike in color, height, and value.<sup>19</sup> Who is the Tanna who made this statement which the Rabbis taught. [viz., Scripture says:] He shall kill the goat of the sin offering that is for the people:<sup>20</sup> [this teaches] that the priests do not obtain atonement with it; and with what do they obtain atonement? With the bullock of Aaron.<sup>21</sup> I might think that they should not obtain atonement with the bullock of Aaron, for it has already been said: [And Aaron shall offer the bullock of the sin offering] which is for himself;<sup>22</sup> hence they would have no atonement at all.<sup>23</sup> But when Scripture says: And he shall make atonement for the priests,<sup>24</sup> we find that they have atonement. With what do they obtain atonement? It is better that they should obtain atonement with the bullock of Aaron, for it was released from its implication,<sup>25</sup> in order to include also his

house;<sup>26</sup> and that they should not obtain atonement with the goat offered within [the veil], which was not released from its implication.<sup>27</sup> in order to include also his house. And if you desire to say anything,<sup>28</sup> [I may add another argument, for] Scripture says: O house of Aaron, bless ye the Lord; O house of Levi, bless ye the Lord; ye that fear the Lord, bless ye the Lord.<sup>29</sup>

Who is the Tanna [of this Baraita]?<sup>30</sup> — R. Jeremiah said: It is not R. Judah, for if R. Judah, surely he says the priests obtain atonement with the scapegoat!<sup>31</sup> Then who is it? Raba said: It is R. Simeon who holds that the priests do not obtain atonement with the scapegoat. Abaye said: You may even say that it is R. Judah, and thus he<sup>32</sup> reasons: Hence they would have no atonement at all for transgression of the laws of uncleanness connected with the Temple and holy food thereof;<sup>33</sup> but when Scripture says: And he shall make atonement for the priest, we find that they have atonement for other sins; and just as we find that they have atonement for other sins, so they have atonement

(1) If he holds that the Day atones even for transgression of the Day itself, the punishment of Kareth decreed for transgressing the Day can never be put into effect; yet Scripture says: For whatsoever soul it be that shall not be afflicted in that same day, he shall be cut off from his people (Lev. XXIII, 29).

(2) Rabbi may still hold that the Day atones even for the Kareth which it carries, and yet it is possible to have a case where Kareth operates.

(3) So that not even a moment of the Day passed after the eating of it; but had he lived a moment after eating, the Day would have atoned.

(4) At the termination of the Day.

(5) Hence it is possible that Rabbi holds the Day atones even for the Kareth it involves, and Raba's distinction does not necessarily follow.

(6) Supra 2b.

(7) Ibid.

(8) That the scapegoat atones also for priests for other sins.

(9) Lev. XVI, 33.

(10) From this verse it is deduced that the High Priest on the Day of Atonement makes atonement with the bullock and goat for the transgression of the laws of uncleanness in the Holy of Holies, holy place, altar, etc. If one, that is to say, became unclean in the

# SHEVUOS – 2a-28b

Holy of Holies, and tarried for such time as he could prostrate himself (v. infra 16b), or if he offered incense on the golden altar while unclean, or entered other compartments of the Temple court while unclean, he has transgressed the law of uncleanness, and for this the bullock atones for priests, and the goat for Israelites.

(11) Priests, Levites, and Israelites, are all deduced from this latter part of the verse, which is superfluous, as obtaining equal atonement; but this equal atonement cannot refer to the atonement for transgression of the laws of uncleanness connected with the Temple and holy food, because in this case the atonements are not equal, the bullock atoning for priests, and the inner and outer goats for Israelites and Levites. The equal atonement, consequently, refers to the scapegoat which atones for priests, Israelites, and Levites, for other sins.

(12) V. supra p. 4, n. 7.

(13) The verse quoted by R. Judah above seemingly implying that both Israelites and priests obtain atonement with the scapegoat for other sins.

(14) Priest with the bullock, and Israelite with the goat.

(15) For stating that the scapegoat does not atone for priests for other sins.

(16) Lev. XVI, 7: the inner goat and the scapegoat.

(17) Ibid. 15.

(18) How will he explain this equation of the two goats?

(19) Yoma VI. 1.

(20) Lev. XVI, 15.

(21) Or his successor in the High Priest's office.

(22) Lev. XVI, 6.

(23) Neither with the goat, which is for the people, nor with the bullock, which is for Aaron.

(24) Lev. XVI, 33.

(25) The Biblical statement, which is for himself, implies that the bullock atones only for himself, and for other priests.

(26) Lev. XVI, 6: And he shall make atonement for himself in for his house, i.e., household. The bullock, therefore, atones for more than himself; it may, therefore, atone also for the other priests.

(27) Lev. XVI, 15: The goat of the sin offering that is for the people.

(28) In refutation of this argument.

(29) Ps. CXXXV, 19, 20. All priests are included in House of Aaron; therefore the priests obtain atonement with Aaron's bullock, for Scripture says: And he shall make atonement for himself and for his house.

(30) Which states that if the priests would not obtain atonement with Aaron's bullock, they would have no atonement at all.

(31) At least for other sins; whereas, according to the Baraitha, it appears that their atonement depends entirely on the bullock of Aaron.

(32) R. Judah who is the Tanna of the Baraitha.

(33) If we should say that the priests can obtain atonement neither with the inner goat of the people nor with bullock of the High Priest for the sins of uncleanness connected with the Temple, the result would be that they would have no atonement at all for these sins; though for other sins they would still obtain atonement with the scapegoat.

## Shevu'oth 14a

for the sins of uncleanness in connection with the Temple and holy food thereof. With what do they obtain atonement? It is better that they should obtain atonement with the bullock of Aaron, for it was released from its implication, in order to include also his house; and that they should not obtain atonement with the goat offered within [the veil], which was not released from its implication. And if you desire to say anything, [I may add another argument, for] Scripture says: O house of Aaron, bless ye the Lord, etc. What [is meant by]: If you desire to say anything?<sup>1</sup> You might say, it is written: [He shall atone for himself and for] his house,<sup>2</sup> [therefore I add the argument that] all [priests] are called his house, for it is said: O house of Aaron, bless ye the Lord... ye that fear the Lord, bless ye the Lord. Now, as to the phrase, that is for the people,<sup>3</sup> does it come for this purpose?<sup>4</sup> Surely it is required [to deduce] that the Divine Law means it should be from the people's [funds]!<sup>5</sup> —

This we may deduce from: And from the congregation of the Children of Israel [he shall take two goats].<sup>6</sup> Now, as to the phrase, which is for himself,<sup>7</sup> does it come for this purpose?<sup>8</sup> Surely it is required [to deduce] that which was taught: From his own [funds] he brings [the bullock], and he does not bring it from public funds. I might think that he does not bring it from public funds, because the congregation do not obtain atonement with it, but he may bring it from [funds subscribed by] his brother priests, for his brother priests obtain atonement with it, therefore Scripture says: which is for himself.<sup>9</sup> I might think that he should not bring it [from priestly subscriptions], but if he did, it is still valid,<sup>10</sup>

# SHEVUOS – 2a-28b

therefore Scripture says once more: which is for himself;<sup>11</sup> the verse repeats it in order to make [this condition] indispensable!<sup>12</sup> —

The Tanna meant thus in his argument: Why do they [the priests] not obtain atonement with [the goat of] the people? — Because they spend no money on it, for it is written: that is for the people;<sup>13</sup> [then we should say, that since] on Aaron's [bullock] they also spend no money,<sup>14</sup> [they should not obtain atonement with it,]<sup>15</sup> therefore he says, they are all called his house.<sup>16</sup> It is right according to R. Simeon<sup>17</sup> that Scripture mentions two confessions<sup>18</sup> and the blood of the bullock:<sup>19</sup> one instead of the goat offered within [the veil],<sup>20</sup> one instead of the goat offered outside,<sup>21</sup> and one instead of the scapegoat.<sup>22</sup> But according to R. Judah,<sup>23</sup> why do we require two confessions and the blood of the bullock? One confession and the blood should suffice!<sup>24</sup> —

One for himself and one for his household;<sup>25</sup> as it was taught in the Academy of R. Ishmael:<sup>26</sup> Thus the nature of justice is practiced:<sup>27</sup> it is better that the innocent should come and atone for the guilty, and not that the guilty should come and atone for the guilty.

## CHAPTER II

**MISHNAH.** THE LAWS CONCERNING THE DISCOVERY OF HAVING UNCONSCIOUSLY SINNED THROUGH UNCLEANNESS ARE TWO, SUBDIVIDED INTO FOUR;<sup>28</sup> [IF] HE BECAME UNCLEAN AND WAS AWARE OF IT,<sup>29</sup> THEN THE UNCLEANNESS BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE HOLY FOOD;<sup>30</sup> [IF THE FACT THAT IT WAS] HOLY FOOD WAS HIDDEN FROM HIM, THOUGH HE REMEMBERED THE UNCLEANNESS; [IF] BOTH WERE HIDDEN FROM HIM; AND HE ATE HOLY FOOD, AND WAS NOT AWARE,<sup>31</sup> AND WHEN HE HAD EATEN, BECAME AWARE: — IN THESE CASES HE BRINGS A SLIDING SCALE SACRIFICE. [IF] HE BECAME UNCLEAN AND WAS AWARE OF IT, THEN THE UNCLEANNESS BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE

TEMPLE;<sup>32</sup> [IF THE FACT THAT IT WAS] THE TEMPLE WAS HIDDEN FROM HIM, THOUGH HE REMEMBERED THE UNCLEANNESS; [IF] BOTH WERE HIDDEN FROM HIM; AND HE ENTERED THE TEMPLE, AND WAS NOT AWARE,<sup>33</sup> AND WHEN HE HAD GONE OUT, BECAME AWARE: — IN THESE CASES HE BRINGS A SLIDING SCALE SACRIFICE. IT IS THE SAME WHETHER ONE ENTERS THE TEMPLE COURT OR THE ADDITION TO THE TEMPLE COURT,<sup>34</sup> FOR ADDITIONS ARE NOT MADE TO THE CITY [OF JERUSALEM], OR TO THE TEMPLE COMPARTMENTS EXCEPT BY KING, PROPHET, URIM AND TUMMIN,<sup>35</sup> SANHEDRIN OF SEVENTY ONE,<sup>36</sup> TWO [LOAVES] OF THANKSGIVING,<sup>37</sup> AND SONG;<sup>38</sup> AND THE BETH DIN WALKING IN PROCESSION, THE TWO [LOAVES] OF THANKSGIVING [BEING BORNE] AFTER THEM, AND ALL ISRAEL [FOLLOWING] BEHIND THEM.

- (1) What argument could be used to refute this reasoning?
- (2) Limiting the atonement to his household, and excluding other priests.
- (3) Lev. XVI, 15.
- (4) To limit the atonement by the inner goat to Israelites, and to exclude priests.
- (5) Though the bullock of the High Priest is bought from his own private means.
- (6) Lev. XVI, 5
- (7) Ibid. 6.
- (8) To limit the atonement by the bullock to the High Priest, and to exclude others.
- (9) Lev. XVI, 11: אֲשֶׁר לוֹ, which may be translated which is his, i.e., bought with his own money.
- (10) Sometimes an action which is not directly permissible before it is done is declared legitimate after it has been done, a distinction being drawn between לְכַתְּחִלָּה (before the act) and דִּיעֵבֶד (after the act).
- (11) Lev. XVI, 11. אֲשֶׁר לוֹ occurs twice in this verse, and once in verse 6. The first, in verse 6, prohibits the buying of the High Priest's bullock from public funds; the second, in verse 11, prohibits its purchase from priestly funds; and the third, in verse 11, is לְעַבְבֵּי, to emphasize that it must be bought from his own funds, and that even if it had already been bought from priestly funds it is invalid.
- (12) The phrase אֲשֶׁר לוֹ is, therefore, necessary for this deduction. How then could the Tanna suggest that it would come to limit the atonement by the bullock to the High Priest, and exclude other priests,

# SHEVUOS – 2a-28b

were it not for the further arguments adduced to include them?

(13) From which we have deduced that it must be bought from the people's money, and not from the priest's money. More accurately, this deduction was made from the phrase: from the congregation of the Children of Israel; v. supra, and Tosaf.

(14) For it must be bought from the High Priest's private means, as deduced from אשר לי.

(15) The Tanna, therefore, in stating that from the phrase אשר לי we might be inclined to exclude other priests from the atonement of the bullock, meant that, because from this phrase we deduced that other priests must not subscribe to it, we would, for that very reason, exclude them from the atonement.

(16) All priests are included in the house of Aaron, and therefore obtain atonement with his bullock, though they are not permitted to subscribe towards its cost.

(17) Who holds that the priests obtain all their atonement with the bullock, and have no atonement at all, even for the other sins, with the scapegoat.

(18) Lev. XVI, 6, 11: And he shall make atonement occurs twice. It refers to the verbal confession before the bullock is killed (Yoma 36b).

(19) Ibid. 14: And he shall take of the blood of the bullock, and sprinkle it, etc.

(20) Which holds in suspense the sin in connection with uncleanness where there was knowledge at the beginning but not at the end.

(21) Which atones for the case where there was no knowledge at the beginning but knowledge at the end.

(22) Which atones for other sins. And for these three types of sin for which Israelites obtain atonement with the three goats, the priests obtain atonement with the two confessions and the blood sprinkling of the bullock.

(23) Who holds that the priests obtain atonement for other sins with the scapegoat.

(24) One instead of the inner goat, and one instead of the outer goat.

(25) He confesses his own sins, and then, being innocent, is in a position to make confession for the other priests.

(26) Yoma 43b.

(27) I.e., common sense dictates this.

(28) This Mishnah, elaborating the statement of the Mishnah, supra 2a, explains fully which are the four: forgetfulness of uncleanness (in connection with eating holy food), forgetfulness of holy food, forgetfulness of uncleanness (in connection with entering the Temple), forgetfulness of Temple, v. infra 14b.

(29) Either immediately or later.

(30) I.e., was aware that it was holy food he was eating.

(31) That he was unclean, or that the food was holy, or both.

(32) I.e., that the place he had entered was the Temple.

(33) That he was unclean, or that it was the Temple he had entered, or both.

(34) The additional portion is as holy as the original, for it is consecrated with full ceremonial. An unclean person entering the additional portion must, therefore, also bring a sacrifice. The whole of the Temple court was 187 cubits long and 135 cubits wide; and was divided into a number of compartments (Mid. V.). An unclean person was prohibited from entering anywhere within the court.

(35) V. Ex. XXVIII, 30; and Rashi, a.l.

(36) The great Sanhedrin sitting in Jerusalem; there were minor courts in each town composed of 3 members, for deciding monetary questions, and of 23 members, for deciding questions of life and death; v. Sanh. 2a.

(37) V. infra 15a.

(38) V. infra 15b.

## Shevu'oth 14b

THE INNER ONE IS EATEN, AND THE OUTER ONE IS BURNT.<sup>1</sup> AND AS TO ANY ADDITION THAT WAS MADE WITHOUT ALL THESE — HE WHO ENTERS IT [WHILE UNCLEAN] IS NOT LIABLE.<sup>2</sup> IF HE BECAME UNCLEAN IN THE TEMPLE COURT [AND WAS AWARE OF IT], AND THE UNCLEANNESS THEN BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE TEMPLE; [OR, THE FACT THAT IT WAS] THE TEMPLE BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE UNCLEANNESS; [OR,] BOTH BECAME HIDDEN FROM HIM, AND HE PROSTRATED HIMSELF, OR TARRIED THE PERIOD OF PROSTRATION,<sup>3</sup> OR WENT OUT THE LONGER WAY, HE IS LIABLE; THE SHORTER WAY, HE IS NOT LIABLE; THIS IS THE POSITIVE PRECEPT CONCERNING THE TEMPLE<sup>4</sup> FOR WHICH THEY [THE BETH DIN] ARE NOT LIABLE.<sup>5</sup> AND WHICH IS THE POSITIVE PRECEPT CONCERNING A MENSTRUOUS WOMAN FOR WHICH THEY ARE LIABLE?<sup>6</sup> [THIS:] IF ONE COHABITED WITH A CLEAN WOMAN, AND SHE SAID TO HIM: 'I HAVE BECOME UNCLEAN!';<sup>7</sup> AND HE WITHDREW IMMEDIATELY, HE IS LIABLE,<sup>8</sup> BECAUSE HIS WITHDRAWAL IS AS PLEASANT TO HIM AS HIS ENTRY.<sup>9</sup>

## SHEVUOS – 2a-28b

R. ELIEZER SAID: [SCRIPTURE SAYS: 'IF ANY ONE TOUCH. . . THE CARCASS OF] AN UNCLEAN CREEPING THING, AND IT BE HIDDEN FROM HIM':<sup>10</sup> WHEN THE UNCLEAN CREEPING THING IS HIDDEN FROM HIM, HE IS LIABLE; BUT HE IS NOT LIABLE, WHEN THE TEMPLE IS HIDDEN FROM HIM.<sup>11</sup>

R. AKIBA SAID: [SCRIPTURE SAYS:] 'AND IT BE HIDDEN FROM HIM THAT HE IS UNCLEAN':<sup>12</sup> WHEN IT IS HIDDEN FROM HIM THAT HE IS UNCLEAN, HE IS LIABLE; BUT HE IS NOT LIABLE, WHEN THE TEMPLE IS HIDDEN FROM HIM.<sup>13</sup> R. ISHMAEL SAID: [SCRIPTURE SAYS:] 'AND IT BE HIDDEN FROM HIM' TWICE,<sup>14</sup> IN ORDER TO MAKE HIM LIABLE BOTH FOR THE FORGETFULNESS OF THE UNCLEANNESS AND THE FORGETFULNESS OF THE TEMPLE.

*GEMARA.* Said R. Papa to Abaye: TWO, SUBDIVIDED INTO FOUR! They are two, subdivided into six! Knowledge of the uncleanness at the beginning and at the end; knowledge of the holy food at the beginning and at the end; knowledge of the Temple at the beginning and at the end! — But [even] according to your argument, they should be eight; for there is the uncleanness in connection with eating holy food, and the uncleanness in connection with entering the Temple, [necessitating knowledge] both at the beginning and at the end!<sup>15</sup> This is no question; the name uncleanness is the same.<sup>16</sup> [But] nevertheless [there remains the question] there are six? —

R. Papa said: Verily, they are eight:<sup>17</sup> the first four which do not make him liable for a sacrifice<sup>18</sup> are not counted; but the last four which make him liable for a sacrifice are counted. Some say: [Thus] said R. Papa: Verily, they are eight: the first four which occur nowhere else in the whole Torah are counted;<sup>19</sup> but the last four which occur elsewhere in the Torah are not counted. R. Papa asked; If the laws of uncleanness were hidden from him, what [is the ruling]? How do you mean? Shall we say that he did not know

whether a reptile is unclean, or a frog is unclean?<sup>20</sup> Surely, this is taught in school!<sup>21</sup>—

Well then, he did know that a reptile is unclean, but, for example, he touched [a portion of a reptile] the size of a lentil; and he did not know whether the size of a lentil contaminates or not: What [is the ruling]? [Shall we say] since he knew that a reptile contaminates, this is counted knowledge; or, since he did not know whether the size of a lentil contaminates or not, it is counted as unawareness?<sup>22</sup> — The question remains undecided.<sup>23</sup>

R. Jeremiah asked: If a Babylonian went up to Palestine, and the place of the Temple was hidden from him;<sup>24</sup> what [is the ruling]? — According to whose view? If according to R. Akiba, who holds there must be knowledge at the beginning,<sup>25</sup> [the question does not arise, for] he does not make him liable for [uncleanness in connection with] forgetfulness of the Temple;<sup>26</sup> if according to R. Ishmael, who does make him liable for [uncleanness in connection with] forgetfulness of the Temple,<sup>27</sup> [again the question does not arise, for] he does not require knowledge at the beginning?<sup>28</sup> — It is not necessary [to ask this question except] according to Rabbi, who requires knowledge at the beginning, and makes him liable in the case of forgetfulness of the Temple,<sup>29</sup> and who holds, furthermore, that knowledge gained from a teacher is counted knowledge;<sup>30</sup> what [is the ruling]? [Shall we say], since he knew that there was a Temple in existence, this is called knowledge; or, since its place was not known to him it is counted as unawareness?<sup>31</sup> — The question remains undecided.

IT IS THE SAME WHETHER ONE ENTERS THE TEMPLE COURT, etc. How do we know?<sup>32</sup> — R. Shimi b. Hiyya said: Because Scripture says: According to all that I show thee, the pattern of the tabernacle, and the pattern of all its vessels,

- (1) Ibid.
- (2) Because it is not holy.
- (3) V. infra 16b.

# SHEVUOS – 2a-28b

(4) Num. V, 2: Command the children of Israel that they send out of the camp... whosoever is unclean. If uncleanness occurs to him while in the precincts of the Temple, he must leave immediately by the shortest route.

(5) If the Beth Din give an erroneous ruling, permitting that which is prohibited, they must bring a bullock for a sin-offering: If the whole congregation of Israel shall err... and do any of the things which the Lord hath commanded not to be done... the assembly shall offer a young bullock (Lev. IV, 13, 14). Congregation of Israel refers to the Beth Din (Great Sanhedrin); v. Hor. 4b. In the present instance, if the Beth Din give an erroneous ruling in connection with uncleanness occurring to a person while in the Temple, they do not bring a bullock, for they only bring a bullock for an erroneous ruling on a matter which, when unwittingly done by an individual, must be atoned for by a sin-offering, but not for an erroneous ruling on a matter which, when unwittingly done by an individual, is atoned for by a sliding scale sacrifice; v. Hor. 8b.

(6) Lev. XV, 31: Ye shall separate the children of Israel from their uncleanness; v. infra 18b. For an erroneous ruling on this the Beth Din bring a bullock, because an individual, for an unwitting transgression of this precept, brings a sin offering.

(7) This is similar to entering the Temple legitimately while clean, and becoming unclean while in the Temple.

(8) And brings a sin offering.

(9) Coition; the remedy is to remain passive till the genital member becomes quiescent, when he withdraws.

(10) Lev. V, 2.

(11) He brings a sliding scale sacrifice for entering the Temple when unclean only when he has forgotten that he is unclean through contact with the carcass of a creeping thing, and not when he has forgotten that it is the Temple he is entering.

(12) Lev. V, 2.

(13) V. infra 18b for an explanation of the difference between the views of R. Eliezer and R. Akiba.

(14) Lev. V, 2, 3.

(15) The Mishnah uses the expression **ידיעות הטומאה**, states of knowledge (or, awareness) of the uncleanness. Had the Mishnah used the word **העלמות** states of forgetfulness (or, unawareness), it would have been justified in stating that there are only four (v. supra p. 66, n. 1); states of awareness are, however, eight; for each state of unawareness must be preceded and followed by a state of awareness.

(16) The states of unawareness of the uncleanness both in connection with eating holy food and entering the Temple are reckoned as coming under one category. There are, therefore, only six states of awareness; before and after, in connection with the unawareness of the holy food; before and after, in

connection with the unawareness of the Temple; before and after, in connection with the unawareness of the uncleanness (whether with reference to eating holy food or entering the Temple).

(17) The states of awareness are definitely eight, v. n. 1.

(18) For, if he remains unaware at the end, he cannot, obviously, bring a sacrifice.

(19) Elsewhere, with reference to the commission of other transgressions, there need be no awareness before the act that it was forbidden.

(20) E.g., he touched a dead toad **נצ** Lev. XI, 29) which resembles a frog, and did not know the law that a toad contaminates. A dead frog does not contaminate by touch (Ker. 13b).

(21) Lit., 'go, read it in school'. All children know that the carcass of a reptile contaminates (Lev. XI, 29, 30). His temporary forgetfulness of this law is, therefore, immaterial. He is reckoned as having knowledge at the beginning, and later, when eating holy food (having forgotten that he is unclean), there is unawareness in the middle; ultimately, when the knowledge at the end comes to him, he brings a sliding scale sacrifice. Had ignorance of the law been counted as unawareness, there would have been, in this case, no knowledge at the beginning, and he would not be liable for a sacrifice.

(22) Therefore, there is no knowledge at the beginning.

(23) Lit., 'Let it stand'.

(24) And he entered the Temple whilst unclean, and had never been aware that this building was the Temple.

(25) Supra 4a.

(26) Supra Mishnah 14b.

(27) Ibid.

(28) Infra 19b.

(29) Supra 4a-b.

(30) Supra 5a.

(31) And there is no knowledge at the beginning. The fact that he knew there is a Temple in existence does not constitute 'knowledge gained from a teacher', because he never knew its site; but in the case where he became unclean by touching a carcass though he was not aware at the moment of contact that this contact made him unclean, it is nevertheless counted as knowledge at the beginning (knowledge gained from a teacher), because he had been aware at one time that contact with a carcass makes him unclean, and he had been aware at the moment of contact that he was touching a carcass.

(32) That king, prophet, etc. are necessary for consecrating an addition to the Temple court.

## Shevu'oth 15a

even so shall ye make it<sub>1</sub> — for future generations. Raba objected: All the vessels

# SHEVUOS – 2a-28b

which Moses made were consecrated by their anointing;<sup>2</sup> thenceforth,<sup>3</sup> their employment in the service dedicated them.<sup>4</sup> Now why? Let us say: so shall ye make it — for future generations.<sup>5</sup> — It is different there, for Scripture says: And he anointed them and sanctified them<sup>6</sup> — ‘them’ he anointed; but [vessels] in future generations [are] not [consecrated] by anointing. But you may say: ‘them’ he anointed; but [vessels] in future generations [may be consecrated] either by anointing or by employment in the service? — R. Papa said: Scripture says. [And they shall take all the vessels of ministry,] wherewith they minister in the sanctuary;<sup>7</sup> the verse makes them dependent upon ministry.<sup>8</sup> Now that Scripture has written ‘wherewith they minister’, why do we require ‘them’?<sup>9</sup> — If Scripture had not written ‘them’, I might have said: these [in the time of Moses] were [consecrated] by anointing [only], but [vessels] in future generations [require both] anointing and employment in service, for Scripture has written so shall ye make it;<sup>10</sup> therefore Scripture limits [by writing] ‘them’ — them<sup>11</sup> by anointing, but not [vessels] in future generations by anointing.<sup>12</sup>

**AND WITH TWO [LOAVES] OF THANKSGIVING.** We learnt: The two thanksgiving offerings which are mentioned refer to their loaves and not their flesh.<sup>13</sup> How do we know? R. Hisda said: Because Scripture says: And I placed two great thanksgiving offerings,<sup>14</sup> and we went in procession, on the right upon the wall.<sup>15</sup> Now, what is meant by ‘great’? Shall we say, from a great [or, large] kind actually?<sup>16</sup> [If so,] let him say, oxen! But then, large of their kind?<sup>17</sup> [That is impossible, for] is there any importance [attached to size] before Heaven? Surely we learnt: It is said with reference to a burnt offering of cattle: an offering made by fire, a sweet savor [unto the Lord];<sup>18</sup> with reference to a burnt offering of a bird: an offering made by fire, a sweet savor [unto the Lord];<sup>19</sup> with reference to a meal offering: an offering made by fire, a sweet savor [unto the Lord].<sup>20</sup> This teaches us that it is the same whether one gives much or little, as

long as he directs his heart to his Father who is in Heaven! —

Well then, that which is [inevitably] the larger in the thanksgiving offering, and which is it? The leaven. For we learnt: The thanksgiving offering came from five Jerusalem Se’ahs, which are equivalent to six wilderness<sup>21</sup> Se’ahs, which are two Ephahs, (for an Ephah is three Se’ahs); twenty tenths [of an Ephah],<sup>22</sup> ten for leavened, and ten for unleavened [loaves]; and the unleavened [loaves] were of three kinds: cakes, wafers, and cakes saturated with oil.<sup>23</sup> [Hence, the leavened loaves were larger.]<sup>24</sup> Rami b. Hama said: The [addition to the] Temple court is not sanctified except by the remnants of the meal offering.<sup>25</sup>

What is the reason? — Like Jerusalem; just as Jerusalem is sanctified by that which must be eaten within it,<sup>26</sup> so the Temple court is sanctified by that which must be eaten within it.<sup>27</sup> Cannot then the loaves of thanksgiving be eaten in the Temple court?<sup>28</sup> — Well then, like Jerusalem; just as Jerusalem [is sanctified by] that which must be eaten within it, and which, if it goes outside it, becomes invalid,<sup>29</sup> so the Temple court [is sanctified by] that which must be eaten within it, and which, if it goes outside it, becomes invalid.<sup>30</sup> [But why not say,] just as there<sup>31</sup> it is leaven, so here<sup>32</sup> let it be leaven? — How can you reason thus? Is there, then, a meal offering of leaven!<sup>33</sup>

(1) Ex. XXV, 9; the phrase, so shall ye make it, being superfluous, because it has already been said, Let them make Me a sanctuary (verse 8), is taken to imply that whatever was done for the tabernacle in the wilderness should be done for any future tabernacle or Temple. The tabernacle was consecrated in the presence of King and Prophet (Moses), Urim and Tummim (worn by Aaron), and the seventy elders.

(2) With the holy anointing oil (Ex. XXX, 25-28), becoming thereby bodily holy.

(3) Vessels in later times were not anointed.

(4) V. Sanh 16b.

(5) And let them require anointing.

(6) Num. VII, 1; the tabernacle and all its vessels.

(7) Num. IV, 12; this verse is taken to refer to future vessels, because the word used, ישרו is in the future tense (lit., ‘they will minister’); v. Rashi, Sanh. 16b.

# SHEVUOS – 2a-28b

- (8) I.e., being employed in the service, they become vessels of ministry (holy).
- (9) Since we deduce from the phrase wherewith they minister that vessels in the future are consecrated by 'ministry', why do we require the emphasis on 'them' to exclude vessels in the future.
- (10) In the future: Just as now the vessels are consecrated by anointing, so they shall be in the future; and that vessels in the future are consecrated by 'ministry' is deduced from wherewith they minister; hence they require both anointing and employment in service in order to become consecrated.
- (11) In the time of Moses.
- (12) But by 'ministry' only.
- (13) A thanksgiving offering comprises, in addition to the animal sacrificed, loaves of unleavened and leavened bread (Lev. VII, 12, 13).
- (14) שתי תודות גדולות: E.V, two great companies that gave thanks.
- (15) Neh. XII, 31. The verse refers to the re-dedication of Jerusalem by Nehemiah.
- (16) The animals of the thanksgiving offerings were of a large breed (e.g., oxen) and not of a small breed (e.g., sheep).
- (17) I.e., even if they were of a small breed (e.g., sheep), the largest of that kind were brought.
- (18) Lev. I, 9.
- (19) Ibid. 17.
- (20) Lev. II, 2.
- (21) I.e., Biblical Se'ahs, measures referred to in the Bible, when the Israelites were in the wilderness.
- (22) For it was made of 6 Se'ahs = 2 Ephahs; and an Ephah is 10 tenths (i.e., omers): an omer is the tenth part of and Ephah (Ex. XVI, 36).
- (23) Lev. VII, 12; ten loaves of each kind were made, so that there were thirty unleavened loaves made from the ten omers; the leavened loaves were only of one kind (Lev. VII, 13); so that the ten leavened loaves were equal to the thirty unleavened loaves; each leavened loaf was, therefore, three times the size of an unleavened loaf (Men. 77a).
- (24) Nehemiah's statement that he took two large thanksgiving offerings therefore means two leavened loaves of the thanksgiving offering.
- (25) Eaten by the priests (Lev. VI, 9).
- (26) The two loaves of the thanksgiving offering must be eaten within the city.
- (27) The remnant of the meal offering eaten by the priests (Lev. VI, 9).
- (28) The priest may eat the portion he receives from an Israelite's thanksgiving offering (Lev. VII, 14) within the Temple court, if he desires. Since the loaves of thanksgiving may, therefore, be eaten in the Temple court, let them sanctify the addition to the Temple court.
- (29) The loaves of thanksgiving, if taken outside the city walls, become invalid.

- (30) The remnant of the meal offering eaten by the priests becomes invalid, if taken outside the Temple court,
- (31) In sanctifying the city two loaves of leavened bread are used.
- (32) In sanctifying the Temple court.
- (33) Since we require the remnant of a meal offering to sanctify the Temple Court, it must perforce be unleavened: No meal offering, which ye shall bring unto the Lord, shall be made with leaven (Lev. II, 11).

## Shevu'oth 15b

And if you should say that he leavens the remnants,<sup>1</sup> and sanctifies with them, [that cannot be, for] it is written: It shall not be baked leavened. As their portion [have I given it].<sup>2</sup> And Resh Lakish said: Even their portion must not be baked leavened. But why not?<sup>3</sup> It is possible to sanctify it with the two loaves of Pentecost!<sup>4</sup>—

It is impossible. How shall he do it? Shall he build its on the eve [of Pentecost], and sanctify it on the eve? The two loaves become holy only by the sacrifice of the lambs [on Pentecost].<sup>6</sup> Shall he build it on the eve, and sanctify it now [on Pentecost]? We require sanctification at the time of [the completion of] the building. Shall he complete the building on the festival, and sanctify it on the festival? The building of the Temple does not supersede the festival.<sup>7</sup> Shall he leave [the two loaves] till [a day] later, and complete the building and sanctify it? They [the loaves] become invalid by Linah.<sup>8</sup> Shall he build it on the eve of the festival, and leave a little [incomplete], so that when he has recited the blessing at the end of the day [Habdalah], he may complete it immediately and sanctify it?<sup>9</sup> The building of the Temple cannot take place at night, for Abaye said: How do we know that the building of the Temple cannot take place at night? Because it is said: 'And on the day that the tabernacle was reared up'<sup>10</sup> — during the 'day' it is reared up, during the night it is not reared up. Therefore it is not possible.<sup>11</sup>

AND WITH SONG. Our Rabbis taught: The song of thanksgiving<sup>12</sup> was [accompanied by]

# SHEVUOS – 2a-28b

lutes,<sup>13</sup> lyres,<sup>14</sup> and cymbals<sup>15</sup> at every corner and upon every great stone in Jerusalem; and [the psalm] is intoned; I will extol Thee, O Lord, for Thou hast raised me up, etc.;<sup>16</sup> and the song against evil occurrences,<sup>17</sup> and some call it the song against plagues. He who calls it [the song] against plagues [does so] because it is written: neither shall any plague come nigh thy tent;<sup>18</sup> and he who calls it [the song] against evil occurrences [does so] because it is written: a thousand may fall at my side;<sup>19</sup> [that is to say, this psalm] is intoned: O thou who dwellest in the secret place of the Most High, and abidest in the shadow of the Almighty, till for thou hast made the Lord who is my refuge, even the Most High, thy habitation;<sup>20</sup> and then again [this psalm] is intoned; A Psalm of David, when he fled from Absalom his son. Lord, how many are mine adversaries become! till Salvation belongeth unto the Lord; Thy blessing be upon Thy people. Selah.<sup>21</sup> R. Joshua b. Levi recited these verses<sup>22</sup> when retiring to sleep. How could he do so? Did not R. Joshua b. Levi [himself] say it is prohibited to heal oneself with words of the Torah?<sup>23</sup> —

To protect oneself is different.<sup>24</sup> Well then, when he said it is prohibited, [he meant] where there is [already] a wound. If there is a wound, is it merely prohibited, and nothing else? Surely, we have learnt: He who utters an incantation<sup>25</sup> over a wound has no portion in the world to come!<sup>26</sup> — But it has been taught with reference to this; R. Johanan said: They taught [this law only] if he spits, for the Name of Heaven must not be mentioned in connection with spitting.<sup>27</sup>

**THE BETH DIN WALK IN PROCESSION, THE TWO [LOAVES] OF THANKSGIVING BEING BORNE AFTER THEM,** etc. Shall we say that the Beth Din walk in front of the [loaves of] thanksgiving? Surely, it is written: And after them [the two loaves] went Hoshaiah and half of the princes of Judah.<sup>28</sup> — Thus he means: The Beth Din walk, and the two [loaves] of thanksgiving are borne, and the Beth Din walk behind.<sup>29</sup> How are they borne? — R. Hiyya and R. Simeon son of Rabbi

[disagreed]: One said, one opposite the other; and the other said, one behind the other.<sup>30</sup> According to the one who holds they were opposite each other, the inner one is that which is nearest the wall;<sup>31</sup> and according to the one who holds that they were one behind the other, the inner one is that which is nearest the Beth Din.<sup>32</sup>

We learnt: **THE INNER ONE IS EATEN, AND THE OUTER ONE IS BURNT.** It is right according to the one who holds that they were one behind the other, therefore the inner one is eaten, because the outer one came before it and sanctified the place;<sup>33</sup> but according to the one who holds that they were opposite each other, they both simultaneously sanctified the place!<sup>34</sup> — But even according to your reasoning, according to the one who holds they were one behind the other, [why is the inner one eaten?] does the one [loaf]<sup>35</sup> then sanctify the place? Surely, we have learnt: **ANY [ADDITION] THAT WAS NOT MADE WITH ALL THESE [IS NOT HOLY];**<sup>36</sup> and even according to the one who holds [that the reading in the Mishnah is]: ‘with any one of all these’,<sup>37</sup> [still] these two [loaves] together are one precept!<sup>38</sup> — Well then, said R. Johanan,

(1) After the ritual has been performed by the priest with the unleavened meal offering, he takes the remnant due to him, and makes it leavened.

(2) Lev. VI, 10 **לֹא תֵאֱכַל חֵמֶץ חֶלְקֶם** may be translated: ‘their portion must not be baked leavened.’

(3) Is it not really possible to sanctify the Temple court with a meal offering of leaven?

(4) Lev. XXIII, 17: they shall be baked leavened.

(5) The addition in the Temple court.

(6) Lev. XXIII, 20: And the priest shall wave them with the bread of the first-fruits for a wave offering before the Lord, with the two lambs; they shall be holy to the Lord. Though the loaves are holy for their value (**קְדוּשַׁת דָּמִיָם**) before the lambs are sacrificed, for they are purchased from the Temple funds, they do not become bodily holy (**קְדוּשַׁת הַגּוּרָה**) until the lambs are sacrificed on Pentecost; v. Men. 78b.

(7) No building operation may be performed on a Sabbath or festival even if it be for so sacred a task as the building of the Temple; v. Yeb. 6a.

(8) **לֵינָה** (night rest) ‘Being left overnight till the morrow’: for they are permitted to be eaten only for

# SHEVUOS – 2a-28b

one day (Pentecost) and one night (till midnight); v. Zeb. 54b.

- (9) Before midnight, while the loaves are still valid.  
(10) Num. IX, 15.  
(11) To sanctify the Temple court with leavened loaves.  
(12) Ps. C.  
(13) Of seven strings (v. 'Ar. 13b), resembles the guitar.  
(14) Stringed instrument like harp; or, leather wind instrument like accordion or concertina; v. ibid. Rashi.  
(15) Of metal, clashed together in pairs.  
(16) Ps. XXX; the heading is: A psalm; a Song at the Dedication of the House.  
(17) I.e., the psalm referring to evil spirits or demons, XCI.  
(18) Ps. XCI, 10.  
(19) Ibid. 7; i.e., the evil spirits will depart when the place is sanctified.  
(20) Ps. XCI, 1-9 this is actually the song of pegaim or nega'im; v. Rashal.  
(21) Ps. III; according to Maharsha the heading of this psalm was not recited.  
(22) Ps. XCI, 1-9.  
(23) And these verses are intended to drive away evil spirits.  
(24) And is permitted; the verses are not intended to heal an actual wound, but to shield from possible affliction.  
(25) Lit., 'whispers'.  
(26) Sanh. 90a. This is more than merely prohibiting it. ['Spitting was believed to have the power of breaking the spell, v. Blau, Zaubewesen, p.68.]  
(27) If he spits on the wound, and utters an incantation of Biblical verses, he has no portion in the world to come; but to utter the incantation without spitting is also prohibited; to utter verses to protect oneself from a possible affliction is permitted, v. Sanh. 101a.  
(28) Neh. XII, 32.  
(29) And the Mishnah should be emended accordingly.  
(30) The loaves are borne by two priests; according to one view, the priests walk side by side; according to the other view, they walk one behind the other.  
(31) According to Rashi, the procession marched round the wall outside; according to Tosaf., inside the city. In either case, the inner one is that which is nearest the wall. Tosaf. suggest that they marched inside the wall, because if the loaves were taken outside, they would automatically become invalidated by being יוצא (outside the consecrated area, i.e., the city of Jerusalem).  
(32) Because there is one priest in front, and the Beth Din behind.  
(33) As soon as the first loaf in the procession comes to a place, it sanctifies it; the second one, coming to it, enters holy ground, and does not, therefore,

become invalid by being יוצא (going out into unconsecrated ground). The first one, however, is burnt, because at the actual moment of entering the unconsecrated spot it became יוצא.

(34) Then, either both should be burnt, if we assume that at the moment of entry into unconsecrated ground they became יוצא or, both should be eaten, if we assume that the act of entry automatically sanctifies the spot at the same moment.

(35) The first.

(36) Hence we require both loaves to enter a place in order to consecrate it.

(37) Infra 16a; that any one of those mentioned in the Mishnah suffices to consecrate a place; and you might, therefore, conceivably say that one loaf suffices.

(38) They are inseparable; 'any one of these' means either King or priest or Sanhedrin or two loaves.

## Shevu'oth 16a

by the ruling of the prophet the one was eaten, and by the ruling of the prophet the other was burnt.<sup>1</sup>

ANY [ADDITION] THAT WAS NOT MADE WITH ALL THESE, etc. It was taught: R. Huna said: WITH ALL THESE we learnt in our Mishnah; R. Nahman said: WITH ANY ONE OF ALL THESE we learnt in our Mishnah. R. Huna said: WITH ALL THESE we learnt in our Mishnah, because he holds the first consecration<sup>2</sup> consecrated it for the time being, and consecrated if for the future; and Ezra [in re-consecrating it] merely did it as a symbol.<sup>3</sup> R. Nahman said: WITH ANY ONE OF ALL THESE we learnt in our Mishnah, because he holds the first consecration consecrated it for the time being, and did not consecrate it for the future; and Ezra really re-consecrated it,<sup>4</sup> although there were no Urim and Tummim.

Raba asked R. Nahman: We learnt: ANY ADDITION THAT WAS NOT MADE WITH ALL THESE!?! — [Emend it and] learn: 'With any one of all these.' Come and hear: Abba Saul said: There were two meadows<sup>5</sup> on the Mount of Olives, the lower and the upper;<sup>6</sup> the lower was consecrated with all these;<sup>7</sup> the upper was not consecrated with all these, but by the returned exiles,<sup>8</sup> without King and

## SHEVUOS – 2a-28b

without Urim and Tummim; the lower one which was properly consecrated; the illiterates entered there, and ate there sacrifices of a minor grade of holiness,<sup>10</sup> but not the second tithe.<sup>11</sup> And the learned<sup>12</sup> ate there sacrifices of a minor grade of holiness and also the second tithe.<sup>13</sup> The upper one which was not properly consecrated; the illiterate entered there, and ate there sacrifices of a minor grade of holiness,<sup>14</sup> but not the second tithe. And the learned did not eat there either sacrifices of a minor grade of holiness or the second tithe. And why did they not consecrate it? Because additions are not made to the city and to the Temple courts except by King, Prophet, Urim and Tummim, Sanhedrin of seventy-one, and two [loaves] of thanksgiving, and song. And why did they consecrate it?<sup>15</sup> Why did they consecrate it? You have just said they did not consecrate it! —

But [read] ‘why did they bring it within [the city boundaries]?’ Because it was a vulnerable spot of Jerusalem, and it would have been easy to conquer it [the city] from there.<sup>16</sup> [This is, however, in conflict with R. Nahman's view!<sup>17</sup>

—  
He may answer that it is a subject upon which Tannaim disagree [and he will agree with one of them], for it has been taught: R. Eliezer said: I heard [from my teachers] that when they were building the Temple [in Ezra's time], they made curtains for the Temple and curtains for the courts,<sup>18</sup> but for the Temple they built [the wall] outside [the curtains],<sup>19</sup> and for the courts they built [the walls] within [the curtains]. R. Joshua said: I heard that sacrifices were offered although there was no Temple,<sup>20</sup> and sacrifices of the highest grade of holiness were eaten although there were no curtains, and sacrifices of a minor grade and the second tithe, although there was no wall,<sup>21</sup> because the first consecration consecrated it for the time being, and consecrated it for the future. This implies [does it not?] that R. Eliezer holds, it did not consecrate it for the future.<sup>22</sup>

Said Rabina to R. Ashi; How [do you deduce this]? Perhaps all agree that the first consecration consecrated it for the time being, and consecrated it for the future, but one Master states [merely] what he heard [from his teachers], and the other Master states [merely] what he heard [from his teachers].<sup>23</sup> And if you will say, [if so,]<sup>24</sup> why, according to R. Eliezer, are curtains necessary? [We may reply,] for privacy only! Well then, there the Tannaim [disagree], for it has been taught: ‘R. Ishmael son of R. Jose said: Why did the Sages enumerate these?<sup>25</sup> Because when the exiles returned, they came upon these, and consecrated them;<sup>26</sup> but [the sanctity of] the earlier [cities] was abolished when [the sanctity of] the land was abolished.’ Hence, he holds that the first consecration consecrated it for the time being, but did not consecrate it for the future. But we may point out an incongruity: ‘R. Ishmael son of R. Jose said: Were there, then, only these?<sup>27</sup> Surely it is already written: [And we took all his cities sixty cities, all the region of Argob, the kingdom of Og in Bashan. All these were fortified cities, with high walls.<sup>28</sup>

Then why did the Sages enumerate these? Because when the exiles returned, they came upon these, and consecrated them.’ — They consecrated them now! Surely we state further on<sup>29</sup> that it was not necessary to consecrate them! But read, ‘they came upon these, and enumerated them. And not these only [are walled cities], but any one about which you may have a tradition from your fathers that it was surrounded by a wall from the days of Joshua, the son of Nun, then all these precepts<sup>30</sup> apply to it; because the first consecration consecrated it for the time being, and consecrated it for the future.’<sup>31</sup> There is thus a discrepancy between [the statement of] R. Ishmael son of R. Jose [in the Baraita] and [that of] R. Ishmael son of R. Jose [in the Tosefta]!<sup>32</sup> —

If you will, you may say that [they reflect the opinions of] two Tannaim [who] disagree about [the view of] R. Ishmael son of R. Jose;

# SHEVUOS – 2a-28b

and if you will, you may say that one of the statements was spoken by R. Eleazar b. Jose,<sup>33</sup> for it has been taught: R. Eleazar b. Jose said: [Scripture says: The city] that has a wall;<sup>34</sup> although it has not [a wall] now, as long as it had one before [it is reckoned a walled city].<sup>35</sup>

(1) There is no discoverable reason why one loaf suffices and the other burnt; but this was the ruling of the prophets Haggai, Zechariah, and Malachi who were present at Ezra's and Nehemiah's re-consecration of Jerusalem.

(2) Of the Temple and of Jerusalem in the time of Solomon.

(3) Because it was still holy, and did not need re-consecration, and could not, in any, case, be re-consecrated, because King and Urim and Tumim were lacking (v. Yoma 21 b); for R. Huna holds that we require 'all these' (enumerated in the Mishnah) for re-consecration, and Ezra neither re-consecrated the city nor made any addition to it which would require consecration.

(4) With Sanhedrin, two loaves of thanksgiving, and song; for, according in R. Nahman, even one of the requisites (mentioned in the Mishnah) suffices for re-consecration.

(5) [בצפון Schlatter, Tage Trajans, 20, renders it 'parts', 'districts'; Krauss, as 'fissures' produced by an earthquake, the Eroge mentioned in Josephus, Ant. IX, 10, 4, and which he identifies with Bethsaida (Bethesda), v. REJ, LXXIII, 59ff.]

(6) On the slopes of the mountain, one near the base and the other near the summit.

(7) During the time if the First Temple it was incorporated within the city boundary, and joined to the city by a wall.

(8) From Babylon, who included it in the city, and built another wall around it.

(9) Amme ha-arez (v. Glos.). I.e., not strictly observant of the laws regarding Levitical uncleanness.

(10) Such as thanks offerings or peace offerings which were permitted to be eaten within the city by all Israelites; v. Zeb.

V, 6-8.

(11) Eaten by the owner in Jerusalem: Deut. XIV, 22-26. The second tithe could also have been eaten in the lower meadow, for it was properly consecrated, and was part of the city; but the illiterate thought that the second tithe had to be eaten within the inner (old) wall of Jerusalem, for the verse states: Thou shalt eat before the Lord thy God... the tithe of thy corn... (Deut. XIV, 23). They were stricter with the tithe than with the sacrifices, because the verse (ibid. 22) states: Thou shalt surely tithe; and they had probably heard the popular exposition: עשר תעשר עשר בשביל שתתעשר (a play on the word תעשר v. Shab.

119a) — give tithes in order that thou mayest have wealth.

(12) Haberim (v. Glos.).

(13) Because they knew that the sacrifices and second tithe were equal, and that the lower meadow was properly consecrated and part of the city.

(14) They thought the upper meadow was as holy as the lower, because it had also been incorporated within the city by a wall, and they did not distinguish between the full consecration of the lower meadow and the incomplete consecration of the upper meadow.

(15) [Tosef. Sanh. III reads, 'Why was it not consecrated?']

(16) [V. REJ, loc. cit.]

(17) For it is stated that the upper meadow was not consecrated, because all the essentials were not present, whereas R. Nahman holds that 'any one of all these' suffices.

(18) As temporary partitions to enable sacrifices to be offered and eaten forthwith (v. n. 8); and then they built the walls near curtain.

(19) So that the curtains prevented the workmen from gazing into the holy place.

(20) Before it was re-built by Ezra; v. Ezra III, 1-6; Meg. 10a, Rashi.

(21) Round Jerusalem.

(22) Because R. Eliezer requires curtains in order that it may be counted as a Temple; but without curtains it is not holy because, presumably, the first consecration did not consecrate it for the future. R. Nahman will thus agree with R. Eliezer.

(23) R. Eliezer and R. Joshua are not arguing on this subject, their statements being entirely separate, and not uttered to each other's hearing.

(24) If R. Eliezer holds that the first consecration consecrated it for the future also.

(25) The Mishnah ('Ar. 32a), explaining that walled cities (Lev. XXV, 29, 30) are such which had walls round them since the days of Joshua, mentions a few as examples, such as Gamala, Gedud, etc. Why did the Sages mentioned these particularly? There were many more which could have been mentioned.

(26) By Beth Din, two loaves of thanksgiving, and song; v. 'Ar. 32b, Rashi. Cf. however Rashi a.l.

(27) Walled cities, mentioned in 'Ar. 32a.

(28) Deut. III, 4, 5.

(29) In the same passage.

(30) Concerning the sale of a house (Lev. XXV, 20, 30); sending lepers outside the city (Lev. XIII, 46; Num. V, 2); and that the open space (1,000 cubits) round the city should be left uncultivated ('Ar. 33b).

(31) Tosaf. 'Ar. V.

(32) From the Baraita it appears he holds that the first consecration did not consecrate it for the future, and from the Tosefta it appears he holds that it did.

(33) The statement in the Tosefta.

(34) Lev. XXV, 30; the Kethib is לא תמה ('has not a wall'), but the Kere is לי ('has a wall to it').

# SHEVUOS – 2a-28b

(35) Because the first consecration, when it had a wall, suffices for now also, though the wall is now destroyed. Hence, there are two Tannaim, R. Ishmael and R. Eleazar b. Jose, who disagree as to whether the first consecration consecrated it for the future also or not; and R. Nahman will agree with R. Ishmael.

## Shevu'oth 16b

IF HE BECAME UNCLEAN IN THE TEMPLE COURT [AND WAS AWARE OF IT], THEN THE UNCLEANNESS BECAME HIDDEN FROM HIM, etc. How do we know uncleanness in the Temple court [is punishable]?<sup>1</sup> — R. Eleazar [b. Pedath] said: One verse states: The tabernacle of the Lord he hath defiled;<sup>2</sup> and another verse states: For the sanctuary of the Lord he hath defiled.<sup>3</sup> If it is not applicable to [the case of] uncleanness occurring outside,<sup>4</sup> apply it to [the case of] uncleanness occurring inside.<sup>5</sup> But are the verses superfluous? Surely they are necessary, for it has been taught: R. Eleazar [b. Shammua'] said: If tabernacle is mentioned, why is sanctuary mentioned; and if sanctuary is mentioned, why is tabernacle mentioned? If tabernacle had been mentioned, and sanctuary had not been mentioned, I might have thought that for [entering] the tabernacle he should be liable, because it was anointed with the anointing oil;<sup>6</sup> but for [entering] the sanctuary [i.e., Temple] he should not be liable; and if sanctuary had been mentioned, and tabernacle had not been mentioned, I might have thought that for [entering] the sanctuary he should be liable, because its holiness is an everlasting holiness;<sup>7</sup> but for [entering] the tabernacle he should not be liable; therefore tabernacle is mentioned, and sanctuary is mentioned.<sup>8</sup> —

R. Eleazar [b. Shammua'] argued thus; Since tabernacle is called sanctuary, and sanctuary is called tabernacle, let Scripture write either in both verses sanctuary, or in both verses tabernacle;<sup>9</sup> why [does Scripture write] tabernacle and sanctuary? Hence, we deduce both.<sup>10</sup> Granted that sanctuary is called tabernacle, for it is written: And I will set My tabernacle among you;<sup>11</sup> but whence do we

know that tabernacle is called sanctuary? Shall we say, because it is written: And the Kohathites, the bearers of the sanctuary set forward?<sup>12</sup> This refers to the Ark,<sup>13</sup> — Well then, from this verse: And let them make me a sanctuary, that I may dwell among them;<sup>14</sup> and it is written: According to all that I show thee the pattern of the tabernacle.<sup>15</sup>

AND HE PROSTRATED HIMSELF, OR TARRIED THE PERIOD OF PROSTRATION, Raba said: They did not teach this<sup>16</sup> except when he prostrated himself facing inwards;<sup>17</sup> but if he prostrated himself facing outwards, then, only if he tarried is he liable, but if he did not tarry, he is not liable. Some append this [comment of Raba] to the latter clause; OR TARRIED THE PERIOD OF PROSTRATION: This implies that prostration itself requires tarrying. Raba said: They did not teach this except when he prostrated himself facing outwards; but, if facing inwards, even if he did not tarry [he is liable;] and thus [the Mishnah] means: If he prostrated himself facing inwards [without tarrying], or if he tarried the period of prostration in his prostration facing outwards, he is liable.

What is considered prostration in which there is tarrying, and what is considered prostration in which there is no tarrying? — Where there is no tarrying, that is mere kneeling; where there is tarrying, that is the spreading out of hands and feet. And what is the duration of tarrying? In this there is disagreement between R. Isaac b. Nahmani and one of his associates, namely, R. Simeon b. Pazzi (and some say, R. Simeon b. Pazzi and one of his associates, namely, R. Isaac b. Nahmani, and some say, R. Simeon b. Nahmani); one says: As the time taken to recite this verse:<sup>18</sup> And all the children of Israel looked on, when the fire came down, and the glory of the Lord was upon the house; and they bowed themselves with their faces to the ground upon the pavement, and prostrated themselves, and gave thanks unto the Lord: 'for He is good, for His mercy endureth for ever';<sup>19</sup> and the other

# SHEVUOS – 2a-28b

says: As [the time taken to recite] from and they bowed till the end.

**Our Sages taught: Kiddah means [falling] on the face; and so Scripture says: Then Bathsheba bowed with her face to the earth.<sup>20</sup> Kneeling means upon the knees; and so Scripture says: from kneeling at his knees.<sup>21</sup> Prostration means spreading out of hands and feet; and so Scripture says: Shall I and thy mother and thy brethren indeed come to bow down to thee to the earth?<sup>22</sup> Raba queried: Is tarrying necessary for stripes,<sup>23</sup> or is tarrying not necessary for stripes? For [the bringing of] a sacrifice there is a tradition that tarrying is necessary,<sup>24</sup> but for stripes there is no tradition that tarrying is necessary?<sup>25</sup>**

(1) If one enters while clean, and becomes unclean in the Temple, how do we know that he must bring a sliding scale sacrifice?

(2) Num. XIX, 13; refers to a person defiled by a dead body entering the tabernacle or sanctuary.

(3) Ibid. 20.

(4) For that is deduced from the first verse.

(5) Since otherwise the verse is superfluous.

(6) And therefore possessed greater sanctity.

(7) Sacrifices on bamoth ('high places') being prohibited from the time the Temple was built, even after its destruction.

(8) Hence, since neither is superfluous, how can the case of uncleanness occurring inside be deduced?

(9) And from the superfluous verse we could deduce the case of uncleanness occurring inside.

(10) Because Scripture of set purpose uses tabernacle in one verse and sanctuary in the other, we may deduce also that they are both equal in sanctity, and that an unclean person entering either is liable; v. Tosaf.

(11) Lev. XXVI, 11; lit., 'I will set My dwelling (or, 'abode') among you'. Wherever God dwells is His Mishkan; since He dwelt in the sanctuary (i.e. Temple), that also is His Mishkan (i.e., tabernacle). V. 'Er. 2a. Rashi, for another interpretation.

(12) Num. X, 21.

(13) And not to the tabernacle, for that was borne by the sons of Gershon and the sons of Merari (Num. X, 17).

(14) Ex. XXV, 8.

(15) Ibid. 9: tabernacle in this verse is referred to as sanctuary in the previous verse; hence the tabernacle they built in the wilderness was also called sanctuary.

(16) That if he prostrated himself quickly, without tarrying the period that prostration should take, he is liable.

(17) To the Holy of Holies in the west.

(18) In Hebrew.

(19) II Chron. VII, 3.

(20) I Kings I, 31; וַיִּקַּד from the same root as קָדַד 'the face alone touches the ground; this is not the same as complete prostration of the whole body; v. Suk. 53a.

(21) I Kings VIII, 54.

(22) Gen. XXXVII, 10; 'bow down to earth' implies complete prostration.

(23) If, having become unwittingly unclean in the temple, he was warned to leave; but he remained, though less than the duration of the tarrying period, is he punished by stripes?

(24) If he became unwittingly unclean in the Temple, and tarried the period of prostration while he was unaware of his uncleanness or of the Temple, he brings a sliding scale sacrifice; supra 14b.

(25) Perhaps, since he remained willfully, after being warned, he is liable for stripes, though he did not tarry the full period of prostration.

## Shevu'oth 17a

Or, perhaps the tradition is that within [the Temple] tarrying is necessary, no matter whether for sacrifice or for stripes?<sup>1</sup> It remains undecided. Raba queried: If he suspended himself in the air in the Temple,<sup>2</sup> what is the ruling? Is the tradition that tarrying makes him liable only in the case of such tarrying as may be used for prostration,<sup>3</sup> but for such tarrying which cannot be used for prostration there is no tradition [that he is liable]? Or perhaps the tradition is that within [the Temple] tarrying makes him liable, no matter whether it may be used for prostration or not? It remains undecided. R. Ashi queried: If he defiled himself willfully, what is the ruling?<sup>4</sup> For an accidental defilement there is a tradition that tarrying is necessary, but for willful defilement there is no tradition that tarrying is necessary? Or perhaps the tradition is that within [the Temple] tarrying is necessary, no matter whether for accidental or willful defilement? It remains undecided. R. Ashi queried: Does a Nazirite at a grave require tarrying for stripes or not?<sup>5</sup> Within [the Temple] there is a tradition that tarrying is necessary, but outside there is no tradition

# SHEVUOS – 2a-28b

that tarrying is necessary?<sup>6</sup> Or perhaps for accidental uncleanness there is a tradition that tarrying is necessary,<sup>7</sup> no matter whether inside or outside? It remains undecided.

**IF HE WENT OUT THE LONGER WAY, HE IS LIABLE; THE SHORTER WAY, HE IS EXEMPT, etc.** Raba said: **THE SHORTER WAY** which they said [exempts him, implies] even [walking] heel to toe,<sup>8</sup> and even the whole day. Raba queried: Can pauses be combined?<sup>9</sup> — Let him solve it from his own statement!<sup>10</sup> — There [he is exempt only] if he did not pause.<sup>11</sup> Abaye inquired of Rabbah: If he went out the longer way in the time taken for the shorter way, what is the ruling?<sup>12</sup> Is the tradition that the time taken [is the essential factor], and if he went out the longer way in the time taken for the shorter way, he is exempt; or, is the tradition definite that for the longer way he is liable, and for the shorter way he is exempt? — He said to him: [The law that for] the longer way [he is liable] was not given that it should be suspended for him.<sup>13</sup>

**R. Zera objected strongly to this:** Now, it is established with us that an unclean [priest] who officiated is punished by death.<sup>14</sup> How can this be possible? If he did not tarry, how could he do the service?<sup>15</sup> If he tarried, he is liable to **Kareth!** Granted, if you would say that the tradition is that time [is the essential factor],<sup>16</sup> then it is possible,<sup>17</sup> if he strained himself in the shorter way, after he had done the service;<sup>18</sup>

(1) When one becomes unclean within the Temple accidentally, the punishment, whether of sacrifice or of stripes, is not inflicted, unless one tarries the period of prostration.

(2) For example, on becoming unclean, he immediately caught hold of a rope in the ceiling, and remained suspended thus for the tarrying period.

(3) I.e., when he is on the ground; but since he cannot prostrate himself in the air, he is not liable, even if he remains thus suspended for the period of tarrying.

(4) If Raba's question (whether tarrying is necessary for stripes) should be decided in the affirmative, that may be because he became unclean accidentally, though he tarried willfully; but if he became unclean

willfully, perhaps he is liable for stripes, though he does not tarry.

(5) If a Nazirite (who must avoid defilement by the dead, Num. VI, 6) was borne aloft in the cemetery in a closed carriage (not, thereby, becoming unclean), and when there the top of the carriage was removed, thus making him unclean from the air of the cemetery; and he was warned to leave, but he remained, though not the period of tarrying, is he liable for stripes? This example is similar to that of a person entering the Temple while clean, and becoming unclean inside.

(6) Because tarrying is measured as the duration of full prostration; this measure of duration is appropriate for the Temple, but not outside; and therefore the Nazirite is liable even if he did not tarry.

(7) The Nazirite became unclean accidentally, and is therefore not liable unless he tarries.

(8) Taking very short steps, so that the toe of one foot touches the heel of the foot in front.

(9) Walking out by the shorter route, he paused a while, then continued walking; then paused again; the combined moments of pausing being equal to the tarrying period. Is he liable in such case, or is he liable only when the tarrying period is one uninterrupted pause?

(10) For he holds that even if he walks very slowly, occupying the whole day, he is still exempt; though the time occupied is more than the tarrying period.

(11) Though he occupied the whole day, he did not stop walking.

(12) He ran quickly, so that the time taken in going out the longer way was only as much as would be taken in going out the shorter way at a medium pace.

(13) Even if he runs; hence, by the longer route he is always liable, even if he runs; by the shorter he is exempt, even if he walks slowly.

(14) By divine intervention, **מיתה בידי שמים**, not by a human tribunal; the priest must have become unclean in the Temple, for, if he became unclean outside, he is liable to the punishment of **Kareth** (which is severer than **מיתה בידי שמים**) for entering.

(15) Which priestly service, however minute, could he possibly do in less time than the period of prostration?

(16) That the periods of duration mentioned in the Mishnah are simply measurements of time: the time duration of tarrying the period of prostration, and the time duration of going out by the longer route; and that he is exempt only if he does not tarry the period of prostration and goes out the shorter route, i.e., the time he spends in the Temple must be less than the combined times of the period of prostration and that occupied in walking out the shorter route at a medium pace.

(17) To have a case of an unclean priest officiating and tarrying the period of prostration, and yet not

# SHEVUOS – 2a-28b

being liable for Kareth, but for death by divine intervention.

(18) He ran out very quickly by the shorter route, so that, although he had tarried the period of prostration, the time he had spent altogether in the Temple was less than the combined times of prostration and walking out the shorter route at a medium pace.

## Shevu'oth 17b

but if you say that the tradition is definite,<sup>1</sup> how is it possible?<sup>2</sup> — Said Abaye: What a question! It is possible that he went out the shorter way [without tarrying first], and turned [a piece of the sacrifice on the altar fire] with a prong;<sup>3</sup> and this is in accordance with R. Huna's view, for R. Huna said: A layman who turned [a piece of the sacrifice on the altar fire] with a prong is punished by death.<sup>4</sup> The text says: 'R. Huna said, A layman who turned [a piece of the sacrifice on the altar fire] with a prong is punished by death.' How is this? If, without turning it, it would not have been consumed, this is self-evident! And if, without turning it, it would also have been consumed, then what has he done? —

It is not necessary [for R. Huna to state his law except] in a case where if he had not turned it, it would have been consumed in two hours, and now [after turning it] it is consumed in one hour; and this [law] he teaches us, that an acceleration of the service is also a service. R. Oshaia said: I wish to state a law, but am afraid of my associates: He who enters a house plagued by leprosy,<sup>5</sup> backwards, even with his whole body [inside] except his nose, is clean, for it is written: He that cometh into the house . . . [shall be unclean];<sup>6</sup> the normal way of coming in did Scripture prohibit; but I am afraid of my associates [in stating this law] for, if so, even if he entered wholly [including his nose, he should] also [be clean]. —

Said Raba: His whole body is not worse than the vessels in the house; for it is written: [They shall empty the house before the priest comes to see the plague,] so that all that is in the house be not made unclean.<sup>7</sup> It has also been

taught similarly: These roofs [of the Temple] — sacrifices of the highest grade of holiness may not be eaten there,<sup>8</sup> and sacrifices of a minor grade of holiness may not be sacrificed there;<sup>9</sup> and an unclean person who entered the Temple by the roof is exempt, for it is said: And into the sanctuary she shall not come:<sup>10</sup> the normal way of coming did Scripture prohibit.

THIS IS THE POSITIVE PRECEPT CONCERNING THE TEMPLE FOR WHICH THEY [THE BETH DIN] ARE NOT LIABLE, etc. What is he referring to that he says — THIS IS THE POSITIVE PRECEPT, etc.?<sup>11</sup> He is referring to this:<sup>12</sup> They [the Beth Din] are not liable for [an erroneous ruling in connection with the transgression of] a positive<sup>13</sup> or negative<sup>14</sup> precept [concerning uncleanness] in the Temple; and they [individuals] do not bring a suspensive guilt offering for [a doubtful sin<sup>15</sup> in connection with] the positive or negative precept [concerning uncleanness] in the Temple;<sup>16</sup> but they [the Beth Din] are liable for [an erroneous ruling in connection with the transgression of] the positive<sup>17</sup> or negative<sup>18</sup> precept concerning a menstruous woman;<sup>19</sup> and they [individuals] bring a suspensive guilt offering for a [doubtful sin in connection with the] positive or negative precept concerning a menstruous woman.<sup>20</sup> So [the Tanna here] says:<sup>21</sup>

THIS IS THE POSITIVE PRECEPT CONCERNING THE TEMPLE FOR WHICH THEY ARE NOT LIABLE; AND WHICH IS THE POSITIVE PRECEPT CONCERNING A MENSTRUOUS WOMAN FOR WHICH THEY ARE LIABLE? [THIS:] IF ONE COHABITED WITH A CLEAN WOMAN, AND SHE SAID TO HIM; 'I HAVE BECOME UNCLEAR!', AND HE WITHDREW IMMEDIATELY, HE IS LIABLE, BECAUSE HIS WITHDRAWAL IS AS PLEASANT TO HIM AS HIS ENTRY. It was stated: Abaye said in the name of R. Hiyya b. Rab: He<sup>22</sup> is liable to [bring] two [sin-offerings].<sup>23</sup> And so said Raba that R. Samuel son of R. Sheba said that R. Huna said: He is

# SHEVUOS – 2a-28b

liable to bring two, one for entering and one for withdrawing.

Raba raised the question: In what [circumstances]? Shall we say, it was near the time of her regular period? And with whom? Shall we say, a learned man? Granted, then, for entering he should be liable, for he thought I am able to cohabit;<sup>24</sup> but for withdrawing, why should he be liable, since he acted wilfully!<sup>25</sup>

(1) In each case: that if he tarried the period of prostration he is liable, even if he runs out the shorter way; and that if he goes out the longer way he is liable, even if he had not tarried, and even if he runs quickly.

(2) To have a case of an unclean priest doing the service, and presumably tarrying (in order to do the service), and yet not being liable to Kareth?

(3) Which is a priestly function, and requires only a moment of time.

(4) Because it is a priestly function, and must not be done by a layman. Cf. Num. XVIII, 7. Death here, too, means by Divine intervention, v. n. 1.

(5) V. Lev. XIV, 33 seq.

(6) Ibid. 46.

(7) Ibid. 36.

(8) For they must be eaten within the Temple; and only the floor and air till the ceiling are holy, but not the attics and roofs.

(9) Though they may be eaten there, because, of course, they may be eaten anywhere within the walls of Jerusalem. According to Tosaf., however, they may not be eaten on the roof; but v. Pes. 85b, Rashi (s.v. גגית), and Adreth, Responsa, 34.

(10) Lev. XII, 3; a woman after childbirth, till after 40 days for a male child, and 80 days for a female. Entering by the roof is not normal.

(11) Lit., 'where does he stand?' Where have we learnt that the Beth Din are not liable for an erroneous ruling concerning the transgression of a positive precept with reference to uncleanness in the Temple, that he states here: this is the positive precept for which they are not liable?

(12) Hor. 8b.

(13) Num. V, 2: Command the children of Israel that they put out of the camp whosoever unclean by the dead; טמא לנפש is put out of the מחנה שכינה i.e., Temple; v. Rashi a.l. If a person become unclean in the Temple, and stays, he is transgressing this positive precept.

(14) Lev. XII, 4: And into the sanctuary she shall not come (a woman after childbirth, till after 40 days for a male, and 80 days for a female).

(15) A suspensive guilt offering, אשם תלוי, is brought by a person who is in doubt whether he has committed an act which, if done willfully, is punishable by Kareth, and if done wittingly, is punishable by the bringing of a sin offering; v. Lev. V, 17-19; and Rashi on verse 17; Hor. 8b.

(16) Because a sliding scale sacrifice, and not a fixed offering, is brought for actual unwitting transgression,

(17) V. infra 18b.

(18) Lev. XVIII, 19: And unto a woman who is impure by her uncleanness thou shalt not approach.

(19) Because for an unwitting transgression a fixed sin offering is brought.

(20) V. n. 7.

(21) Referring to the ruling in the Mishnah just quoted from Hor. 8b.

(22) Who withdraws forthwith.

(23) V. infra.

(24) Before she has her period; if, therefore, she becomes unclean during cohabitation, he commits a sin unwittingly, and must bring a sin offering.

(25) Being learned, he knows that it is prohibited to withdraw immediately, and is therefore liable for Kareth, and not a sin offering.

## Shevu'oth 18a

And if an illiterate man,<sup>1</sup> then both acts are the same as eating two portions of forbidden fat, each the size of an olive, in one spell of unawareness.<sup>2</sup> Well then, [shall we say,] it was not near the time of her period? And with whom? Shall we say, a learned man? Then he should not be liable to bring even one; for, in entering he was the victim of a pure accident,<sup>3</sup> and in withdrawing he acted wilfully!<sup>4</sup> And if an illiterate man, he is liable to bring one, for withdrawing?<sup>5</sup> Afterwards, Raba said: It really refers to the time near her period, and to a learned man; but a learned man for this,<sup>6</sup> and not a learned man for that.<sup>7</sup>

Raba said: And both [these laws] we have learnt: Entering, we have learnt; and withdrawing, we have learnt. 'Withdrawing, we have learnt' — for it states, IF ONE COHABITED WITH A CLEAN WOMAN, AND SHE SAID TO HIM: 'I HAVE BECOME UNCLEAN!', AND HE WITHDREW IMMEDIATELY, HE IS LIABLE. 'Entering, we have learnt' [in another Mishnah] — If [blood is] found on his

# SHEVUOS – 2a-28b

[rag after cohabitation], they are [both] unclean,<sup>8</sup> and are liable for a sacrifice.<sup>9</sup> Now this surely refers [does it not?] to the time near her period, and to [the act of] entering.<sup>10</sup>

R. Adda b. Mattenah said to Raba: [No!] Really I can say to you, it refers to the time not near her period, and to withdrawing.<sup>11</sup> And should you ask, what need is there to state the law of withdrawing, since it has already been stated?<sup>12</sup> [I may reply,] because it is necessary to tell us: If [blood is] found on her [rag after cohabitation],<sup>13</sup> they are [both] unclean because of the doubt,<sup>14</sup> but exempt from bringing a sacrifice.<sup>15</sup> And because he wishes to teach us [this law concerning] ‘If found on hers’,<sup>16</sup> he teaches us also [the law concerning] ‘If found on his.’<sup>17</sup> Said Rabina to R. Adda; How can you maintain that that [other Mishnah] refers to the time not near her period, and to withdrawing, seeing that it states; If [blood is] found, and found implies later;<sup>18</sup> and if it refers to withdrawing, from the very first when he withdrew he already had the knowledge!<sup>19</sup> Said Raba to him [R. Adda]; Listen to what your teacher [Rabina]<sup>20</sup> tells you.<sup>21</sup> —

[He replied:] How can you [maintain that it refers to entering],<sup>22</sup> since it has been taught with reference to it:<sup>23</sup> This is the positive precept concerning a menstruous woman for which one is liable; and if it is [as you say],<sup>24</sup> it is a negative precept!<sup>25</sup> — He said to him: If you have learnt [the Baraitha thus], it is defective, and you should read it thus: This is the negative precept concerning a menstruous woman for which one is liable; if [however] he was cohabiting with a clean woman, and she said to him; ‘I have become unclean’, and he withdrew immediately, he is liable: this is the positive precept concerning a menstruous woman, etc. The text says: ‘If he withdrew immediately, he is liable.’

What should he do? R. Huna said in the name of Rab: He should press his ten nails into the ground [i.e., bed] until his desire dies out.<sup>26</sup> Raba said: From this we may deduce that he

who commits incest<sup>27</sup> with membrum mortuum is exempt, for, if it will enter your mind to say that he is liable, what is the reason that he is exempt here? Because he has no alternative?<sup>28</sup> If it is because he has no alternative, then even if he withdraws immediately, let him also be exempt, for he has no alternative!<sup>29</sup> — Abaye said to him: Verily, I may say to you, he who commits incest with membrum mortuum is liable, and here the reason that he is exempt is because he has no alternative, and as for your question, if he withdraws immediately, why is he liable? [I may reply,] because he should have withdrawn with little pleasure, and he withdrew with much pleasure. Said Raba b. Hanan to Abaye: If so, we find a longer and a shorter route in connection with a menstruant.<sup>30</sup>

(1) Who acted unwittingly in both cases.

(2) For which he brings only one sin offering. Here also, since he is illiterate, he is not aware, when she tells him she has become unclean, that he has committed a sin by cohabiting near the time of her period; or that it is prohibited to withdraw immediately. Since he has no knowledge of guilt between the two acts (entering and withdrawing), he should bring only one sin offering.

(3) He could not be aware that she would become unclean, since it was not near her period.

(4) Being learned, and knowing that it is prohibited to withdraw immediately, he is liable to Kareth.

(5) Thinking it is permitted to withdraw immediately, he acted unwittingly.

(6) Knowing that he ought not to cohabit near the time of her period, yet thinking he still had time before she became unclean; he therefore committed a sin unwittingly (not accidentally, as would be the case if he cohabited not near her period), and brings a sin offering.

(7) Not knowing that he must not withdraw immediately, he thus brings two, one for entering, and one for withdrawing. This is not the same as eating two portions of prohibited fat in one spell of unawareness (for which he brings only one sin offering) for, when she told him she had become unclean, he was immediately aware that he had committed a sin; for, being learned, he knew that he ought not to have cohabited with her near her period.

(8) Seven days; Lev. XV, 19 and 24.

(9) Sin offering for cohabiting while she is unclean. Nid. 14a.

# SHEVUOS – 2a-28b

(10) Hence we learn that for entering (near her period) he is liable for a sacrifice, if she becomes unclean.

(11) He brings the sacrifice for withdrawing immediately, when she tells him she is unclean; for entering he is not liable, because it was not near her period.

(12) In our Mishnah, supra 14b.

(13) Not immediately, but after a short interval; Nid. 14a.

(14) The woman is definitely unclean, because she is now menstruous, but the man is unclean only because of the doubt whether he had cohabited with her when she was already unclean, or before her uncleanness commenced.

(15) Because she may have become unclean infer cohabitation; and he does not even bring a suspensive guilt offering for the doubtful sin (Mishnah, Nid. 14b).

(16) And to distinguish between the case where she applied her rag immediately and the case where an interval elapsed (v. Nid. 14a).

(17) Though this is superfluous.

(18) After withdrawing, blood was found, but during cohabitation they were not aware of uncleanness.

(19) That she is unclean, for she told him during cohabitation.

(20) [So curr. ed. Other reading adopted by Adreth and Zerahis Halevi: 'He (Rabina) said to him (R. Adda): Listen when your teacher (Raba) tells you.' This is preferable, as Raba was the teacher of Rabina.]

(21) That the Mishnah cannot refer to withdrawing.

(22) [Read with MS. M. and other ed.: אציה 'How can I listen?']

(23) As a comment on Mishnah in Nid. 14a.

(24) That it refers to entering.

(25) Lev. XVIII, 19.

(26) He should remain passive.

(27) Cohabits with a woman forbidden to him owing to consanguinity (Yeb. 2a, b).

(28) For he must not withdraw immediately and must perforce withdraw when it is passive; but if he commits incest even with membrum mortuum he is liable.

(29) If you say that he is liable if he commits incest with membrum mortuum, then there is no difference between passive and virile member, so that he should be exempt even if he is withdraws forthwith.

(30) If he took the shorter route, i.e., withdrew immediately, he is liable; and if the longer route, i.e., waited till it was passive, he is exempt.

same;2 the longer route here3 is as the shorter route there; and the longer route there is as the shorter route here. R. Huna son of R. Nathan raised an objection: Did Abaye then say that he had no alternative;4 from which we deduce that we are discussing the time not near her period;5 surely, it was Abaye who said that he is liable to bring two;6 from which we deduced that it refers to the time near her period!7 — Abaye's statements8 was made elsewhere. R. Jonathan b. Jose b. Lekunia enquired of R. Simeon b. Jose b. Lekunia: Where is the prohibition in the Torah against intercourse with a menstruous woman? — He took a clod, and threw it at him. Prohibition against intercourse with a menstruant! And into a woman who is impure by her uncleanness thou shalt not approach!9 —

Well then, [I meant to ask] where do we find the warning that he who cohabits with a clean woman, and she says to him, 'I have become unclean'; he should not withdraw immediately? — Hezekiah said, Scripture says: [And if any man lie with her (a menstruous woman)] her impurity shall be with him10 — even at the time of her impurity she shall be 'with him'11 Hence, we have a positive precept; whence do we derive a negative precept? — R. Papa said, Scripture says: Thou shalt not approach [unto a woman who is impure];12 thou shalt not approach means also, thou shalt not withdraw; for it is written: Who say, Approach to thyself, come not near me, for I am holier than thou.13

Our Rabbis taught: Thus shall ye separate the children of Israel from their uncleanness;14 R. Josiah said: From this we deduce a warning to the children of Israel that they should separate from their wives near their periods. And how long before? Rabbah said: One 'Onah.15 R. Johanan said in the name of R. Simeon b. Yohai: He who does not separate from his wife near her period, then even if he has sons like the sons of Aaron, they will die, even as it is written: Thus shall ye separate the children of Israel from their uncleanness,16 [this is the law] of her that is sick with her impurity;17

## Shevu'oth 18b

Whereas we learnt [this distinction, only] in the case of the Temple!1 — They are not the

# SHEVUOS – 2a-28b

and next to it: [And the Lord spoke unto Moses] after the death [of the two sons of Aaron].<sup>18</sup> R. Hiyya b. Abba said that R. Johanan said: He who separates from his wife near her period will have male children, even as it is written: To make a distinction between the unclean and the clean;<sup>19</sup> and next to it: If a woman conceive and bear a male child.<sup>20</sup>

R. Joshua b. Levi said: He will have sons worthy to be teachers, for it is written: That ye may make a distinction [between the unclean and the clean]; and that ye may teach.<sup>21</sup> R. Hiyya b. Abba said that R. Johanan said: He who recites the Habdalah over wine at the termination of the Sabbath will have male children, even as it is written: That ye may make a distinction between the holy and the common;<sup>22</sup> and elsewhere it is written: To make a distinction between the unclean and the clean;<sup>23</sup> and next to it: If a woman conceive [and bear a male child].<sup>24</sup> R. Joshua b. Levi said: He will have sons worthy to be teachers, even as it is written: That ye may make a distinction [between the holy and the common] and that ye may teach.<sup>25</sup> R. Benjamin b. Japhet said that R. Eleazar said: He who sanctifies himself during cohabitation will have male children, even as it is said: Sanctify yourselves therefore, and be ye holy,<sup>26</sup> and next to it: If a woman conceive [and bear a male child].<sup>27</sup>

R. ELIEZER SAID, [SCRIPTURE SAYS: IF ANY ONE TOUCH THE CARCASS OF AN UNCLEAR] CREEPING THING, AND IT BE HIDDEN FROM HIM, etc. What is the difference between their views?<sup>28</sup> Hezekiah said: ‘Creeping thing and carcass’ is the difference between them; R. Eliezer holds, we require that he should know whether he had become unclean by [the carcass of] a creeping thing or of an animal; and R. Akiba holds, we do not require that he should know this; as long as he knows that he has actually become unclean, it is not necessary [that he should know] whether he has become unclean by a creeping thing or by an animal carcass.<sup>29</sup> And so said Ulla: ‘Creeping thing and carcass’ is

the difference between them; for Ulla pointed out an incongruity between one statement of R. Eliezer's and another, and then explained it: Did R. Eliezer, then, say that we require he should know whether he had become unclean by a creeping thing or by a carcass?

I question this, for R. Eliezer said: In any case, if he ate prohibited fat, he is liable, or if he ate nothar, he is liable;<sup>30</sup> if he desecrated the Sabbath, he is liable, or if he desecrated the Day of Atonement, he is liable;<sup>31</sup> if he cohabited with his wife when menstruous, he is liable, or if he cohabited with his sister, he is liable.<sup>32</sup> Said R. Joshua to him, Scripture says: If his sin, wherein he hath sinned, be known to him;<sup>33</sup> only when it is known to him wherein he hath sinned.<sup>34</sup> [Ulla, however,] explains it thus: There, Scripture says: he hath sinned, then he shall bring [his offering] — as long as [he knows that] he has sinned [though he does not know the actual sin, he brings his offering]: but here, since it is already written: [If any one touch] any unclean thing,<sup>35</sup> why do we require: or the carcass of an unclean creeping thing?<sup>36</sup> Hence, we deduce that we require he should know whether he had become unclean by a creeping thing or by an animal carcass.<sup>37</sup> And R. Akiba?<sup>38</sup> — Because

- (1) If this distinction holds good also in the case of a menstruous woman, why does not the Mishnah mention it?
- (2) And are therefore not mentioned in the Mishnah.
- (3) In the case of a menstruous woman, exempts him, as does the shorter route in the Temple.
- (4) If he withdraws when it is passive, he is exempt, because he has no alternative.
- (5) For if he cohabited near the time of her period he should have realized that there is a possibility that she might become unclean; and he is liable for withdrawing even when passive, for Abaye holds that he who cohabits with membrum mortuum is also liable. (V. supra 18a.) Only if he cohabits not near the time of her period is he exempt if he withdraws when passive, with membrum mortuum, for he has no other alternative, and is not to be blamed for cohabiting then.
- (6) Supra 17b; one for entering, and one for withdrawing.
- (7) Supra 18a.
- (8) That he is liable to bring two, was not made with reference to our Mishnah. Abaye explains our

# SHEVUOS – 2a-28b

Mishnah, which differentiates between withdrawing with virile member and passive, as referring to cohabitation not near the time of her period when, in entering, he is completely innocent, and in withdrawing forthwith is liable to bring a sin offering (not two), because he could have withdrawn with member passive with less pleasure. Abaye's statement that he brings two offerings does not refer to our Mishnah, but to a case where he cohabits with a clean woman near the time of her period, and she tells him during cohabitation that she has become unclean. In this case he brings two offerings, one for entering, and one for withdrawing, even passive, for Abaye holds that in this case, there is no difference how he withdrew, since he is not entirely blameless, for he should have foreseen that she might become unclean during cohabitation.

(9) Lev. XVIII, 19.

(10) Ibid. XV, 24.

(11) I.e., he must not withdraw immediately.

(12) Lev. XVIII, 19.

(13) Isa. LXV, 5; לא תקרב in Lev. XVIII, 19, may, therefore, mean: thou shalt not approach to thyself, i.e., thou shalt not withdraw.

(14) Lev. XV, 31.

(15) A period of time (with special reference to marital duty): the whole day or the whole night. If her period comes during the day, he must separate from the beginning of the day; if during the night, from the beginning of the night.

(16) Lev. XV, 31.

(17) Ibid. 33.

(18) Ibid. XVI, 1. He takes the sequence and contiguity of the verses to imply that if a man does not separate from 'her that is sick with her impurity', his sons will die, even as the sons of Aaron died.

(19) Lev. XI, 47.

(20) Ibid. XII, 2.

(21) Ibid. X, 10, 11.

(22) Ibid. 10. He who recites Habdalah also makes a distinction between the holy and the common (Sabbath and weekday). In verse 9 the priests are commanded: Drink no wine... when ye go into the tent of meeting. The implication is: but ye may drink wine when ye make a distinction between the holy and the common, i.e., when you recite the Habdalah.

(23) Ibid, XI, 47.

(24) Ibid. XII, 2.

(25) Ibid. X, 10, 11.

(26) Ibid. XI, 44.

(27) Ibid, XII, 2.

(28) Both R. Eliezer and R. Akiba agree in the Mishnah (supra 14b) that he is not liable unless he is aware that it is the Temple that he entered in an unclean state, and thus the question arises, what is the difference between them?

(29) R. Eliezer holds he must know the exact source of his uncleanness (whether by a creeping thing or

animal carcass), whereas R. Akiba holds it matters not, as long as he knows he is unclean.

(30) Ker. 19a; if there lay before him חלב, a piece of prohibited fat, and גוהר, a piece of a sacrifice left over behind the time limit for its consumption, and he ate one of them unwittingly, but he does not know which, R. Eliezer says he must bring a sin offering, because, whether he ate the heleb or nothar, he is liable for a sin offering in either case; but R. Joshua says he is exempt; and is liable only when, he knows definitely which he has eaten.

(31) If he did work unwittingly, but does not know whether it was on a Sabbath or the Day of Atonement.

(32) His wife and sister were together with him, and he cohabited with one, thinking it was his wife not believing her to be clean, but later it was ascertained that his wife was already unclean, and, moreover, a doubt arose as to whether it might not have been his sister with whom he cohabited.

(33) Lev. IV, 23.

(34) I.e., exactly what his sin was, does he bring a sin offering. This contradicts the previous statement of R. Eliezer, for here he says, he brings a sin offering even if he does not know exactly what his sin was, and in our Mishnah he says, he does not bring his offering unless he knows exactly the source of his uncleanness, whether carcass of creeping thing or animal.

(35) Lev. V, 2.

(36) Surely, unclean creeping thing is included in any unclean thing?

(37) Because Scripture particularizes, we deduce that he does not bring an offering unless he knows the exact source of his uncleanness.

(38) Since Scripture particularizes, why does R. Akiba hold that it is not necessary he should know the exact source of his uncleanness, as long as he knows he is unclean?

## Shevu'oth 19a

Scripture wishes to write *cattle and beast*<sup>1</sup> for the sake of Rabbi's deduction,<sup>2</sup> it writes also *creeping thing*;<sup>3</sup> as was taught in the School of R. Ishmael: Any Biblical passage that was stated once, and then repeated, was repeated only for the sake of something new that was added to it.<sup>4</sup> And what does R. Eliezer do with the word wherein [he hath sinned]?<sup>5</sup> — To exclude him who occupies himself [with a permitted thing and unintentionally does that which is prohibited].<sup>6</sup> And R. Johanan said: 'Inferences of Expounders' is the difference between them.<sup>7</sup> And so said R. Shesheth:

# SHEVUOS – 2a-28b

‘Inferences of Expounders’ is the difference between them, for R. Shesheth was wont to change the words of R. Eliezer for those of R. Akiba, and the words of R. Akiba for those of R. Eliezer,<sup>8</sup> Raba inquired of R. Nahman: If he was unaware of both, what is the ruling?<sup>9</sup> — He said to him: Since there is the unawareness of uncleanness, he is liable. On the contrary, since there is the unawareness of Temple, he should be exempt! —

R. Ashi said: we observe, if because of the uncleanness he leaves, then it is a case of unawareness of uncleanness, and he is liable; and if, because it is the Temple, he leaves, then it is a case of unawareness of Temple, and he is exempt:<sup>10</sup> — Said Rabina to R. Ashi: Does he then leave because it is the Temple, unless it be also because of the uncleanness? And does he leave because of the uncleanness, unless it be also because it is the Temple?<sup>11</sup> Well then, there is no difference,<sup>12</sup>

Our Rabbis taught: Two [public] paths, one unclean,<sup>13</sup> and one clean; and he walked along one,<sup>14</sup> and did not enter [the Temple afterwards]; then along the other, and entered [the Temple],<sup>15</sup> he is liable [to bring a sliding scale sacrifice].<sup>16</sup> If he walked along one, and entered [the Temple],<sup>17</sup> and was sprinkled upon [on the third day], and again [on the seventh day], and bathed himself;<sup>18</sup> and then he walked along the other,<sup>19</sup> and entered [the Temple],<sup>20</sup> he is liable.<sup>21</sup> R. Simeon [b. Yohai] exempts him;<sup>22</sup> and R. Simeon b. Judah exempts him in all these cases in the name of R. Simeon [b. Yohai]. ‘In all of them,’

(1) Lev. v, 2: the carcass of an unclean beast, or the carcass of unclean cattle.

(2) Supra 7a.

(3) Though it is superfluous; but we must not deduce from this particularization that the unclean person must know the source of his uncleanness in order to be liable for a sacrifice.

(4) Here the ‘something new’ is Rabbi’s deduction.

(5) Lev. IV, 23; the word wherein implies that he must know the actual sin he has committed, yet R. Eliezer holds that if there lay before him heleb and nothar, and he unwittingly ate one of them, not knowing which, he must also bring a sin offering.

(6) E.g., on Sabbath he intended (what is permissible) to cut something which was already detached (from the ground or tree), but his knife slipped, and he cut something which was still attached (to the ground or tree). Or, he intended to cohabit with his wife who was clean, and he inadvertently cohabited with his sister who was sleeping near her. In these cases, his intention was quite innocent; and the word wherein (he hath sinned) implies that in such cases he is exempt from a sacrifice, and that he is liable only if his intention was to do something which is actually wrong, though he thought it was right; e.g., he intended to cut a definite thing, which he thought was detached, but which actually was attached; or, he intended to cohabit with a certain person, whom he thought was his wife, but who actually was his sister. In these cases, he brings a sacrifice, because the actual act, though innocently committed, was definitely intended; in the former cases, the actual act which was committed was not intended.

(7) He disagrees with Hezekiah who said that R. Eliezer and R. Akiba differ in their interpretation of the law; he holds that they do not differ at all as to the law; they both hold that it is not necessary that the unclean person should know the exact source of his uncleanness; but they merely choose different texts from which to deduce the law; they, therefore, differ as ‘expounders’ merely as to the texts from which they derive their ‘inferences’.

(8) It matters not, since there is no difference in law between them.

(9) According to R. Eliezer and R. Akiba who hold that sin offering is brought only for unawareness of uncleanness and not for unawareness of Temple, what is the ruling of the unclean person was unaware of both uncleanness and Temple?

(10) If he leaves the Temple, when told he is unclean (the fact that it is the Temple is not mentioned to him), we realize that he regrets his entry because of his uncleanness; and it is, therefore, a case of unawareness of uncleanness. If, however, he leaves the Temple, when told that he is in the Temple (his uncleanness is not mentioned), we realize that he regrets his entry because it is the Temple; and it is, therefore, a case of unawareness of Temple.

(11) When he is told one of the facts, either that he is unclean, or that he is in the Temple, he does not leave because of that one fact; for his uncleanness, were it not for the fact that he is in the Temple, would not matter; and the fact that he is in the Temple, were it not for his uncleanness, would also not matter. He leaves, when told one of the facts, because he recollects immediately the other fact also. Since, however, when he entered the Temple while unclean, he was unaware of both facts, what is the ruling?

(12) And he is exempt, because R. Eliezer and R. Akiba hold that he is liable only for unawareness of

# SHEVUOS – 2a-28b

uncleanness by itself, while realizing that he has entered the Temple.

(13) Someone being buried there, and it is impossible to walk along the path without treading on the grave.

(14) But does not know whether it was the clean or the unclean path.

(15) Having forgotten that he is unclean, since he walked along both.

(16) Because he entered the Temple while definitely unclean, and had knowledge at the beginning of definite uncleanness.

(17) Having forgotten that he had walked along one path (which possibly was the unclean one, though he is not sure).

(18) Num. XIX, 19; a person unclean by the dead requires sprinkling with water into which has been put some of the ashes of the burnt red heifer.

(19) Knowing that it is possibly the unclean one.

(20) Having forgotten his possible uncleanness.

(21) Because either the first or the second time he entered the Temple while unclean.

(22) Because, before he entered the Temple either the first or second time, he had not the knowledge of definite uncleanness, for, before entering the Temple the first time, he certainly had not the knowledge of definite uncleanness (for the first path may have been clean), and even after walking along the second path he had not now the knowledge of definite uncleanness, since he had already purified himself from the first possible uncleanness (and the second path may be clean); and in order to bring a sacrifice we require knowledge at the beginning of definite uncleanness. In the previous instance, where he had not purified himself between the two entries, he has the knowledge of definite uncleanness before entering the Temple the second time.

## Shevu'oth 19b

even in the first case? At all events he is unclean?<sup>1</sup> — Said Raba: Here we are discussing the case of one who walked along the first [path]; and when he walked along the second [path], forgot that he had already walked along the first, so that he has only an incomplete knowledge [of uncleanness];<sup>2</sup> and this is in what they differ:<sup>3</sup> The first Tanna holds that we say, an incomplete knowledge is like a complete knowledge;<sup>4</sup> and R. Simeon [b. Judah] holds that we do not say, an incomplete knowledge is like a complete knowledge.<sup>5</sup> 'If he walked along the first [path], and entered [the Temple], and was sprinkled upon [on the third day], and again [on the seventh day], and bathed himself; and then he walked along the

second [path], and entered [the Temple], he is liable; and R. Simeon [b. Yohai] exempts him.'

Why is he liable,<sup>6</sup> since it is a doubtful knowledge?<sup>7</sup> — R. Johanan said: Here they made doubtful knowledge like definite knowledge.<sup>8</sup> And Resh Lakish said: This is in accordance with the view of R. Ishmael, who holds that we do not require knowledge at the beginning. We may point out an incongruity between the words of R. Johanan [here] and the words of R. Johanan [elsewhere]; and we may point out an incongruity between the words of Resh Lakish [here] and the words of Resh Lakish [elsewhere]; for it has been taught: If he ate doubtful prohibited fat, and became aware of it [later; and he ate again] doubtful prohibited fat, and became aware of it [later]; Rabbi said: Just as he would bring a sin offering for each one, so he brings a guilt offering for doubtful sin for each one.<sup>9</sup> R. Simeon b. Judah and R. Eleazar son of R. Simeon said in the name of R. Simeon [b. Yohai]: He brings only one guilt offering for doubtful sin;<sup>10</sup> for it is said: [And he shall bring a ram... for a guilt offering...] for his error wherein he erred<sup>11</sup> — the Torah includes many errors for one guilt offering.<sup>12</sup> And Resh Lakish said: Here Rabbi taught that the awareness of the doubt separates [the acts] for sin offerings.<sup>13</sup> And R. Johanan said: [Rabbi meant:] Just as, the awareness of definite sin elsewhere separates [the acts] for sin offerings, so the awareness of doubtful sin [here] separates [the acts] for guilt offerings.<sup>14</sup> [Hence, there is incongruity between R. Johanan's statements,<sup>15</sup> and between Resh Lakish's statements.]<sup>16</sup> —

Granted that there is no contradiction between one statement of R. Johanan and the other statement of R. Johanan, [for he said:] 'Here they made [doubtful knowledge like definite knowledge]', and not everywhere in the whole Torah did they do so; for [only] here, because knowledge [at the beginning] is not explicitly written, but is deduced from and it be hidden,<sup>17</sup> [therefore they made doubtful knowledge like definite knowledge;] 'but not

# SHEVUOS – 2a-28b

everywhere in the whole Torah did they do so', for it is written: [If his sin] be known to him<sup>18</sup> — a definite knowledge we require. But Resh Lakish — why does he establish it as being in accordance with R. Ishmael's view? Let him establish it as being in accordance with Rabbi's view!<sup>19</sup> — This he teaches us: that R. Ishmael does not require knowledge at the beginning. [But] it is obvious that he does not require [knowledge at the beginning], for he has no extra verse [from which to deduce it, since he requires] and it be hidden to make him liable for unawareness of Temple?<sup>20</sup> — Perhaps you might think that he does not infer [that we require knowledge at the beginning] from the verse, but he has it from a tradition; therefore [Resh Lakish] teaches us [that R. Ishmael definitely does not require knowledge at the beginning].

## CHAPTER III

**MISHNAH.** OATHS ARE TWO, SUBDIVIDED INTO FOUR: 'I SWEAR I SHALL EAT', AND '[I SWEAR] I SHALL NOT EAT';<sup>21</sup> '[I SWEAR] I HAVE EATEN', AND '[I SWEAR] I HAVE NOT EATEN'.<sup>22</sup> — 'I SWEAR I SHALL NOT EAT', AND HE ATE A MINUTE QUANTITY, HE IS LIABLE: THIS IS THE OPINION OF R. AKIBA. THEY [THE SAGES] SAID TO R. AKIBA: WHERE DO WE FIND THAT HE WHO EATS A MINUTE QUANTITY IS LIABLE, THAT THIS ONE SHOULD BE LIABLE!<sup>23</sup> — R. AKIBA SAID TO THEM: BUT WHERE DO WE FIND THAT HE WHO SPEAKS BRINGS AN OFFERING, THAT THIS ONE SHOULD BRING AN OFFERING?<sup>24</sup>

**GEMARA.** Shall We say that *okal* means 'I shall eat'? We may question this, [for we learnt:] "'I swear I shall not eat of thine", "I swear I shall eat [*okal*] of thine"; "I do not swear I shall not eat of thine"; he is prohibited [to eat of that man's food]?"<sup>25</sup> — Abaye said: Really [*okal*] means 'I shall eat' [as our Mishnah states], yet there is no difficulty: Here [it is a case where] he is urged to eat; and there [it is a case where] he is not

(1) After walking through both paths (without purification in the interval) he has the definite knowledge of uncleanness, and when he enters the Temple later, being unaware of his uncleanness, he should bring a sacrifice.

(2) Having forgotten that he had walked along the first path, and remembering only the second, he has not the complete knowledge of definite uncleanness.

(3) The first Tanna and R. Simeon b. Judah disagree as to the view of R. Simeon b. Yohai.

(4) The first Tanna who states that R. Simeon b. Yohai exempts him only in the case, where there was purification between the two entries, but not in the first case, holds that in the first case he is liable, because, when entering the Temple after having walked along both paths, he is definitely unclean, and though his knowledge is incomplete, for, when walking in the second path, he had forgotten about the first, nevertheless he is liable, for incomplete knowledge of definite uncleanness is counted as complete knowledge, since he is definitely unclean, and, if he had the complete knowledge, he would have known that he was definitely unclean, whereas in the case where there was purification between, the knowledge he had, though complete, was of doubtful uncleanness. He knew, that is to say, that he had walked in both paths, and yet, despite this knowledge, he is still doubtful, after walking in the second path, whether he is now unclean (for this path may be clean; and if the first was unclean he has already purified himself in any case) and is therefore exempt.

(5) And he is, therefore, exempt even in the first case, where there was no purification between the two entries.

(6) He questions the view of the Tanna who disagrees with R. Simeon b. Yohai.

(7) For when entering the Temple after walking along the first path he did not have the knowledge of definite uncleanness (for this path may have been clean); and when entering the Temple after walking along the second path, he also did not have the knowledge of definite uncleanness (for he had purified himself from the first path, and the second may be clean).

(8) Though his knowledge, in the case of each entry, was doubtful, yet, since he had certainly entered the Temple once while definitely unclean, and he had knowledge at the beginning (though of a doubtful nature), he brings an offering.

(9) He ate a piece of fat about which there was a doubt whether it was prohibited fat (חלב) or permitted (שימין); at the time of eating he thought it was permitted fat, but later became aware that there was a doubt about it. In such a case he brings a suspensive guilt offering, (Lev. V. 17; Rashi). If, after becoming aware of this, he commits this doubtful sin again, he must bring a guilt offering for each separate act, since there was awareness between each

# SHEVUOS – 2a-28b

act; just as, if he had unwittingly eaten actual (not doubtful) prohibited fat on a number of occasions (with awareness between each act) he would have had to bring a sin offering for each separate act.

(10) For all the acts together.

(11) Lev. V, 18.

(12) Because Scripture could have written simply, על אשר שגג, for his error; but it adds the words, שגגתו, wherein he erred, implying that, however many times he erred, he brings only one suspensive guilt offering.

(13) He takes Rabbi's statement to mean this: If, after a time, he became aware that it was definitely prohibited fat, he would have to bring a sin offering for each act, although the awareness between the acts was only the awareness of doubtful prohibited fat, because such awareness is also sufficient to separate the acts. If there were no awareness at all between the acts, he would bring only one sin offering.

(14) If, after unwittingly committing a definite sin, he became aware of it, and later again unwittingly committed the same definite sin, the awareness of the definite sin between the two acts makes a division between the acts, and he brings a sin offering for each act; so here, the awareness of the doubtful sin between the acts makes a division between the acts, and he brings a guilt offering for each act. But if the awareness between the acts was only the awareness of the doubtful sin, he does not later bring a sin offering for each act when the knowledge comes to him that he has committed a definite sin.

(15) For R. Johanan said, with reference to entering the Temple after walking along two paths, one of which was unclean (with purification between the two walks), that doubtful knowledge is counted as definite knowledge; yet here he says that doubtful knowledge is not the same as definite knowledge in making a division between acts for sin offerings.

(16) For Resh Lakish said above that the Tanna who says he is liable (in the case of entering the Temple after walking along two paths, etc.) agrees with R. Ishmael that there is no need for knowledge at the beginning; Resh Lakish could have said that he agrees with Rabbi (according to Resh Lakish's exposition of his view) that doubtful knowledge is counted as definite knowledge.

(17) Lev. V, 3; v. supra 4a.

(18) Lev. IV, 28.

(19) Why does he say that the Tanna who makes him liable in the case of walking along the two paths agrees with R. Ishmael that we do not require knowledge at the beginning? Let him rather say that he does require knowledge at the beginning, but he makes him liable because he holds with Rabbi that doubtful knowledge is like definite knowledge (in accordance with Resh Lakish's own interpretation of Rabbi's view).

(20) Supra 14b.

(21) Lev. V, 4: If any one swears, pronouncing with his lips, or to do evil, or to do good. These are the two oaths, positive and negative, in the future. 'To eat' and 'not to eat' are merely examples of doing good and doing evil.

(22) These are the two additional oaths, positive and negative, in the past; v. infra 25a.

(23) On eating prohibited food there is liability only when a certain minimum (the size of an olive) is consumed; v. Yoma 81a.

(24) An oath is merely the utterance of the lips; yet he brings an offering for transgressing his utterance; therefore he brings an offering also even if he eats a minute quantity, since thereby he has also transgressed his utterance.

(25) Ned. 16a; If he used any of these three forms of oath, he must not partake of the other's food. Hence, 'I swear that okal (I shall eat) of thine' apparently implies that he takes an oath not to eat; yet in our Mishnah it is taken as a positive oath. The explanation why שבועה שאוכל לך may be taken negatively is this: שבועה — it shall be prohibited to me by oath; לא אוכל — that which I eat of thine; i.e., I swear I shall not eat. The third form of oath means this: — it shall not be prohibited to me by oath; — that which I shall not eat; the implications being, but that which I shall eat shall be prohibited to me by oath.

## Shevu'oth 20a

urged to eat: our Mishnah [refers to the case where] he is not urged to eat;<sup>1</sup> and the Baraitha<sup>2</sup> [to the case where] he is urged to eat, and he says: 'I shall not eat, I shall not eat'; so that when he swears,<sup>3</sup> he means: 'I swear I shall not eat'. R. Ashi said: Read [in the Baraitha]: 'I swear I shall not eat of thine'.<sup>4</sup> If so, what need is there to state it?<sup>5</sup> — I might have thought his tongue became twisted,<sup>6</sup> therefore he teaches us [that it is a definite negative].

Our Rabbis taught: Mibta<sup>7</sup> is an oath; Issar<sup>8</sup> is an oath. What is the binding force of Issar? If you say that Issar is an oath, he is liable; and if not, he is exempt. If you say that Issar is an oath! But you have just said that Issar is an oath? Abaye said: Thus he means: Mibta is an oath; Issar is tacked on to an oath.<sup>9</sup> What is the binding force of Issar? If you say, that which is tacked on to an oath is like a properly expressed oath, he is liable; and if not, he is

# SHEVUOS – 2a-28b

exempt. And how do we know that Mibta is an oath? Is it not because it is written: If any one swear, pronouncing with his lips.<sup>10</sup> Then Issar also [should be counted an oath], for it is written: Every vow and every oath of a bond?<sup>11</sup> Then again, how do we know that Issar has the force of being tacked on to an oath? Is it not because it is written: Or bound he, soul by a bond with an oath?<sup>12</sup> Then Mibta also [should have the force of being tacked on to an oath], for it is written: Whatsoever it be that a man shall pronounce with an oath.<sup>13</sup> But, said Abaye: That Mibta is an oath we deduce from this: And if she be married to a husband while her vows are upon her, or the utterance of her lips, wherewith she hath bound her soul:<sup>14</sup> Now, oath is not mentioned; with what, then, did she bind herself? With Mibta. Raba said: In reality, I can say to you, that which is tacked on to an oath is not like a properly expressed oath;<sup>15</sup> and thus he [the Tanna] means: Mibta is an oath; Issar is also an oath; and what is the binding force of Issar? Scripture placed it between a vow and an oath [to teach us that] if he expressed it in the form of a vow, it is a vow; and if in the form of an oath, it is an oath.<sup>16</sup> Where did [Scripture] place it [between a vow and an oath]? And if in her husband's house she vowed, or bound her soul by a bond with an oath.<sup>17</sup> And they<sup>18</sup> follow their own opinions, for it has been stated: That which is tacked on to an oath<sup>19</sup> — Abaye said, it is like a properly expressed oath;<sup>20</sup> and Raba said, it is not like a properly expressed oath.

An objection was raised; [for it has been taught:] What is Issar which is mentioned in the Torah? He who says: I take it upon me that I shall not eat meat, and that I shall not drink wine, as on the day that my father died, or, as on the day that So-and-So died, or, as on the day that Gedaliah, son of Ahikam, was killed, or, as on the day that I saw Jerusalem in its destruction; he is prohibited [from eating meat, etc.]; and Samuel said: only if he had already made a vow on that day.<sup>21</sup> Now, it is well, according to Abaye, for just as that which

is tacked on to a vow is a vow, so that which is tacked on to an oath is an oath;

- (1) And he swears 'I shall eat'- obviously a positive oath.
- (2) [Tosaf. deletes 'Baraitha' as the passage belongs to a Mishnah.]
- (3) Using the expression שבועה שאוכל.
- (4) Not שאי אוכל, but שאי אוכל.
- (5) For אי אוכל is the same as לא אוכל.
- (6) That he intended to say שאוכל (positive), but inadvertently said שאי אוכל (negative).
- (7) Num. XXX, 7: the utterance (מבטא) of her lips. If a man says: 'This loaf shall be Mibta to me', it is an oath, as if he had said: 'I swear I shall not eat this loaf'.
- (8) Num. XXX, 3: To bind his soul with a bond (אסר). If a man says: 'This loaf shall be Issar to me', it is an oath.
- (9) If he says: 'This loaf is Issar to me', it is not actually an oath, but has the same force as if it were tacked on to an oath, as in the following case: If he prohibits one loaf to himself by oath; then he says of a second loaf: 'This second loaf shall be like the first', the second loaf is here tacked on to an oath. Similarly, if he says: 'This loaf is Issar to me', the ruling is the same as in the case of a statement which is tacked on to an oath. If that is counted as a proper oath, then Issar is also a proper oath. The Tanna is simply equating Issar with a statement that is tacked on to an oath.
- (10) Lev. V, 4: תשבוע לבטא, i.e., swear by the expression מבטא.
- (11) Num. XXX, 14: שבועת אסר, i.e., the oath of Issar.
- (12) Ibid. 11: אסרה... בשבועה, i.e., bound herself by Issar by (tacking it on to) an oath.
- (13) Lev. V, 4: יבטא ... בשבועה, i.e., prohibit it to himself by Mibta by tacking it on to an oath.
- (14) Num. XXX, 7: אסר ... מבטא, i.e., she bound herself by Mibta; hence, Mibta is an oath.
- (15) Raba disagrees with Abaye who said that the Tanna holds that Issar is the same as a statement tacked on to an oath, and that he is in doubt whether that has the force of a properly expressed oath or not; but, says Raba, the Tanna holds definitely that a statement tacked on to an oath is not the same as a proper oath.
- (16) If he said: 'This loaf is Issar to me', it is a vow, and he is exempt from a sliding scale sacrifice. If he said: 'Issar that I shall not eat this loaf', it is an oath, and he is liable.
- (17) Num. XXX, 11: בשבועה ... אסר ... נדרה.
- (18) Abaye and Raba.
- (19) Lit., 'he who tacks on to an oath.'
- (20) Lit., 'as if he expresses an oath by word of mouth.'
- (21) He had previously vowed that he would never eat meat on the anniversary of his father's death, or

# SHEVUOS – 2a-28b

on the anniversary of Gedaliah's murder (3rd Tishri); and now when he says, 'I take it upon me that I shall not eat meat on that day', he is tacking on the present prohibition to a previous vow; and he is prohibited from eating meat now, as if he had now made a vow; therefore a statement tacked on to a vow is like a proper vow; and similarly, a statement tacked on to an oath is like a proper oath.

## Shevu'oth 20b

but according to Raba, it is difficult? — Raba may say to you, explain it thus: What is the binding force of a vow which is mentioned in the Torah?<sup>1</sup> He who says: I take it upon me that I shall not eat meat, and that I shall not drink wine, as on the day that my father died, or, as on the day that So-and-So was killed; [he is prohibited from eating meat, etc.]; and Samuel said: only if he had already made a vow on that day. What is the reason Scripture says: If a man vow a vow unto the Lord<sup>2</sup> — only if he vow in the matter which he had already vowed.<sup>3</sup> — 'As on the day my father died'!

This is self-evident?<sup>4</sup> — 'As on the day that Gedaliah, son of Ahikam, was killed' is necessary. I might have thought that, since it is also prohibited<sup>5</sup> even if he had not vowed, the fact that he vowed does not bring a prohibition upon him [because of his vow]; so that it [his present vow] is not based on a [previous] vow, [and hence is not a normal vow]; therefore he teaches us [that it is so based; and because perforce he mentions this clause, he mentions also the previous clause, though it is unnecessary]. And R. Johanan also holds this view of Raba,<sup>6</sup> for when Rabin came [from Palestine] he said that R. Johanan said: [If one says:] 'Mibta that I shall not eat of thine', or, 'Issar that I shall not eat of thine', it is an oath. When R. Dimi came [from Palestine] he said that R. Johanan said: [If one says: 'I swear] I shall eat', or, '[I swear] I shall not eat', [and he transgresses the oath,] it is a false oath;<sup>7</sup> and its prohibition is [derived] from this [verse]: Ye shall not swear by My name falsely.<sup>8</sup> [If one says: 'I swear] I have eaten' or, '[I swear] I have not eaten', [and it was untrue,] it is a vain

oath,<sup>9</sup> and its prohibition is [derived] from this [verse]: Thou shalt not take the name of the Lord thy God in vain.<sup>10</sup> Vows<sup>11</sup> come under the prohibition of: He shall not break his word.<sup>12</sup>

An objection was raised: Vain and false [oaths] are one. Does not this imply that just as a vain oath is in the past tense, so a false oath is in the past tense;<sup>13</sup> hence, '[I swear] I have eaten' and '[I swear] I have not eaten' are false oaths!<sup>14</sup> — Is this an argument? This is in its own category, and that is in its own category.<sup>15</sup> And what is the meaning of: 'They are one'? That they were pronounced in one utterance; as it has been taught [in another connection]: Remember<sup>16</sup> [the Sabbath day], and Keep<sup>17</sup> [the Sabbath day] were pronounced in a single utterance, — an utterance which the mouth cannot utter, nor the ear hear. Granted, there they were pronounced in one utterance, as R. Ada b. Ahabah said, for R. Ada b. Ahabah said: Women are in duty bound to sanctify the [Sabbath] day,<sup>18</sup> by decree of the Torah, for Scripture says: Remember and Keep; all who are included in the exhortation Keep are included in the exhortation Remember; and women, since they are included in Keep, are included also in Remember.<sup>19</sup> But here, for what law is it necessary?<sup>20</sup> But, [say then to teach us that] just as stripes are inflicted for a vain oath, so they are inflicted for a false oath;<sup>21</sup> — Whither are you turning?<sup>22</sup> —

Well [then, say]: Just as stripes are inflicted for a false oath,<sup>23</sup> so they are inflicted for a vain oath.<sup>24</sup> But this is obvious:<sup>25</sup> this<sup>26</sup> is a negative precept, and that<sup>27</sup> is a negative precept! — I might have thought, as R. Papa said to Abaye: He will not hold him guiltless at all,<sup>28</sup>

(1) The Tanna is not discussing a statement tacked on to a vow, but explaining that every normal vow (to make him guilty, if he breaks it) must be based on a previous vow, and must be detailed. If, however, he says: 'This day shall be to me as the day that father died' (without mentioning details, 'I shall not eat meat', etc.), it is merely a statement tacked on to a vow, and is not counted as a vow.

# SHEVUOS – 2a-28b

- (2) Num. XXX, 3.  
(3) Base the present vow on a previous vow.  
(4) If the reason is that he based this vow on a previous vow, why mention his father's death? This does not make the vow stronger.  
(5) To him to eat, since it is a public fast.  
(6) That Issar expressed in the form of an oath is an oath.  
(7) An oath uttered in the future tense, if transgressed, comes under the category of 'false' oath.  
(8) Lev. XIX, 12; i.e., ye shall not swear to do that which later, by transgressing, you make false.  
(9) An oath in the past tense, which is known to be untrue at the moment of utterance, comes under the category of 'vain' oath.  
(10) Ex. XX, 7.  
(11) ..... konam is one of the forms in which vows are expressed.  
(12) Num. XXX, 3.  
(13) A vain oath is an oath which is known immediately to be untrue, such as, swearing that a stone pillar is gold (infra 29a); so a false oath in the past tense is known immediately to be untrue. It is called false, and not vain, because its falsity is not apparent to all, but only to the one who utters it.  
(14) Yet R. Johanan calls them vain oaths.  
(15) They are entirely different: vain oaths are in the past, and false oaths are in the future, but they are declared to be one merely because the prohibitions against both were simultaneously uttered by God.  
(16) Ex. XX, 8.  
(17) Deut. V, 12.  
(18) By reciting, or hearing the recital of, the Kiddush. Though such positive precepts as depend for their observance on certain specified times need not be observed by women (מצות עשה שהזמן גרמא נשים) (פטריות), the precept of Kiddush must be observed by them, for Remember (which is explained as meaning 'Remember it over wine', i.e., recite Kiddush) is equated with Keep (i.e., do not transgress the negative precepts of the Sabbath); and just as women must keep the Sabbath (for all negative precepts, whether dependent for their observance on time or not, must be observed by women), so they must remember it.  
(19) Therefore Remember and Keep were pronounced in one utterance, in order to teach us this.  
(20) That the prohibition against vain oath and false oath should have been pronounced in one utterance?  
(21) The statement 'Vain and false oaths are one' does not mean that they were pronounced in one utterance, but that they are both the same in that stripes are inflicted equally for both.  
(22) Your statement should be reversed, for the transgression of a false oath (such as, 'I swear I shall not eat', and he ate) is more likely to be punishable by stripes (because it involves action) than the

- transgression of a vain oath (such as, 'I swear I have eaten' or, 'not eaten', which does not involve action).  
(23) In the transgression of which, action is involved.  
(24) Although no action is involved; v. infra 21a.  
(25) As deduced from a verse, infra 21a.  
(26) False oath.  
(27) Vain oath.  
(28) V. Ex. XX, 7; he who swears a vain oath will never be guiltless, i.e., he is not punished by stripes to remove his guilt (for, after punishment, the guilt is wiped out).

## Shevu'oth 21a

therefore he teaches us [that he is punished by stripes] as Abaye answered him.<sup>1</sup> And if you will, I may say, that just as he brings an offering for a false oath, so he brings an offering for a vain oath;<sup>2</sup> and it is in accordance with R. Akiba's view who makes him liable for [an oath in] the past as in the future.<sup>3</sup> An objection was raised: What is a vain oath? Swearing that which is contrary to the facts known to man.<sup>4</sup> A false oath? Swearing that which is the reverse.<sup>5</sup> [Hence, a false oath is in the past tense, yet R. Johanan says, in the future.] Say, Swearing and reversing.<sup>6</sup>

When R. Abin came [from Palestine], he said that R. Jeremiah said that R. Abbahu said that R. Johanan said: '[I swear] I have eaten', '[I swear] I have not eaten' [and it was untrue], are false oaths,<sup>7</sup> and their prohibition is from: Ye shall not swear by My name falsely.<sup>8</sup> '[I swear] I shall eat', '[I swear] I shall not eat' [and he broke the oath], he transgresses: He shall not break his word.<sup>9</sup> And what is a vain oath? Swearing that which is contrary to the facts known to man. R. Papa said: This statement of R. Abbahu's was not explicitly expressed, but only deduced by implication;<sup>10</sup> for R. Idi b. Abin said that R. Amram said that R. Isaac said that R. Johanan said: R. Judah said in the name of R. Jose the Galilean: Every negative precept in the Torah, if it involves action, is punished by stripes; if it does not involve action, is not punished by stripes, except swearing, exchanging,<sup>11</sup> and cursing one's neighbor with the Name.<sup>12</sup> 'Swearing' — how do we know?<sup>13</sup>

# SHEVUOS – 2a-28b

R. Johanan said in the name of R. Simeon b. Yohai: Scripture says: Thou shalt not take the name of the Lord thy God in vain; for the Lord will not hold him guiltless<sup>14</sup> — the Upper Court<sup>15</sup> will not render him guiltless, but the lower court inflict stripes and render him guiltless.<sup>16</sup> Said R. Papa to Abaye: Perhaps Scripture means this: He will not render him guiltless at all? — If it had been written: For he will not hold him guiltless, it would have meant what you say; but now that it is written: For the Lord will not hold him, guiltless, [it means], the Lord does not render him guiltless, but the lower court inflict stripes and render him guiltless. Hence we find that a vain oath [is punished by stripes]. How do we know a false oath [is so punished]? — R. Johanan himself said: ‘In vain’ is mentioned twice.<sup>17</sup> Since it<sup>18</sup> is not needed for a vain oath, utilize it for a false oath.

And R. Abbahu raised the question: This false oath — what kind is meant? Shall we say, ‘I swear I shall not eat’, and he ate? This is a negative precept involving action.<sup>19</sup> Then again, if he said: ‘I swear I shall eat’, and he did not eat, does he then receive stripes? Surely, it has been stated: ‘I swear I shall eat this loaf to day’, and the day passed, and he did not eat it: R. Johanan and Resh Lakish both hold that he does not receive stripes; R. Johanan says he does not receive stripes, because it is a negative precept not involving action, and any negative precept not involving action is not punishable by stripes; and Resh Lakish says, he does not receive stripes, because it is an uncertain warning, and an uncertain warning is not a warning?<sup>20</sup> — Well then, said R. Abbahu: It refers to: ‘[I swear] I have eaten’, ‘[I swear] I have not eaten’.<sup>21</sup>

And what is the difference?<sup>22</sup> — Raba said: Clearly did the Torah include a false oath which is like a vain oath;<sup>23</sup> just as a vain oath is in the past, so a false oath which is in the past [is included].<sup>24</sup> R. Jeremiah put a question to R. Abbahu: [We learnt:] ‘I swear I shall not eat this loaf; I swear I shall not eat it; I swear I

shall not eat it’, and he ate it, he is liable only for one [oath];<sup>25</sup> this is the oath of utterance<sup>26</sup> for the willful transgression of which stripes are incurred, and for the unwitting transgression of which a sliding scale sacrifice is brought.<sup>27</sup> ‘This is [the oath, etc.]’ What does ‘this’ exclude? Surely, it excludes ‘[I swear] I have eaten’, ‘[[swear] I have not eaten’, that he is not liable for stripes?<sup>28</sup> — No! It excludes ‘[I swear] I have eaten’, ‘[I swear] I have not eaten’ from an offering: ‘this<sup>29</sup> is [the oath...]’ for the unwitting transgression of which a sliding scale sacrifice is brought, but not ‘[I swear] I have eaten’, ‘[I swear] I have not eaten’; and this will be in accordance with the opinion of R. Ishmael who holds that he is only liable for an oath in the future;<sup>30</sup> but stripes he incurs.

(1) infra 21a.

(2) The statement ‘Vain and false oaths are one’ means they are equal in that an offering is brought for the transgression of a vain oath (such as, ‘I have eaten’, ‘I have not eaten’) as for a false oath (‘I shall eat’, ‘I shall not eat’).

(3) Infra 25a, and supra 3a.

(4) E.g., swearing of gold that it is wood.

(5) Of the truth; e.g., swearing that he had eaten, when he had not.

(6) Swearing to do something in the future, and not doing it.

(7) Disagreeing with R. Dimi who said in R. Johanan’s name that they are vain oaths; supra 20b.

(8) Lev. XIX, 12,

(9) Num. XXX, 3.

(10) R. Jeremiah did not hear R. Abbahu say definitely that R. Johanan holds an oath in the past is termed a false oath, but deduced it from another statement of his; v. infra p. 109, n. 8.

(11) For another, a beast which he had dedicated as a sacrifice (v. Lev. XXVII, 10; both become holy); the exchange is effected merely by utterance, without action.

(12) Of God; v. Tem. 3b.

(13) That stripes are inflicted for its transgression?

(14) Ex. XX, 7.

(15) The Lord.

(16) The human tribunal punish him, and thereby (having expiated his offence), he becomes once more guiltless.

(17) Ex. XX, 7.

(18) The second ‘in vain’.

(19) And therefore is certainly punished by stripes. But which is the oath not involving action which is said to be punished by stripes?

# SHEVUOS – 2a-28b

(20) Supra 3b; v. p. 8, n. 1.

(21) This is the false oath which, though not involving action, is punishable by stripes. From this statement of R. Abbahu's R. Jeremiah deduced that an oath in the past tense is called a false oath according to R. Johanan.

(22) Why should this oath, though not involving action, be punishable by stripes, whereas an oath in the future not involving action is not punishable?

(23) Because false oath is deduced from the second 'in vain'.

(24) Swearing that which is contrary to a known fact is like an oath in the past; the falsity is immediately evident.

(25) Although he uttered three oaths; because the second oath cannot 'fall' on the first; i.e., since the first oath already prohibits him from eating the loaf, the second oath is, in effect, a promise to fulfill the mizwah of keeping the first oath, and 'he who swears to fulfill a mizwah, and does not fulfill it, is not liable' (Infra 27a).

(26) Lev. V, 4; swearing to utter (or, pronounce) with the lips to do evil, or to do good.

(27) Infra 27b.

(28) Yet R. Abbahu states that he is.

(29) Oath in the future.

(30) Infra 25a.

## Shevu'oth 21b

How [then] will you explain the latter clause: This<sup>1</sup> is the vain oath for the willful transgression of which stripes are incurred, and for the unwitting transgression of which he is exempt.<sup>2</sup> 'This is [the vain oath, etc.]' What does 'this' exclude? Surely, it excludes '[I swear] I have eaten', '[I swear] I have not eaten', that he is not liable for stripes!<sup>3</sup> —

No! 'This is [the oath...] for the unwitting transgression of which he is exempt [from a sacrifice]' but '[I swear] I have eaten', '[I swear] I have not eaten', makes him liable for a sacrifice for unwitting transgression; and this will be in accordance with the opinion of R. Akiba who holds that he is liable for [an oath] in the past as in the future.<sup>4</sup> But you have said that the first statement is in accordance with R. Ishmael's view. Is the first statement, then, in accordance with R. Ishmael's view, and the second in accordance with R. Akiba's view! —

[No!] It is entirely in accordance with R. Akiba's view; and the first statement is not intended to exclude '[I swear] I have eaten', '[I swear] I have not eaten' from a sacrifice, but to exclude '[I swear] I shall eat', and he did not eat, from stripes; but for a sacrifice he is liable.<sup>5</sup> Why should you prefer this?<sup>6</sup> — It is reasonable that, since he is discussing the future, he should exclude the future; but, discussing the future, shall he exclude the past?<sup>7</sup>

**I SWEAR I SHALL NOT EAT, AND HE ATE A MINUTE QUANTITY, HE IS LIABLE; [THIS IS THE OPINION OF R. AKIBA.]** It was queried [by the scholars]: Does R. Akiba agree in the whole Torah with R. Simeon who imposes liability for a minute quantity, for it has been taught: 'R. Simeon says. For a minute quantity stripes are incurred;<sup>8</sup> and it was not said that the size of an olive is necessary except for a sacrifice.'<sup>9</sup> And by right they<sup>10</sup> should disagree also elsewhere, but the reason their disagreement is stated here is to show you the power of the Sages, for, although it is possible to say, since if he had expressly stated [a minute quantity] he would have been liable,<sup>11</sup> he should also be liable even if his statement is undefined,<sup>12</sup> we are informed, nevertheless, that they exempt him.<sup>13</sup> Or, elsewhere, does R. Akiba agree with the Sages,<sup>14</sup> and here, this is the reason:<sup>15</sup> since if he expressly states [a minute quantity] he is liable, he is liable also if his statement is undefined?

**Come and hear: THEY SAID TO R. AKIBA: WHERE DO WE FIND THAT HE WHO EATS A MINUTE QUANTITY IS LIABLE, THAT THIS ONE SHOULD BE LIABLE?** And if it is so [that he agrees with R. Simeon elsewhere also], let him answer them: I agree in the whole Torah with R. Simeon? — [It is possible that] he is replying according to the views of the Rabbis<sup>16</sup> themselves: As for me, I agree with R. Simeon in the whole Torah; but as for you, agree with me at least that, since if he expressly states [a minute quantity] he is liable, he should be liable also if his statement

# SHEVUOS – 2a-28b

is undefined. And the Rabbis replied to him: No!

Come and hear: R. Akiba says, A Nazirite who soaked his bread in wine, and there is sufficient in both together to make up the size of an olive, is liable.<sup>17</sup> Now if you were to hold that everywhere he agrees with R. Simeon,<sup>18</sup> what need is there for combining?<sup>19</sup> And again, we learnt: 'I swear I shall not eat', and he ate carrion, trefa, forbidden animals, and reptiles, he is liable;<sup>20</sup> and R. Simeon exempts him.<sup>21</sup> And we asked: Why is he liable,<sup>22</sup> since he had already been adjured on Mount Sinai? Rab and Samuel and R. Johanan said: [He is liable because] he had included permitted things with the prohibited things.<sup>23</sup> And Resh Lakish said: You cannot find [that he should be liable] except either, if he expressly stated half the legal quantity,<sup>24</sup> and it will be in accordance with the view of the Rabbis, or, [even] if his statement was undefined, and it will be in accordance with R. Akiba's view,<sup>25</sup> who holds that a man [in an undefined oath], prohibits to himself [even] a minute quantity. Now if you were to say that elsewhere R. Akiba also agrees with R. Simeon,<sup>26</sup> then for a minute quantity he also stands adjured from Mount Sinai! Hence, we deduce from this [must we not?] that elsewhere he agrees with the Rabbis.<sup>27</sup> It is proven.

**THEY SAID TO R. AKIBA: WHERE DO WE FIND [THAT HE WHO EATS A MINUTE QUANTITY IS LIABLE, etc.]. Can we not? Is there not the ant?<sup>28</sup> A creature is different.<sup>29</sup> Is there not sacred property?<sup>30</sup> — But we require it should be the value of a perutah.<sup>31</sup> Is there not the expressly defined oath?<sup>32</sup> An expressly defined oath is like a creature.<sup>33</sup> Is there not dust?<sup>34</sup> May you then,**

- (1) Swearing that which is contrary to a known fact,
- (2) *Infra* 29a.
- (3) Yet R. Abbahu says he is.
- (4) *Infra* 25a.
- (5) For unwitting transgression.
- (6) Interpretation of the Mishnah? Perhaps it excludes an oath in the past from sacrifice; and it will not be in accordance with R. Akiba's view.

(7) The Mishnah states: 'I swear I shall not eat', and he ate — this is the oath for which he is liable both for witting and unwitting transgression; but (we may deduce) 'I swear I shall eat', and he did not eat — for this he does not incur stripes for witting transgression. Both statement and deduction are future.

(8) Not only in the case of oaths, but in the case of any prohibited food, R. Simeon holds that if he eats a minute quantity wittingly he incurs stripes.

(9) For unwitting transgression where, for witting transgression, he incurs the penalty of Kareth. In the case of an oath, however, witting transgression is punishable by stripes even for a minute quantity, and consequently unwitting transgression is punishable by a sacrifice even for a minute quantity.

(10) R. Akiba and the Sages of our Mishnah; they disagree not only in the case of an oath, but in all prohibited things. R. Akiba holding with R. Simeon that for a minute quantity he is liable.

(11) If he had expressly sworn: 'I swear I shall not eat a minute quantity', and he ate, the Sages agree that he is liable, for he has broken his oath.

(12) For it may be that when he says: 'I swear I shall not eat', he means even a small quantity, because he is not thinking of the legal minimum enjoined by the Torah for prohibited foods.

(13) When his oath is undefined.

(14) That on eating a minute quantity of prohibited food he is exempt.

(15) Why he makes him liable.

(16) The Sages.

(17) The permitted food (bread) combines with the prohibited (wine) to make up the legal minimum; *Nazir* 35b.

(18) That he is liable for a minute quantity of any prohibited food.

(19) The permitted bread with the prohibited wine?

(20) To bring a sliding scale sacrifice for unwitting transgression of the oath.

(21) From a sacrifice, for all Israel had been adjured at Mount Sinai to observe the Torah and not to eat carrion, etc., therefore his present oath cannot 'fall' on the first oath; it is merely like an oath to fulfill a *mizwah*, (*infra* 22b).

(22) According to the Sages?

(23) If he had sworn: 'I swear I shall not eat carrion', this oath could not have 'fallen' on the first oath (adjuration at Mount Sinai); but he said: 'I swear I shall not eat', thus including even permitted things; and since the oath can fall on the permitted things, it falls also on the prohibited, for this oath is more inclusive than the oath taken at Mount Sinai (including as it does even permitted things); and when the second oath is more inclusive than the first, it has the power to fall on the first. R. Simeon, however, holds that even a more inclusive second oath cannot fall on the first.

(24) Not necessarily half: even a minute quantity.

# SHEVUOS – 2a-28b

(25) According to Resh Lakish, in the case of an oath, even the Rabbis (who disagree here with R. Simeon) do not hold that a more inclusive second oath falls on the first oath; but they make him liable here only if he said: 'I swear I shall not eat a small quantity of carrion', because for a small quantity (less than the size of an olive) there is no previous oath (from Mount Sinai), and this oath therefore takes effect. Only in the case of such an oath will he be liable, according to the Sages (who disagree with R. Akiba). And according to R. Akiba, he is liable even if he says: 'I swear I shall not eat', because he thereby prohibits to himself even a minute quantity of carrion, and for a minute quantity there is no previous oath (from Mount Sinai).

(26) That he is liable for a minute quantity of any prohibited food.

(27) That he is liable only when he eats the legal minimum (the size of an olive).

(28) For eating which, though it is less than the size of an olive, he is liable; Mak. 13a.

(29) Because, though minute, it is a complete creature.

(30) For which he is liable to bring a trespass offering if he uses for a profane purpose even an amount less than the size of an olive.

(31) A small coin, (v. Glos.). That is the legal minimum for bringing a trespass offering; hence, here also there is a definite minimum.

(32) 'I swear I shall not eat a minute quantity', and he ate, he is liable, though it is less than the size of an olive.

(33) Just as he is liable on eating a minute creature, because it is important owing to its being complete, so he is liable for a minute quantity, if he expressly states it in the oath, for he has rendered the minute quantity of sufficient importance to prohibit it to himself.

(34) The questioner assumes that if he says: 'I swear I shall not eat dust', he is liable for a minute quantity, because, since it is not edible, the normal minimum for edibles is not applicable.

## Shevu'oth 22a

decide that which Raba enquired: "'I swear I shall not eat dust", and he ate; what quantity [must he eat to make him liable]?' — May you [then] decide that it must be the size of an olive!<sup>1</sup> — [No!] When do we say<sup>2</sup> [that we do not find liability for a minute quantity,] only in the case of an edible do we say so.<sup>3</sup> Is there not the case of vows?<sup>4</sup> — Vows are like expressly defined oaths.<sup>5</sup>

HE SAID TO THEM: BUT WHERE DO WE FIND THAT HE WHO SPEAKS BRINGS AN OFFERING, THAT THIS ONE SHOULD BRING AN OFFERING? Do we not [find such a case]? Is there not the blasphemer?<sup>6</sup> — We mean, speaking and prohibiting; but this one speaks and sins.<sup>7</sup> Is there not the nazirite?<sup>8</sup> — We mean, bringing an offering for [breaking] his word;<sup>9</sup> but this one brings an offering so that wine may again be permitted to him. Is there not sacred property?<sup>10</sup> — We mean, prohibiting to himself only; but this one prohibits to the whole world.<sup>11</sup> Is there not the case of vows?<sup>12</sup> — He holds that there is no trespass offering for [breaking] vows. Raba said: The controversy [between R. Akiba and the Sages] is in the case of an undefined oath, but if he expressly states [a minute quantity], all agree that he is liable for a minute quantity.

What is the reason? An expressly defined oath is on a par with a 'creature'.<sup>13</sup> And Raba said further: The controversy is only where he says, 'I shall not eat,' but if he says, 'I shall not taste, all agree that he is liable for a minute quantity. This is self-evident! — I might have thought that 'to taste' should be taken in the way that people talk,<sup>14</sup> therefore he teaches us [that it is taken literally].

R. Papa said: The controversy is in the case of oaths, but in Konamoth all agree that he is liable for a minute quantity. What is the reason? Vows, since the word 'eating' is not mentioned in them,<sup>15</sup> are like expressly defined oaths. An objection was raised: Two Konamoth combine; two oaths do not combine.<sup>16</sup> R. Meir says: Konamoth are like oaths. Now, if you say that [in vows] he is liable for a minute quantity, what need is there for combining? — He said, 'Eating of this [loaf] shall be to me konam; and eating of that [loaf] shall be to me konam.'<sup>17</sup> — If so, why do they combine? In any case, if you go here, there is not the legal minimum, and if you go there, there is not the legal minimum.<sup>18</sup> — He said, 'Eating of both [loaves] shall be to me konam.'<sup>19</sup> Now, a similar expression in the case of oaths would be, if he said, 'I swear I

# SHEVUOS – 2a-28b

shall not eat of both [loaves];' then why do they not combine?<sup>20</sup> —

**R. Phinehas said:** Oaths are different; because they are divided in respect of sin offerings, they do not combine.<sup>21</sup> If so, 'R. Meir says: Konamoth are like oaths.' [Why?] Granted, oaths [do not combine], because they are divided in respect of sin offerings; but Konamoth, why not? — Reverse it: R. Meir Says: oaths are like Konamoth [and combine]; and he does not agree with R. Phinehas. Rabina said: That which R. Papa said [that in Konamoth he is liable for a minute quantity] refers only to stripes; and that which we learnt in the Baraitha [that vows combine] refers to an offering, where we require [that the enjoyment should be] the value of a perutah.<sup>22</sup> Shall we say that the Sages hold there is a trespass offering for Konamoth?<sup>23</sup> Yet we learnt: [If he says,] 'This loaf is sacred,' and he eats it — either he or his neighbor — he trespasses; therefore there is redemption for it.<sup>24</sup> [If he says,] 'This loaf is to me sacred', he trespasses [by eating it], but his neighbor does not trespass; therefore there is no redemption for it;<sup>25</sup> this is the opinion of R. Meir.

(1) For our Mishnah says: Where do we find that he who eats a minute quantity is liable? Apparently, therefore, it assumes that in the case of dust there must also be the legal minimum.

(2) In our Mishnah.

(3) But in the case of dust he may be liable even for a small quantity, and Raba's query remains.

(4) If he says: 'This loaf shall be konam (v. p. 106, n. 6) to me', he prohibits himself, thereby, from partaking even of a small quantity of it.

(5) Because he does not mention the term 'eating', — it is as if he had expressly prohibited even a minute quantity of it. It is only in oaths, where the term 'eating' is mentioned, that the question arises whether even a small amount is prohibited, or only the legal minimum, because elsewhere 'eating' implies a minimum of the size of an olive, אכילה בכזית.

(6) Num. XV, 30; Lev. XXIV, 11; Ker. 7a: R. Akiba says the blasphemer brings an offering.

(7) The Mishnah means: Where do we find that he, who by speaking, prohibits something to himself, should bring an offering for transgressing his word? But he who blasphemes the name of God, commits a sin by his very utterance.

(8) Who by his speech (vow) prohibits wine to himself, and brings an offering when the period of his Naziriteship is ended; Num. VI. 1-21.

(9) Where do we find that a man by prohibiting something to himself, and then breaking his word, brings an offering?

(10) Which is dedicated by his word; and if he breaks his word by making profane use of it, he brings a trespass offering.

(11) Anything dedicated to the Temple is prohibited to all.

(12) E.g., by vowing not to partake of food, he prohibits the food to himself only. The questioner assumes that, since he expressed the prohibition in the form of a vow, he must bring a trespass offering also (if he breaks the vow), for vowing is similar to dedicating.

(13) V. supra 21b.

(14) Colloquially, 'tasting' means 'eating'; and therefore we may think that if he says, 'I shall not taste,' he should not be liable unless he eats a Ka-Zayith (the size of an olive), according to the Sages.

(15) I.e., where a man says: That loaf shall be to me Konam (v. Glos.).

(16) If he prohibits two loaves to himself by vows, and he eats a small portion of each, the two portions combine to make up the requisite amount of Ka-Zayith, but if he prohibits them by oaths, they do not combine.

(17) Although he utters it in the form of a vow, yet, since he mentions the word 'eating', there must be the requisite amount.

(18) If he mentions the word 'eating' for each loaf, he must eat the legal minimum of each loaf in order to be liable; just as in the case of oaths.

(19) Therefore if he eats the legal minimum of both together, it suffices for liability.

(20) Why is it stated that two vows combine, and two oaths do not combine? What is the difference?

(21) The two loaves are distinct in the case of oaths. If he said, 'I swear I shall not eat of this one and of that one', and he ate a Ka-Zayith of each in one spell of unawareness, he brings two offerings. Since, therefore, they are counted as separate, they do not combine if he ate less than a Ka-Zayith of each. But in the case of vows the two loaves are not treated as distinct, for according to the view that a trespass offering must be brought for the enjoyment of that which he prohibits to himself by Konam, he would be liable to only one offering for a number of enjoyments in one spell of unawareness (Rashi). [For a full discussion of this distinction between oaths and Konamoth, v. Mishnah le-Melek on Maim. Yad, Shebu'oth IV, 1.]

(22) He receives stripes even for a minute quantity; and he brings a trespass offering if his combined enjoyments of the two loaves totaled the value of a perutah.

# SHEVUOS – 2a-28b

(23) For they say that two vows combine for a trespass offering.

(24) That which is dedicated to the Temple treasury (קדושת דמרים) may be redeemed; Lev. XXVII, 27.

(25) For he has not dedicated it to the Temple, but has vowed that it shall be prohibited to him like a sacred thing; and there can be no redemption to permit the prohibited.

## Shevu'oth 22b

And the Sages say: Neither he nor his neighbor trespasses [by eating it], for there is no trespass in Konamoth.<sup>1</sup> — Reverse it: Neither he nor his neighbor trespasses, for there is no trespass in Konamoth: this is the opinion of R. Meir. And the Sages say: He trespasses, but his neighbor does not trespass.<sup>2</sup> If so, 'R. Meir says: Konamoth are like oaths', implying that Konamoth do not combine, but there is trespass in them?<sup>3</sup> Yet R. Meir says: There is no trespass in Konamoth at all! — According to the views of the Sages he is replying: As for me, I hold there is no trespass in Konamoth at all; but as for you, admit to me at least that Konamoth are like oaths [and do not combine].

And the Sages? — [They reply:] In oaths there is the reason of R. Phinehas; in Konamoth there is not the reason of R. Phinehas.<sup>4</sup> Raba said: — [If a man says,] 'I swear shall not eat,' and he ate dust, he is exempt.<sup>5</sup> Raba inquired: [If a man says,] 'I swear I shall not eat dust,' what amount [must he eat to make him liable]? [Shall we say:] Since he said, 'I shall not eat,' his intention was a KaZayith,<sup>6</sup> or, since it is not something that people eat, [his intention was] a minute quantity? —

Let it stand.<sup>7</sup> Raba inquired: [If a man says,] 'I swear I shall not eat grape stones,' what amount [must he eat to make him liable]? [Shall we say:] Since it can be eaten mixed [with the grapes], his intention was a Ka-Zayith, or, since, by itself, it is not eaten by people, his intention was a minute quantity?<sup>8</sup>—

Let it stand. R. Ashi inquired: If a Nazirite said, 'I swear I shall not eat grape stones,' what amount [must he eat to make him liable]?<sup>9</sup> [Shall we say:] Since a Ka-Zayith is prohibited in the Torah,<sup>10</sup> therefore when he swears, he swears for that which is permitted, and his intention is for a minute quantity; or, since he says, 'I shall not eat,' his intention is a Ka-Zayith?<sup>11</sup> —

Come and hear: 'I swear I shall not eat,' and he ate carrion, trefa, forbidden animals, and reptiles, he is liable; and R. Simeon exempts him. And we asked: Why is he liable, since he stands adjured from Mount Sinai? Rab and Samuel and R. Johanan said: Because he included permitted things with the prohibited things. And Resh Lakish said: You cannot find [that he should be liable] except either, if he expressly stated half the legal quantity, in accordance with the view of the Sages, or, if his statement was undefined, in accordance with the view of R. Akiba, who holds that a man [in an undefined oath] prohibits to himself a minute quantity.<sup>12</sup> Now, carrion, for which he stands adjured from Mount Sinai, is like grape stones to a Nazirite; and yet, only if he expressly states [less than the legal quantity, is he liable],<sup>13</sup> but if he does not expressly state this, his intention is for a Ka-Zayith. — It is proven.

Well then, you may decide that which Raba enquired: [If a man says,] 'I swear I shall not eat dust,' what amount [must he eat to make him liable]? You may decide that it must be a Ka-Zayith; for carrion is like dust;<sup>14</sup> and yet [he is liable] only if he expressly states [less than the legal quantity], but if he does not expressly state this, his intention is for a Ka-Zayith. — No! Dust is not edible at all;<sup>15</sup> but carrion is edible, except that a lion is lying on it.<sup>16</sup>

**MISHNAH.** [IF A MAN SAYS,] 'I SWEAR I SHALL NOT EAT' AND HE ATE AND DRANK, HE IS LIABLE ONLY ONCE.<sup>17</sup> 'I SWEAR I SHALL NOT EAT AND I SHALL NOT DRINK,' AND HE ATE AND DRANK, HE IS LIABLE

# SHEVUOS – 2a-28b

TWICE.<sup>18</sup> 'I SWEAR I SHALL NOT EAT,' AND HE ATE WHEAT BREAD, BARLEY BREAD, AND SPELT BREAD, HE IS LIABLE ONLY ONCE. 'I SWEAR I SHALL NOT EAT WHEAT BREAD, BARLEY BREAD, AND SPELT BREAD,' AND HE ATE, HE IS LIABLE FOR EACH ONE. 'I SWEAR I SHALL NOT DRINK,' AND HE DRANK MANY LIQUIDS, HE IS LIABLE ONLY ONCE. 'I SWEAR I SHALL NOT DRINK WINE, OIL, AND HONEY,' AND HE DRANK, HE IS LIABLE FOR EACH ONE. 'I SWEAR I SHALL NOT EAT,' AND HE ATE FOODS WHICH ARE NOT FIT TO BE EATEN, AND DRANK LIQUIDS WHICH ARE NOT FIT TO BE DRUNK, HE IS EXEMPT.<sup>19</sup> 'I SWEAR I SHALL NOT EAT,' AND HE ATE CARRION, TREFA, FORBIDDEN ANIMALS, AND REPTILES, HE IS LIABLE.<sup>20</sup> AND R. SIMEON EXEMPTS HIM.<sup>21</sup> HE SAID, 'I VOW THAT MY WIFE SHALL NOT BENEFIT FROM ME, IF I HAVE EATEN TODAY,' AND HE HAD EATEN CARRION, TREFA, FORBIDDEN ANIMALS, OR REPTILES, HIS WIFE IS PROHIBITED TO HIM.<sup>22</sup>

**GEMARA.** R. Hiyya b. Abin said that Samuel said: [If a man says,] 'I swear I shall not eat,' and he drank, he is liable. If you will, it may be deduced by reason; and if you will, it may be deduced from Scripture. If you will, it may be deduced by reason; for a man will say to his friend, 'Let us eat something,' and they go in, and eat and drink.<sup>23</sup> And if you will, it may be deduced from Scripture; drinking is included in eating, for Resh Lakish said: Whence do we know that drinking is included in eating? Because it is said: And thou shalt eat before the Lord thy God, in the place which He shall choose to cause His name to dwell there, the tithe of thy coin, of thy wine.<sup>24</sup>

- (1) This proves that the Sages hold that there is no trespass in vows!
- (2) For the Sages hold there is trespass in vows.
- (3) A trespass offering is brought for breaking a vow, but two vows do not combine for one trespass offering.
- (4) Supra 22a.
- (5) Because dust is not edible, and 'eating' normally refers to edibles.

- (6) Because the legal minimum for eating is a Ka-Zayith.
- (7) I.e., it remains unsolved.
- (8) Assuming that in the case of dust he is liable for a minute quantity, is he here also liable for a minute quantity, or, since grape stones are not as inedible as dust (because they are eaten mixed with the grapes), a Ka-Zayith must be eaten for liability.
- (9) Assuming that in the case of other men (not Nazirites) a Ka-Zayith is necessary (counting it as an edible), shall we say that a Nazirite, knowing that a Ka-Zayith is in any case prohibited to him, intends, when taking the oath, to prohibit himself further (i.e., even a minute quantity)?
- (10) Num. VI, 4: from the grape stones even to the grape skin he shall not eat.
- (11) For the term 'eating' denotes the minimum of a Ka-Zayith.
- (12) V. supra 21b.
- (13) According to the Sages (in Resh Lakish's view); and we do not say, since a Ka-Zayith is in any case prohibited already by the Torah, his intention when swearing, must have been for a smaller quantity.
- (14) Since it must not be eaten.
- (15) Therefore the legal minimum for edibles is not applicable; and his intention may have been to prohibit even a minute quantity.
- (16) The prohibition of the Torah lies on it like a lion, making it inaccessible.
- (17) Though drink is included in the oath (for drinking is included in eating, as explained in the Gemara; v. infra), yet he is liable for only one punishment (stripes for willful, and offering for unwitting transgression), for it is as if he had eaten twice in one spell of unawareness.
- (18) Because they are two oaths.
- (19) Because 'eating' implies edibles.
- (20) Because, though prohibited by the Torah, they are edible.
- (21) V. supra 21b.
- (22) R. Simeon agreeing, for he has eaten edibles.
- (23) Hence, drinking is included in eating.
- (24) Deut. XIV, 23.

## Shevu'oth 23a

Now, tirosh<sup>1</sup> is wine, and yet it is written, 'thou shalt eat'. Perhaps [Scripture means] when used in elaiogaron?<sup>2</sup> For Raba b. Samuel said: Elaiogaron contains the juice of beets, oxygaron the juice of all kinds of boiled vegetable! — But, said R. Aha b. Jacob: [We deduce that drinking is included in eating] from the verse, And thou shalt bestow the money for whatsoever thy soul desireth, for oxen, or for sheep, or for wine, or for strong

## SHEVUOS – 2a-28b

drink... [and thou shalt eat there].<sup>3</sup> Now, yayin is certainly wine; and yet it is written, 'thou shalt eat'. Perhaps here also [Scripture means] in elaiogaron? —

'Strong drink' is written, implying that which can cause intoxication.<sup>4</sup> Perhaps pressed figs from Keilah<sup>5</sup> [are intended];<sup>6</sup> for it was taught: If he ate a pressed fig from Keilah, or drank honey, or milk, and entered the Temple, and ministered, he is liable?<sup>7</sup> — Well then, we deduce [that drinking is included in eating] by analogy from 'strong drink' [used here and in connection with a Nazirite]: just as there it implies wine, so here it implies wine.<sup>8</sup>

Raba said: We have also learnt thus:<sup>9</sup> 'I SWEAR I SHALL NOT EAT,' AND HE ATE AND DRANK, HE IS LIABLE ONLY ONCE. Granted, if you say that drinking is included in eating, it is necessary for the Tanna to teach us that [nevertheless] he is liable only once.<sup>10</sup> But if you say that drinking is not included in eating,<sup>11</sup> [if he says.] 'I swear I shall not eat,' and he ate, and did work, would it be necessary [for the Tanna] to teach us that he is liable only once?

Abaye said to him: What then, drinking is included in eating! [If so,] read the second clause, 'I SWEAR I SHALL NOT EAT, AND I SHALL NOT DRINK,' AND HE ATE AND DRANK, HE IS LIABLE TWICE. Now, since he said, 'I shall not eat,' he is already prohibited from drinking;<sup>12</sup> then when he says, 'I shall not drink,' why should he be liable? If he had said, 'I shall not drink' twice, would he have been liable twice? — He replied to him: There [the Mishnah means] he [first] said, 'I shall not drink,' and then he said, 'I shall not eat;' for drinking is included in eating, but eating is not included in drinking. But if he said, 'I swear I shall not eat and I shall not drink,' and he ate and drank, he would be liable only once?

If so, why does he teach in the first clause: 'I SWEAR I SHALL NOT EAT,' AND HE ATE

AND DRANK, HE IS LIABLE ONLY ONCE? Let him teach: 'I swear I shall not eat and I shall not drink,' he is liable only once; and most certainly [we should know, when he says:] 'I shall not eat' alone [he is liable only once]! We must therefore read the Mishnah as it stands;<sup>13</sup> but here it is different.<sup>14</sup> Since he said, 'I shall not eat,' and then he said, 'I shall not drink,' he revealed his mind that this 'eating' that he mentioned meant eating only.<sup>15</sup>

R. Ashi said: Our Mishnah also proves it:<sup>16</sup> 'I SWEAR I SHALL NOT EAT;' AND HE ATE FOODS WHICH ARE NOT FIT TO BE EATEN, AND DRANK LIQUIDS WHICH ARE NOT FIT TO BE DRUNK, HE IS EXEMPT. [This implies that] if they are fit, he is liable.<sup>17</sup> But why so? Surely he said [merely]: 'I swear I shall not eat'! — Perhaps he said both: 'I swear I shall not eat; I swear I shall not drink.'<sup>18</sup>

'I SWEAR I SHALL NOT EAT,' AND HE ATE WHEAT BREAD, etc. But perhaps he wished to exempt himself from other kinds?<sup>19</sup> — [In that case,] he should have said: '[I shall not eat] wheat, barley, and spelt.'<sup>20</sup> But perhaps, [that would have meant] 'to chew'?<sup>21</sup> — He could have said, '[I shall not eat] the bread of wheat, barley, and spelt.'<sup>22</sup> — But perhaps, [that would have meant] the bread of wheat to eat, and barley and spelt to chew? — He could have said: '[I shall not eat] the bread of wheat, and of barley, and of spelt'.

(1) Heb. תירש. (not the usual יין) is used in the verse.

(2) A sauce of oil and garum to which wine is sometimes added; this is a food, and therefore Scripture calls it 'eating'; but drinking is perhaps not included in eating.

(3) Deut. XIV, 26.

(4) 'Strong drink' is taken as explanatory of wine; hence it must be taken in its ordinary connotation, and not as an admixture to a sauce.

(5) A town in the lowland district of Judea.

(6) Strong drink may not be explanatory of wine, but a separate noun denoting pressed figs from the town of Keilah, which are intoxicating.

(7) If a priest conducts the service in the Temple when intoxicated, he transgresses the command in Lev. X, 9.

# SHEVUOS – 2a-28b

(8) A Nazirite must abstain only from wine products (Naz. 4a); the term, 'strong drink' in the case of a Nazirite (Num. VI, 3) refers only to wine; hence the term 'strong drink' in Deut. XIV, 26 refers also to wine; and Scripture says: 'thou shalt eat'; hence drinking is included in eating.

(9) That drinking is included in eating.

(10) Because he ate and drank in one spell of unawareness.

(11) What need is there for the Tanna to teach us that he is liable only once?

(12) Since drinking is included in eating.

(13) That he first says, 'I shall not eat', and then, 'I shall not drink,'

(14) Why he is liable twice, though drinking is already included in eating.

(15) And he supplemented his oath to include drinking.

(16) That drinking is included in eating.

(17) This would prove that drinking is included in eating.

(18) From this passage there is no proof that drinking is included in eating, for the Mishnah may mean this: 'I swear I shall not eat,' and he ate foods which are not fit,' etc.; and 'I swear I shall not drink,' and he drank liquids which are not fit, etc. But the Mishnah abbreviates.

(19) If he says, 'I swear I shall not eat wheat bread, barley bread, and spelt bread,' and he ate, he is liable for each one. Why? Perhaps he enumerates these kinds of bread in order to exclude other kinds, such as, bread of oats, rye, or millet, which he does not desire to prohibit; for, if he had said, 'I swear I shall not eat,' without particularizing, he would have been prohibited from all kinds. But, in reality, it is only one oath, not three.

(20) But since he mentions the word BREAD each time, he implies that they are three separate oaths.

(21) Grains of wheat, barley, and spelt; but bread would not have been prohibited; therefore he must mention the word BREAD.

(22) But because he mentions the word BREAD on each occasion, he implies that they are three separate oaths.

## Shevu'oth 23b

But perhaps [that would have meant] mixed?<sup>1</sup> — Say, [he could have said: 'I shall not eat the bread of wheat,] and also of barley, and also of spelt'. Why is BREAD repeated? Obviously, in order to separate.<sup>2</sup>

'I SWEAR I SHALL NOT DRINK;' AND HE DRANK MANY LIQUIDS. HE IS LIABLE ONLY ONCE, etc. Granted there,<sup>3</sup> as you say,

the word BREAD, being superfluous, makes him liable;<sup>4</sup> but here,<sup>5</sup> what could he have said? Perhaps he wishes to exempt himself from other liquids?<sup>6</sup> — R. Papa said: Here we are discussing [the case of] where they are lying before him; so that he could have said: 'I swear I shall not drink these.'<sup>7</sup> But perhaps [that would have meant], 'These I shall not drink, but others [of the same kind] I shall drink'? — Well, he could have said, 'I swear I shall not drink [liquids] just like these.' Perhaps [that would have meant], 'Just like these I shall not drink, but less than these, or more than these, I shall drink'? Well then, he could have said, 'I swear I shall not drink of these kinds.' Perhaps [that would have meant], 'These kinds I shall not drink, but these themselves I shall drink'? — Say [he could have said], 'I shall not drink these and their kinds.'

R. Aha the son of R. Ika said: We are discussing [a case] where his friend is urging him, saying to him, 'Come and drink with me wine, oil, and honey;' so that he could have said, 'I swear I shall not drink with you.' What need is there [to enumerate] wine and oil and honey? [Obviously, therefore,] to make him liable for each one. We learnt there: [If a man says to another.] 'Give me the wheat, barley, and spelt of mine in your possession.'<sup>9</sup> [and the other replies,] 'I swear that there is nothing of yours in my possession;' he is liable only once.<sup>10</sup> [But if he says,] 'I swear that I have not of yours in my possession wheat, barley, and spelt;' he is liable for each one.<sup>11</sup> And R. Johanan said: Even if there is only a perutah of all of them together, they combine.<sup>12</sup>

Now, R. Aha and Rabina disagree;<sup>13</sup> one says, he is liable for the particularizations, but he is not liable for the generalizations; and the other says, he is liable also for the generalizations.<sup>14</sup> Now here,<sup>15</sup> how will it be? — Raba said: How now?<sup>16</sup> There he is liable for the generalization, and he is liable for the particularization, for if he swears once, and then swears again, he is liable twice.<sup>17</sup> But here, if it should enter your mind that they are

# SHEVUOS – 2a-28b

included in the generalization, why should he be liable for the particularizations, since he already stands adjured?<sup>18</sup>

‘I SWEAR I SHALL NOT EAT’, etc. This itself is contradictory! You say: ‘I SWEAR I SHALL NOT EAT’, AND HE ATE FOODS WHICH ARE NOT FIT TO BE EATEN, AND DRANK DRINKS WHICH ARE NOT FIT TO BE DRUNK, HE IS EXEMPT. And then you teach: I SWEAR I SHALL NOT EAT,’ AND HE ATE CARRION, TREFA, FORBIDDEN ANIMALS, AND REPTILES, HE IS LIABLE. What is the difference between the first clause, where he is exempt, and the second, where he is liable?<sup>19</sup> — This is no question: the first clause relates to an undefined oath,<sup>20</sup> and the second to a defined oath.<sup>21</sup> [In the case of] a defined oath itself it may also be asked: Why? Surely he is adjured from Mount Sinai!<sup>22</sup> —

Rab and Samuel and R. Johanan said: Because he included permitted foods with the prohibited foods.<sup>23</sup> And Resh Lakish said: You cannot find [that he should be liable] except either if he expressly states half the legal quantity, in accordance with the view of the Rabbis; or, if his oath is undefined, in accordance with the view of R. Akiba, who says, a man [in an undefined oath] prohibits to himself even a minute quantity.<sup>24</sup> Granted, R. Johanan does not agree with Resh Lakish, because he wishes to expound our Mishnah in accordance with the views of all;<sup>25</sup> but why does not Resh Lakish agree with R. Johanan? — He may reply to you: We say that a more inclusive prohibition [falls on a less inclusive one]

- (1) That he should not eat bread made of all three together.
- (2) Making them into three oaths.
- (3) In the enumeration of the different kinds of bread.
- (4) For each kind separately.
- (5) In the Case where he enumerates the liquids, and is liable for each one separately.
- (6) That is why he enumerates these; but there is really only one oath.

(7) But since he enumerates them, he is swearing three oaths.

(8) The same quantity.

(9) Deposited temporarily in the other's care.

(10) A trespass offering for the false oath ( שבועתה (הפקדון); Lev, V, 21-26.

(11) Infra 36b.

(12) To make him liable to bring one trespass offering. The oath must be a denial of liability of at least the value of a perutah for a trespass offering to be brought.

(13) As to the meaning of the Mishnah and R. Johanan's comment.

(14) When he says. ‘I swear that I have not of yours in my possession wheat, barley, and spelt,’ the first part is a generalization (‘I swear that I have not of yours in my possession’), then there are three particularizations. When the Mishnah says, he is liable for each one, does it mean three trespass offerings or four? R. Aha and Rabina disagree: one says, three; he is liable for the particularizations alone, and not for the generalization; and we do not say that the first part, ‘I swear that I have not of yours in my possession,’ should be taken as an additional oath; and R. Johanan's comment that they combine to the value of a perutah refers to the previous statement in the Mishnah: ‘I swear that there is nothing of yours in my possession’ (with no particulars mentioned at all); but where particulars are mentioned, they do not combine; there must be the value of a perutah in each. And the other Amora says, when the Mishnah states he is liable for each, it means four, the generalization also being taken as an oath; and R. Johanan's comment refers to this too, that for the first of the four oaths (the generalization) he is liable to bring a trespass offering even if there is only the value of a perutah in the wheat, barley, and spelt combined.

(15) In our Mishnah: ‘I swear I shall not eat wheat bread, barley bread, and spelt bread,’ he is liable for each one. Will R. Aha and Rabina disagree here also, one of them holding (taking the generalization as a separate oath) that he is liable for four oaths?

(16) There is no comparison at all.

(17) In the case of denying a deposit, if the trustee denies it on oath several times, he brings a trespass offering for each denial; infra 36b.

(18) If we should assume that the generalization, ‘I swear I shall not eat,’ is taken as an additional oath, and as prohibiting all foods, then, when he adds ‘wheat, barley, and spelt’, these three oaths cannot take effect, for they are already assumed to have been included in the generalization; and a later oath cannot ‘fall’ on a previous oath.

(19) Is not carrion, etc., food unfit to be eaten?

(20) ‘I swear I shall not eat’ implies only foods which are fit to be eaten, and excludes carrion.

(21) ‘I swear I shall not eat carrion, etc.’

# SHEVUOS – 2a-28b

(22) His oath cannot take effect, since there is already a previous oath (administered at Mount Sinai) not to eat carrion.

(23) He said: 'I swear I shall not eat properly killed meat and carrion, etc.;' and because the oath can take effect on the permitted food it takes effect also on the prohibited; v. supra 21b.

(24) V. supra 21b.

(25) R. Akiba and the Sages who agree that a more inclusive oath can fall on a less inclusive one.

## Shevu'oth 24a

only when the [more inclusive] prohibition comes of its own accord, but when the prohibition is imposed by himself, we do not say this.<sup>1</sup> Granted, according to Resh Lakish, it is for this reason that R. Simeon exempts him;<sup>2</sup> for we learnt, R. Simeon says: A minute quantity [imposes liability] for stripes; and it was not said that a Ka-Zayith is necessary except for [imposing liability for] a sacrifice. But, according to R. Johanan,<sup>3</sup> what is R. Simon's reason for exempting him? — Is not the reason [that the Sages make him liable] because it is a more inclusive prohibition? R. Simeon is consistent in his view that a more inclusive prohibition cannot take effect; for it has been taught, R. Simeon Says: He who eats carrion on the Day of Atonement is exempt.<sup>4</sup> Granted, according to Resh Lakish, it is possible to have it negative and positive;<sup>5</sup> but, according to R. Johanan, granted that negative is possible, but how is positive possible?<sup>6</sup> — Well then, [the Mishnah may be explained] in accordance with Raba's view, for Raba said: [If a man says,] 'I swear I shall not eat', and he ate dust, he is exempt.<sup>7</sup> R. Mari said: We have also learnt thus:<sup>8</sup> 'I VOW THAT MY WIFE SHALL NOT BENEFIT FROM ME IF I HAVE EATEN TO-DAY,' AND HE HAD EATEN CARRION, TREFA, FORBIDDEN ANIMALS, AND REPTILES, HIS WIFE IS PROHIBITED TO HIM. [Hence, eating carrion is also called eating!] — How now? There, since first he ate, and then he swore,

(1) If a man eats carrion on the Day of Atonement, he is liable to bring a sin offering for his transgression of the Day, though carrion was already prohibited to him before the Day, because the

prohibition of the Day is more inclusive (including, as it does, also permitted foods). This more inclusive prohibition comes of its own accord, and is therefore powerful enough to fall even on previously prohibited food; but if the more inclusive prohibition comes by the action or word of the man himself (as in the case of an oath), it cannot fall on a previous prohibition. Resh Lakish, therefore, who makes this distinction, cannot explain the Mishnah as R. Johanan does.

(2) In the Mishnah, supra 22b, because R. Simeon holds that for a small quantity he also stands adjured, and consequently the oath cannot fall on a small quantity.

(3) Who explains that the Sages in the Mishnah make him liable because he says: 'I swear I shall not eat properly killed meat and carrion;' why does R. Simeon exempt him?

(4) From a sin offering (for unwitting transgression of the Day), for the prohibition of the Day, though more inclusive, cannot fall on the prohibition of carrion.

(5) A sliding scale sacrifice is not brought for the transgression of an oath unless it is equally punishable when reversed (v. infra 25a). According to Resh Lakish, the oath in the Mishnah for which the Sages make him liable is: 'I swear I shall not eat a small portion of carrion.' This may be reversed: 'I swear I shall eat a small portion of carrion;' and he is liable for transgressing it, for he has not sworn to annul a precept (only a Ka-Zayith is prohibited in the Torah). Had he sworn to eat a Ka-Zayith of carrion, i.e., to annul a precept, and transgressed his oath, he would have been exempt; infra 27a.

(6) According to R. Johanan, the oath in the Mishnah for which the Sages make him liable is, 'I swear I shall not eat properly killed meat and carrion.' The positive of this oath is not possible; if he says, 'I swear I shall eat properly killed meat and carrion,' his oath cannot be carried out, so far as the carrion is concerned, because it is an oath to annul a precept (for a Ka-Zayith of carrion is prohibited by the Torah).

(7) The contradiction in the Mishnah was first explained by saying that the first clause ('I swear I shall not eat', and he ate foods which are not fit, etc., he is exempt) refers to an undefined oath, and the second clause ('I swear I shall not eat', and he ate carrion, etc., he is liable) refers to a defined oath (i.e., 'I swear I shall not eat properly killed meat and carrion, etc.'). This explanation raises a difficulty for R. Johanan, because the second oath is not reversible. The Gemara now says that both clauses refer to an undefined oath; in the first case he is exempt, because he ate dust (the phrase 'foods not fit to be eaten' refers to dust and similar inedibles); and in the second case he is liable, because he ate carrion (which is edible, but prohibited by the Torah). According to R. Johanan, in the second case when he

# SHEVUOS – 2a-28b

says, 'I shall not eat,' he is liable if he eats carrion, because his oath is inclusive, including as it does all foods (permitted also); and because it can take effect on the permitted, it takes effect on the prohibited also. This oath (being undefined) is reversible: 'I shall eat', and can be fulfilled by eating permitted food; therefore if he transgresses it, he is liable.

(8) That carrion is counted food fit to be eaten (for, though prohibited, it is edible).

## Shevu'oth 24b

he had made it important;<sup>1</sup> but here, did he make it important? Raba said: What is the reason of the one who holds an inclusive prohibition [can take effect on a previous prohibition]? Because it is analogous to an extensive prohibition.<sup>2</sup> And [the reason of] the one who exempts him, not holding this? Because he says, an extensive prohibition is applicable only to one piece, but not to two pieces.<sup>3</sup> And Raba said further: According to the one who holds an inclusive prohibition [takes effect on a previous prohibition], if one says, 'I swear I shall not eat figs,' and then says, 'I swear I shall not eat figs and grapes,' because it takes effect on the grapes,<sup>4</sup> it takes effect also on the figs. [But] this is self evident! — I might have thought that [in the case of] a prohibition which comes of its own accord we say it takes effect [on a previous prohibition], but [in the case of] a prohibition which is imposed by himself, we do not say this; therefore he teaches us [that even in this case it takes effect].

Raba the son of Rabbah raised an objection: [We learnt:] One may eat one portion [a Ka-Zayith] and yet be liable for it four sin offerings and one guilt offering, thus: An unclean person who ate heleb, which was nothar of holy food, on the Day of Atonement.<sup>5</sup> R. Meir said: Also if it was Sabbath, and he carried it out in his mouth, he is liable.<sup>6</sup> They [the Sages] said to him: It is not in the same category.<sup>7</sup> Now, if it is [as you say],<sup>8</sup> it is possible to have five;<sup>9</sup> for example, if he said: 'I swear I shall not eat dates and heleb,' because it takes effect on the dates, it takes effect also on the heleb?' —

The Tanna mentions only [the case of] a prohibition which comes of its own accord, but a prohibition imposed by himself he does not mention.<sup>10</sup> But [he mentions] holy food!<sup>11</sup> — [It refers to] a firstborn, which is holy from the womb. If you will, you may say, the Tanna mentions only that which does not come within the category of absolution, but an oath which comes within the category of absolution he does not mention.<sup>12</sup> — But [he mentions] holy food!<sup>13</sup> — Well, we have established that it refers to a firstborn. If you will, you may say, the Tanna mentions only [the case where] a fixed sacrifice [is brought], but where a sliding scale sacrifice is brought he does not mention.<sup>14</sup> But [he mentions] an unclean person who ate holy food, for which a sliding scale sacrifice is brought! — [It refers to] a prince; and it is in accordance with the view of R. Eliezer, who says a prince brings a goat.<sup>15</sup>

R. Ashi said: The Tanna mentions only that which takes effect on the legal minimum,<sup>16</sup> but an oath which takes effect on less than the legal minimum,<sup>17</sup> he does not mention. But [he mentions] holy food!<sup>18</sup> — Because we require that it should be the value of a perutah.<sup>19</sup> And R. Ashi of Aviryia said in the name of R. Zera: The Tanna mentions only that for which, for willful transgression, Kareth is inflicted, but that for which, for willful transgression, there is only a negative prohibition,<sup>20</sup> he does not mention. But he mentions a guilt-offering, in the case of which, for willful transgression, there is only a negative prohibition!<sup>21</sup>

(1) The fact of having eaten the carrion shows that he deemed it edible and not distasteful to him; but if he swears, 'I shall not eat' (without specifying carrion), and he eats carrion, he may perhaps not be liable for the oath; as he might not have contemplated including carrion in the oath.

(2) An inclusive prohibition (אִסוּר כּוֹלֵל) does not add anything to the previous prohibition, but includes more objects in the present prohibition; e.g., carrion is prohibited; when the Day of Atonement arrives, it prohibits not only carrion, but also previously permitted foods; the incidence of the Day does not make the carrion prohibited in any way except as food, but it includes in its prohibition other foods

# SHEVUOS – 2a-28b

apart from this carrion. An extensive prohibition (איסור מוסיף) adds something to this present prohibited object, making it more extensively prohibited; e.g., heleb (forbidden fat) of an offering is prohibited to be eaten, but may be offered on the altar; when it becomes nothar (by being kept beyond the time limit for its offering), it is prohibited to be offered on the altar. The prohibition of nothar takes effect on the heleb (which was permitted so far as the altar is concerned), so that it may not now be offered on the altar; and since the prohibition of nothar takes effect on the heleb (so far as the altar is concerned), it ipso facto takes effect on it so far as human consumption is concerned also; so that a man eating it now is liable both for heleb and nothar.

(3) An extensive prohibition can take effect on a previous prohibition because it extends the scope of the prohibition of this one piece; e.g., heleb, permitted for the altar, on becoming nothar is prohibited; this same piece of fat is now more extensively prohibited; previously it was prohibited for human consumption only, now it is prohibited for the altar also. But an inclusive prohibition does not add any prohibition to this one piece; it merely includes other pieces in its prohibition; therefore, he holds, it does not take effect on a previous prohibition.

(4) For they were not prohibited by the first oath.

(5) Four sin offerings: (i) for heleb, (ii) for nothar, (iii) for the Day of Atonement, and (iv) for eating holy food while unclean; and one guilt offering for his trespass in deriving enjoyment from holy food. He is liable for all these, if we hold that inclusive and extensive prohibitions can take effect on previous prohibitions. The heleb of an animal is prohibited; when he sanctifies the animal, the whole of it becomes prohibited to him: this second prohibition is an inclusive one, because the permitted portions of the animal are now included in the prohibition; and because the prohibition can take effect on the permitted portions, it takes effect also on the heleb; when it becomes nothar, a further prohibition is extended to this heleb itself, making it prohibited to the altar; this extensive prohibition therefore takes effect on it as far as human consumption is concerned also. When the person becomes unclean, holy foods previously permitted to him now become prohibited; this inclusive prohibition, because it can take effect on previously permitted holy foods, takes effect also on this heleb. The Day of Atonement is another inclusive prohibition (prohibiting all kinds of food), and therefore it takes effect on the heleb also.

(6) Another sin offering for carrying on the Sabbath, as well as for carrying on the Day of Atonement (for carrying is prohibited on the Day of Atonement also); v. Ker. 14a.

(7) As eating; for they are giving examples of liability for eating, and not for carrying. Mishnah Ker. 13b.

(8) That an inclusive prohibition, even if imposed by himself, can take effect.

(9) Sin offerings.

(10) Though he agrees that an inclusive prohibition, even if imposed by himself, can take effect, he wishes to limit his example to a case where four sin offerings are brought, without including any prohibition imposed by himself.

(11) Which is a prohibition imposed by himself, because he made it holy.

(12) An oath or a vow may be absolved in certain circumstances as, for example, if the person uttering the oath or vow explains to the Sage (or three laymen) that, had he known of certain eventualities which later transpired, he would not have uttered it.

(13) Which becomes holy by his vow, and may therefore be absolved.

(14) Therefore he does not mention oath, for the transgression of which a sliding scale sacrifice is brought.

(15) For the transgression of the laws of uncleanness in connection with the Temple and holy food (Hor. 9a, b); but he admits that for transgressing an oath a prince also brings a sliding scale sacrifice.

(16) Ka-Zayith.

(17) If he expressly states so in the oath.

(18) A trespass offering is brought even if the holy food from which he derived enjoyment was less than a Ka-Zayith.

(19) So that this is its legal minimum.

(20) The willful transgression of an oath is punishable by stripes, but heleb, nothar, Day of Atonement, and eating holy food while unclean, are punishable by Kareth.

(21) For willfully deriving enjoyment from holy food he is punished by stripes, v. Sanh 84a.

## Shevu'oth 25a

We mean in the case of a sin offering.<sup>1</sup> Rabina said: The Tanna mentions only that which is applicable to foods, but an oath, which can take effect even on that which is not a food, he does not mention. But [he mentions] holy things, which are applicable also to wood and stone!<sup>2</sup> — Well then, he mentions only that which is applicable to that which has substance, but an oath, which can take effect also on that which has no substance, as, for example, 'I shall sleep', or, 'I shall not sleep.' he does not mention.<sup>3</sup>

**MISHNAH.** IT IS THE SAME [WHETHER HE SWEARS OF] THINGS CONCERNING HIMSELF, OR OF THINGS CONCERNING

## SHEVUOS – 2a-28b

OTHERS, OR OF THINGS WHICH HAVE SUBSTANCE, OR OF THINGS WHICH HAVE NO SUBSTANCE. HOW SO? [IF] HE SAID, 'I SWEAR THAT I SHALL GIVE TO SO-AND-SO,'<sup>4</sup> OR, 'I SHALL NOT GIVE;' 'I HAVE GIVEN,' OR 'I HAVE NOT GIVEN;' 'I SHALL SLEEP,'<sup>5</sup> OR, 'I SHALL NOT SLEEP;' 'I HAVE SLEPT,' OR, 'I HAVE NOT SLEPT;' 'I SHALL THROW A PEBBLE IN THE SEA.'<sup>6</sup> OR, 'I SHALL NOT THROW;' 'I HAVE THROWN,' OR, 'I HAVE NOT THROWN'; [HE IS LIABLE.] R. ISHMAEL SAYS, HE IS LIABLE ONLY FOR [AN OATH IN] THE FUTURE, FOR IT IS SAID: TO DO EVIL OR TO DO GOOD.<sup>7</sup> R. AKIBA SAID TO HIM: IF SO,<sup>8</sup> WE KNOW ONLY SUCH CASES WHERE DOING EVIL AND DOING GOOD ARE APPLICABLE; BUT HOW DO WE KNOW SUCH CASES WHERE DOING EVIL AND DOING GOOD ARE NOT APPLICABLE? HE REPLIED TO HIM: FROM THE AMPLIFICATION OF THE VERSE.<sup>9</sup> WHEREUPON HE SAID TO HIM: IF THE VERSE AMPLIFIES FOR THAT, IT AMPLIFIES FOR THIS ALSO.<sup>10</sup>

*GEMARA.* Our Rabbis taught: There is a greater restriction in vows than in oaths [in one respect]; and there is a greater restriction in oaths than in vows [in another respect] — The greater restriction in vows is that vows take effect on a precept as on an optional matter, which is not the case in oaths.<sup>11</sup> The greater restriction in oaths is that oaths take effect on a thing which has no substance as on a thing which has substance, which is not the case in vows.<sup>12</sup>

HOW SO? [IF] HE SAID, 'I SWEAR THAT I SHALL GIVE TO SO-AND-SO,' OR, 'I SHALL NOT GIVE.' What is meant by, 'I shall give'? Shall we say, charity to the poor? [For that] he already stands adjured from Mount Sinai, for it is said: Thou shalt surely give him.<sup>13</sup> — It must therefore mean a gift to a rich man.

'I SHALL SLEEP,' OR, 'I SHALL NOT SLEEP.' This cannot be,<sup>14</sup> for R. Johanan said: He who says, 'I shall not sleep three days,' is given stripes, and he may sleep

immediately.<sup>15</sup> — There, he said 'three'; here, he did not say 'three'.<sup>16</sup>

I SHALL THROW A PEBBLE IN THE SEA,' OR, 'I SHALL NOT THROW'. It was stated: [If a man says,] 'I swear that So-and-so threw a pebble in the sea,' or, 'that he did not throw,' Rab said, he is liable; and Samuel said, he is exempt. Rab said, he is liable, because it is applicable in both negative and positive [forms];<sup>17</sup> and Samuel said, he is exempt, because it is not applicable in the future.<sup>18</sup> Shall we say that they disagree on the same principle on which R. Ishmael and R. Akiba disagree? For we learnt: R. ISHMAEL SAYS, HE IS LIABLE ONLY FOR [AN OATH IN] THE FUTURE, FOR IT IS SAID: TO DO EVIL OR TO DO GOOD. R. AKIBA SAID TO HIM: IF SO, WE KNOW ONLY SUCH CASES WHERE DOING EVIL AND DOING GOOD ARE APPLICABLE; BUT HOW DO WE KNOW SUCH CASES WHERE DOING EVIL AND DOING GOOD ARE NOT APPLICABLE? HE REPLIED TO HIM: FROM THE AMPLIFICATION OF THE VERSE. WHEREUPON HE SAID TO HIM: IF THE VERSE AMPLIFIED FOR THAT, IT AMPLIFIED FOR THIS ALSO. [Shall we say that] Rab agrees with R. Akiba,<sup>19</sup> and Samuel agrees with R. Ishmael?<sup>20</sup> — [No!] With reference to R. Ishmael's view they do not disagree; for since even in a case which is [possible of application] in the future,<sup>21</sup> R. Ishmael does not make him liable for the past, obviously in a case which is not [possible of application] in the future,<sup>22</sup> he most certainly [does not make him liable for the past]. But they disagree with reference to R. Akiba's view: Rab agrees with R. Akiba; and Samuel says, R. Akiba makes him liable there<sup>23</sup> for [an oath in] the past, because in a case which is [possible of application] in the future, R. Akiba makes him liable for the past, but in a case which is not [possible of application] in the future, he does not [make him liable for the past]. Shall we say that they disagree on the same principle on which

# SHEVUOS – 2a-28b

(1) He mentions only those for which Kareth is inflicted for willful transgression, and therefore omits an oath, for which stripes are inflicted; all these are sins for which a sin offering is brought for unwitting transgression; but he mentions the case of a trespass offering, through for willful transgression only stripes are inflicted.

(2) A man may devote wood and stone for the Temple treasury.

(3) Sleep is not tangible

(4) This comes in the category of 'things concerning others'.

(5) This comes in the category of 'things which have no substance'.

(6) This also comes in the category of 'things which have no substance', in the sense that no useful purpose is served.

(7) Lev. V, 4; this implies an oath to do something in the future.

(8) If you take the verse literally.

(9) Lev., V, 4: whatsoever it be that a man shall utter with an oath.

(10) That an oath in the past is also punishable.

(11) If he says, 'I vow that the sukkah which I make shall be prohibited to me,' it is prohibited, and he may not sit in it; but if he says: 'I swear that I shall not sit in the sukkah,' his oath cannot take effect; v. infra 27a; Ned. 16a, b.

(12) A vow can take effect only on something tangible. If he says, 'I vow that I shall not sleep,' it has no effect; but if he says, 'I vow my eyes from sleep' (i.e., I condemn my eyes to sleeplessness), the vow takes effect on the eyes (which are tangible). The reason is that uttering a vow (usually expressed by konam) is akin to dedicating to the Temple (konam is a substitute for Korban, an offering to the Temple); and just as the Korban must be tangible, so must the konam be tangible.

(13) Deut. XV, 10; and an oath to fulfill a mizwah cannot take effect; infra 27a.

(14) 'I shall not sleep,' with no time limit imposed, implies 'I shall never sleep,' which is obviously an impossibility.

(15) Because it is impossible to refrain from sleep for three days; therefore it is a vain oath (i.e., as soon as uttered, its falsity is apparent), and not **שבועת בטוי**.

(16) He might therefore have meant a lesser period.

(17) For Scripture says, to do evil or to do good (Lev. V, 4); to do evil, e.g., 'I shall not eat' = negative; to do good, e.g., 'I shall eat' = positive. An oath, to make the utterer liable, must therefore be applicable both negatively and positively.

(18) 'I swear that So-and-so will throw (or, will not throw) a pebble in the sea;' this is merely a vain oath, and not an oath of utterance (**שבועת בטוי**), because he has no power to compel that person to carry out his oath; and because the oath is inapplicable in the future, it imposes no liability when uttered in the past.

(19) That he is liable for an oath in the past also.

(20) That he is liable only for an oath in the future. Now, since R. Akiba and R. Ishmael already disagree on this point, why do Rab and Samuel (who are Amoraim) state their views as if they were disagreeing on a new principle? Let Rab say that he agrees with R. Akiba, and Samuel that he agrees with R. Ishmael.

(21) E.g., 'I shall eat,' or, 'I shall not eat.'

(22) E.g., 'So-and-so will throw (or, will not throw) a pebble in the sea.'

(23) In the Mishnah.

## Shevu'oth 25b

**R. Judah b. Bathyra and the Rabbis disagree?**  
For we learnt: If he swore to annul a precept, and did not annul it, he is exempt; to fulfill a precept, and did not fulfill it, he is exempt; though logically he should be liable [in the second case] as is the opinion of R. Judah b. Bathyra, [for] R. Judah b. Bathyra said: If, for an optional matter, for which he is not adjured from Mount Sinai, he is liable;<sup>1</sup> for a precept, for which he is adjured from Mount Sinai, he should most certainly be liable! — They replied to him: No! If you say that for an oath on an optional matter [he is liable], it is because [Scripture] has made negative equal to positive;<sup>2</sup> but how can you say that for an oath [to fulfill] a precept [he is liable], since [Scripture] in that case, has not made negative equal to positive?<sup>3</sup> —

Now, shall we say that Rab agrees with R. Judah b. Bathyra,<sup>4</sup> and Samuel agrees with the Rabbis?<sup>5</sup> — [No!] With reference to R. Judah b. Bathyra's view they do not disagree; since even negative and positive he does not require, will he require future and past?<sup>6</sup> But they disagree as to the view of the Rabbis: Samuel agrees with the Rabbis, and Rab [says], the Rabbis do not make him liable [unless it is applicable] in both negative and positive [forms], for it is written distinctly: to do evil, or to do good; but for future and past, which is deduced [merely] from the amplification of the verse,<sup>7</sup> they make him liable [even if the oath is not applicable in both future and past].<sup>8</sup>

# SHEVUOS – 2a-28b

R. Hamnuna raised an objection: [We learnt: If a man says,] ‘I did not eat today’, or, ‘I did not put on Tefillin today.’ ‘I adjure you;’ and he said, ‘Amen!’ he is liable.<sup>9</sup> Granted, ‘I did not eat’ is applicable [in the future]: ‘I shall not eat’; but ‘I did not put on [Tefillin]’- is this applicable [in the future]: ‘I shall not put on Tefillin’?<sup>10</sup> — He himself put the question, and he himself answered it: The Mishnah means it disjunctively:<sup>11</sup> ‘I did not eat’, [he is liable] for an offering: ‘I did not put on [Tefillin], he is liable] for stripes.<sup>12</sup> Raba raised an objection [We learnt:] What is a vain oath? If he swore that which is contrary to the facts known to man, saying of a pillar of stone that it was of gold.<sup>13</sup> And Ulla said: Provided that it was already known to three men [that it was of stone].<sup>14</sup> Now, the reason [that he is liable for a vain oath] is because it is known [to three men that it is of stone], but if it were not known [to three men], he would be transgressing an oath of utterance.<sup>15</sup> Why? It is not [applicable in the future: ‘I swear] it will be of gold!’<sup>16</sup> He himself put the question — and he himself answered it: If it is known, he transgresses a vain oath; if it is not known, he transgresses a false oath.<sup>17</sup>

Abaye said: Rab admits that he who says to his neighbor, ‘I swear that I know some testimony for you,’ and it was found that he did not know, is exempt, because it is not applicable [negatively]. ‘I do not know any testimony for you.’<sup>18</sup> [If a man says,] ‘I did know [testimony for you]’, or, ‘I did not know;’ [in this there is] disagreement [between Rab and Samuel].<sup>19</sup> ‘I bore witness [for you],’ or, ‘I did not bear witness’: [in this there is also] disagreement [between them].<sup>20</sup> Granted, according to Samuel who says that in a case which is not applicable in the future he is not liable for the past, therefore the Divine Law removed the oath of testimony from the category of the oath of utterance;<sup>21</sup> but, according to Rab, for what purpose did the Divine Law remove it?<sup>22</sup> —

The Rabbis said to Abaye: In order to make him liable for it twice.<sup>23</sup> He [however] replied to them: You cannot say [he is liable] twice, for

it has been taught: [When he shall be guilty] in one of these things<sup>24</sup> — for one you make him liable, but you do not make him liable for two. Well then, according to Abaye, for what purpose did the Divine Law remove [the oath of testimony from the category of the oath of utterance in Rab's view]?<sup>25</sup> —

[For this purpose:] It has been taught: In all of them it is said, and it was hidden [from him];<sup>26</sup> but here,<sup>27</sup> it is not said, and it was hidden; in order to make him liable<sup>28</sup> for wilful<sup>29</sup> as for unwitting [transgression]. The Rabbis said to Abaye: Say that for willful transgression he is liable one;<sup>30</sup> for unwitting, two.<sup>31</sup> — He replied to them: Is that not what I said: [it is written,] in one [of these things]<sup>24</sup> — for one you make him liable, but you do not make him liable for two; and if [it refers to] willful transgression, are there, then, two?<sup>32</sup>

Raba said: Because it was a matter included in a generalization, and it was singled out [from the generalization] in order to introduce an anomaly; therefore, you cannot add anything to this anomaly.<sup>33</sup> — This would imply that Abaye holds that the oath [of utterance] is still in existence.<sup>34</sup> But did not Abaye say: Rab admits that he who says to his neighbor, ‘I swear that I know some testimony for you,’ and it was found that he did not know, is exempt, because it is not applicable [negatively], ‘I do not know any testimony for you’!<sup>35</sup> — Abaye withdrew from that [statement].<sup>36</sup> Or, if you will, you may say,

- (1) For not fulfilling his oath.
- (2) If he swears not to do a certain action, he is liable if he does not fulfill his oath.
- (3) If he swears not to fulfill a precept, he cannot carry out his oath; Mishnah infra 27a.
- (4) Who does not require that an oath should be applicable in both positive and negative forms, and therefore does not require also that it should be applicable in both past and future forms.
- (5) Just as the Rabbis, who oppose R. Judah, hold that it should be possible for an oath to be applied both positively and negatively, so they hold that it should be possible for it to be applied also for past and future; and when it is inapplicable in the future (e.g., ‘I swear So-and-so will throw a pebble’), it

## SHEVUOS – 2a-28b

cannot be applied in the past ('I swear So-and-so has thrown').

(6) Rab and Samuel agree that R. Judah b. Bathyra does not require an oath to be applicable both in the past and the future, for he does not even require it to be applicable both positively and negatively, though Scripture states, to do evil or to do good, which implies negative and positive. He therefore certainly does not require the oath to be applicable in both past and future, for this proviso is not definitely stated in the Scriptures.

(7) Supra 25a, infra 26a.

(8) Rab, therefore, in accordance with his interpretation of the view of the Rabbis, makes him liable in the case of 'I swear So-and-so has thrown a pebble in the sea,' though it is inapplicable in the future.

(9) A second person said to the first, 'I want you to swear that you did not eat, or did not put on Tefillin,' and the first replied, 'Amen;' but he had eaten, or had put on Tefillin, he is liable for breaking his oath; for 'Amen' in response to an adjuration is equivalent to uttering an oath; Mishnah infra 29b.

(10) This is swearing to annul a precept, for which he is not liable. According to the Rabbis (in Samuel's interpretation), if an oath is not applicable in the future he is not liable for it even in the past; then why is he liable for 'I have not put on Tefillin'?

(11) They are two distinct statements.

(12) Fictitiously uttering a false oath, but he is not liable for an offering, if he unwittingly uttered this false oath, because it is inapplicable in the future.

(13) Infra 29a.

(14) If a fact is known to at least three men, it is accepted as well established.

(15) שבועת בטוי if it is known to less than three men, his oath is not contrary to the fact known to men (i.e., universally known); and is therefore not a vain oath (the falsity of which is evident to all immediately).

(16) And therefore, according to the Rabbis (in Samuel's interpretation), he should not be liable for it even in the past.

(17) Which need not be applicable in the future to make him liable. It is only in the case of שבועת בטוי that the oath must be applicable both for positive and negative and (according to Samuel) also for past and future.

(18) For Rab agrees that though it is not necessary for an oath to be applicable for both future and past, it must be applicable for negative and positive. If he swears, 'I did not know any testimony for you,' and it was found that he did know, he is not liable for שבועת בטוי but for שבועת העדות for refusing to bear witness for his neighbor; and for this he is liable only if he swears falsely before the Beth Din; infra 30a.

(19) According to Rab he is liable, because it is applicable positively and negatively; but according to Samuel he is exempt; because it is not applicable

in the future: 'I swear I shall know (or, shall not know) testimony for you,' for it is outside his control; v. Maharsha, a.l.

(20) Because it is inapplicable in the future: 'I swear I shall (or, shall not) bear witness' is an oath to fulfill (or, annul) a precept, for which he is exempt.

(21) And expressed it clearly in a separate verse (Lev. V, 1); because the oath of testimony, since it is inapplicable in the future (and yet imposes liability), could not be deduced from the oath of utterance (ibid. 4), which does not impose liability in the past in a case where the future is inapplicable.

(22) From the category of the oath of utterance, since, according to Rab, he is liable for an oath even if it is not applicable in the future.

(23) If he is eligible as a witness, and swore before the Beth Din that he did not know any testimony, he is liable both for the oath of testimony and oath of utterance.

(24) Lev. V, 5.

(25) V. note 1.

(26) Lev. V, 2, 3, 4; with reference to the laws of uncleanness, and the oath of utterance.

(27) Lev. V, 1; with reference to the oath of testimony.

(28) A sliding scale sacrifice.

(29) In which case there is no sacrifice for the transgression of the oath of utterance, but he brings a sacrifice for the willful transgression of the oath of testimony.

(30) Sliding scale sacrifice for the oath of testimony.

(31) One for the oath of testimony, and one for the oath of utterance.

(32) The verse, in distinctly limiting liability to one offering, must refer to unwitting transgression (where two offerings are possible), and not to willful transgression, for here, two are not possible, and there is no need for Scripture's limitation.

(33) Lit., 'You have therein only its anomaly.' Raba maintains that it is not necessary to deduce from the phrase, in one of these things that he is liable for only one offering; without this phrase we know it, for the oath of testimony was included in the oath of utterance (for it is also an utterance); but Scripture singled it out from this generalization in order to teach us that he is liable to bring an offering even for willful transgression; therefore, since this is exceptional, we cannot make it more exceptional still by declaring him liable to bring two offerings in certain circumstances.

(34) Abaye holds that the oath of testimony is still an oath of utterance also, for he requires the limitation (in one of these things) to deduce that only one offering is brought. According to him, therefore, in a case where the oath of testimony would not apply (e.g., an ineligible witness), he would be liable on account of the oath of utterance.

(35) The oath of testimony, therefore, cannot create liability on account of its being also an oath of

# SHEVUOS – 2a-28b

utterance, because it is inapplicable negatively. But if Abaye holds that the oath of testimony is also an oath of utterance, it is possible to find a case where it is applicable negatively, e.g., one who is ineligible as a witness. In such a case, if he says: 'I swear I know some testimony for you', he should be liable on account of the oath of utterance, for it is applicable negatively: 'I swear I do not know any testimony for you;' and if he does know, he should bring an offering for transgressing the oath of utterance (for the oath of testimony does not apply at all, since he is ineligible as a witness).

(36) I.e., changed his opinion, and does not now hold that 'Rab admits that he who says, etc.'

## Shevu'oth 26a

one of them was stated by R. Papa.<sup>1</sup>

**R. ISHMAEL SAYS, HE IS LIABLE ONLY FOR [AN OATH IN] THE FUTURE.** Our Rabbis taught: To do evil, or to do good.<sup>2</sup> [From this] we know only such cases where doing evil and doing good are applicable; but how do we know such cases where doing evil and doing good are not applicable? Because it is said, Or if anyone swear clearly with his lips.<sup>3</sup> [From this] we know only [oaths in] the future;<sup>4</sup> how do we know [oaths in] the past? Because it is said: Whatsoever it be that a man shall utter clearly, with an oath.<sup>5</sup> This is the opinion of R. Akiba. R. Ishmael says: To do evil, or to do good implies the future. R. Akiba said to him: If so, we know only such cases where doing evil and doing good are applicable; how do we know such cases where doing evil and doing good are not applicable? He replied to him: From the amplification of the verse.<sup>6</sup> Whereupon he said to him: If the verse amplified for that,<sup>7</sup> it amplified for this also.<sup>8</sup> Well did R. Akiba reply to R. Ishmael!<sup>9</sup>

R. Johanan said: R. Ishmael who ministered to<sup>10</sup> R. Nehunia b. Hakanah, who expounded the whole Torah on the principle of generalization and specification, also expounded it on the principle of generalization and specification; R. Akiba who ministered to Nahum of Gamzu,<sup>11</sup> who expounded the whole Torah on the principle of amplification and

limitation, also expounded it on the principle of amplification and limitation. How does R. Akiba expound it on the principle of amplifications and limitations? It has been taught: Or if any one swear [clearly with his lips — this amplifies;<sup>12</sup> to do evil, or to do good — this limits;<sup>13</sup> whatsoever it be that a man shall utter clearly [with an oath] — this again amplifies: because it amplifies, limits, and amplifies, it includes all;<sup>14</sup> what does it include? It includes all things. What does it exclude? It excludes a precept.<sup>15</sup> And R. Ishmael expounds it on the principle of generalization and specification: or if any one swear clearly with his lips — this generalizes; to do evil or to do good this specifies; whatsoever it be that a man shall utter clearly [with an oath] — this again generalizes: because it generalizes, specifies, and generalizes, you may include in the generalization only [those oaths which are] similar to the specification: just as the specification is clearly in the future, so all [oaths] in the future [may be included]; the generalization helping to include even cases where doing evil and doing good are not applicable [as long as they are oaths] in the future; and the specification helping to exclude even cases where doing evil and doing good are applicable [if they are oaths] in the past. Let me reverse it!<sup>16</sup> —

R. Isaac said: [We include only oaths] similar to [the oath] to do evil, or to do good, where the prohibition is on account of he shall not break his word,<sup>17</sup> but exclude this [oath] where the prohibition is not on account of he shall not break his word, but on account of ye shall not lie.<sup>18</sup> R. Isaac b. Abin said: Scripture says, Or if any one swear clearly with his lips: the oath must precede the utterance, and not the utterance precede the oath;<sup>19</sup> this excludes 'I ate', or, 'I did not eat,' where the action precedes the oath.

Our Rabbis taught: [Whatsoever it be that] a man [shall utter clearly] with an oath<sup>20</sup> — this excludes [a false oath by] accident; and it be hid — this excludes willful [transgression of

# SHEVUOS – 2a-28b

oath]; from him — [this implies that] the oath was hidden from him.<sup>21</sup> I might think that [even] if the thing be hidden from him [he should be liable], therefore it is said:... with an oath, and it be hid... for the unawareness of the oath he is liable, and he is not liable for the unawareness of the thing.<sup>22</sup>

The Master said: ‘...a man... with an oath — this excludes [a false oath by] accident’. How is this? As the case of R. Kahana and R. Assi: when they rose from [the lecture of] Rab, one said, ‘I swear that thus said Rab,’ and the other said, ‘I swear that thus said Rab.’ When they came [again] before Rab, he would agree with one of them; then the other would say to him, ‘Did I, then, swear falsely?’ He would reply to him, ‘Your heart deceived you.’<sup>23</sup> ‘And it be hid from him — [this implies that] the oath was hidden from him. I might think that [even] if the thing be hidden from him [he should be liable], therefore it is said: ... with an oath, and it be hid... for the unawareness of the oath he is liable, and he is not liable for the unawareness of the thing.’ They laughed at this in the West.<sup>24</sup> Granted, [unawareness of] oath is possible without [unawareness of] thing; for example, if he said, ‘I swear I shall not eat wheat bread,’ and he thought he had said, ‘I shall eat,’ his oath he forgot, and the thing he remembered. But [unawareness of] thing without [unawareness of] oath — how is that possible? If for example, he said, ‘I swear I shall not eat wheat bread,’ and he thought he had said ‘barley [bread],’ his oath he remembered,<sup>25</sup> and the thing he forgot. — Since he forgot the thing, it is [automatically] unawareness of oath!<sup>26</sup> —

Well then, said R. Eleazar, this and that are one.<sup>27</sup> R. Joseph demurred: This means that [unawareness of] thing without [unawareness of] oath is by no means possible? But surely it is possible; for example, if he said, ‘I swear I shall not eat wheat bread,’ and he stretched out his hand to the basket to take barley bread, but wheat [bread] came to his hand, and he, thinking it was barley [bread], ate it:

now, his oath he remembered, but it was the thing that he did not know!<sup>28</sup> —

Abaye said to him: But do you not make him liable for an offering for that which he holds in his hand? It is, therefore, unawareness of oath.<sup>29</sup> Another version: Abaye said to R. Joseph: In any case, he should bring an offering for this bread, for it is unawareness of oath. And R. Joseph? — He may reply to you: Since, if he had known that this was wheat, he would have refrained from [eating] it, it is unawareness of thing. Raba enquired of R. Nahman: If there was unawareness of both, what is the ruling? — He said to him: Since there is unawareness of oath, he is liable. On the contrary, since there is unawareness of thing, he should be exempt!—

R. Ashi said: We observe, if because of the oath he refrains,<sup>30</sup> it is [a case of] unawareness of oath, and he is liable; and if because of the thing he refrains,<sup>31</sup> it is [a case of] unawareness of thing, and he is exempt. Said Rabina to R. Ashi: Does he then refrain because of the oath unless it be also because of the thing, and does he refrain because of the thing unless it be also because of the oath?<sup>32</sup> There is really no difference.<sup>33</sup> Raba enquired of R. Nahman:

(1) Who was a disciple of Abaye and Raba. His disciples, in turn, were sometimes not sure whether a statement of his was intended to be his own view or the view of Abaye (or Raba). One of the two statements (which cannot be reconciled with each other) attributed here to Abaye is, in reality, the opinion of R. Papa, his successor.

(2) Lev. V, 4.

(3) Ibid.; apparently any oath.

(4) If any one swear... to do evil, or to do good, implies swearing to do something in the future.

(5) Lev. V, 4, whatsoever it be, i.e., even an oath in the past.

(6) Whatsoever it be, etc.

(7) Cases where doing evil and doing good are not applicable.

(8) Oaths in the past.

(9) Why does not R. Ishmael agree with him?

(10) Was a disciple of.

(11) A village in south-western Judea; v. Ta'an. 21a; he was called....., because, whatever evil befell him, he said ..... ‘this also is for the best’.

# SHEVUOS – 2a-28b

- (12) All kinds of oaths.
- (13) Only oaths where doing evil or good are applicable.
- (14) V. p. 12, n. 3.
- (15) Swearing to fulfill or annul a precept; infra 27a.
- (16) Since the generalization tends to include, and the specifications to exclude, let us include even oaths in the past which are similar to the specification in that doing evil and doing good are applicable; and exclude even oaths in the future where doing evil and doing good are not applicable.
- (17) Num. XXX, 3; this implies that he may keep his word if he wishes, which is possible only in an oath in the future.
- (18) Lev. XIX, 11, this implies that at the moment of utterance the oath must not be a lie; this can refer only to an oath in the past.
- (19) Lit., ‘if any one swear to utter with the lips:’ the swearing must precede the utterance, i.e., the action to which the utterance refers; but if the action to which the utterance refers has already preceded the swearing (= oath in the past), the oath is excluded.
- (20) Lev. V, 4; .....; at the time of the oath he must be a man, i.e., have all his faculties, but if he swears falsely by accident (thinking it is the truth), he is exempt.
- (21) Whatsoever... a man shall utter with an oath, and it be hid from him; i.e., the oath be hid from him; he forgot, when doing the action, that he had sworn not to do it.
- (22) E.g., ‘I swear I shall not eat wheat bread,’ and he took a loaf which he thought was of barley (but which was really of wheat), and ate it, he is not liable to bring an offering, because it is a case of unawareness of thing (and awareness of oath).
- (23) You thought you were swearing the truth; it is a false oath by accident.
- (24) In Palestine; v. Sanh. 17b.
- (25) He remembered that it was: ‘I shall not eat,’ but forgot which thing it was he was not to eat.
- (26) For the oath was: ‘I shall not eat wheat bread,’ and if he forgot ‘wheat bread,’ he forgot an integral part of the oath.
- (27) Unawareness of oath and unawareness of thing are the same; unawareness of thing is not possible without unawareness of oath.
- (28) He remembered the oath completely, but mistook the object: this then might be the unawareness of thing by itself which is excluded in the Baraitha.
- (29) He thought that what he held in his hand was barley bread, and therefore he thought that he had not sworn for what he held in his hand; but, in reality, he had sworn not to eat it, for it was wheat bread; he was, therefore, unaware of the oath with reference to this loaf: hence, it is unawareness of oath.

- (30) He is reminded, for example, that he has sworn not to eat wheat bread (and the fact that this loaf is wheat bread is not mentioned to him), and he immediately refrains from eating this loaf; he thus refrains because of the oath. He had already, however, eaten a Ka-Zayith, before he was reminded, and he is therefore liable to bring an offering, because it is a case of unawareness of oath.
- (31) He is reminded that this is wheat bread (and the fact that he has sworn is not mentioned to him), and he refrains from continuing to eat it.
- (32) When he is reminded of one of the facts (that he has sworn, or that this is wheat bread), he refrains from eating, because he immediately recollects the other fact. If he did not recollect the other fact, he would not refrain, for the fact that he had sworn not to eat wheat bread would not matter if this loaf were not wheat, and the fact that this loaf is wheat would not matter if he had not sworn not to eat it.
- (33) And he is exempt; for he is liable only for unawareness of oath by itself; v. supra 19a for similar discussion.

## Shevu'oth 26b

What is unwitting transgression of oath of utterance in the past?<sup>1</sup> If he knew,<sup>2</sup> it is willful transgression; if he did not know, it is accidental transgression? —

He replied to him: [It is possible in the case of] one who says, ‘I know that this oath is prohibited, but I do not know whether one is liable to bring an offering for it or not.’<sup>3</sup> According to whom will this be? According to Monobaz, who holds that ignorance of [liability for] an offering is termed ignorance!<sup>4</sup> —

You may [however] say that it will be even in accordance with the view of the Rabbis;<sup>5</sup> for the Rabbis disagree with Monobaz only in the rest of the Torah where there is no innovation,<sup>6</sup> but here where there is an innovation — for in the whole Torah we do not find that [the unwitting transgression of] a negative precept [for the willful transgression of which Kareth is not inflicted] should make him liable for an offering, for we deduce it from the ruling concerning idolatry;<sup>7</sup> yet here, it does make him liable to bring [an offering] even the Sages admit.<sup>8</sup> Rabina enquired of

# SHEVUOS – 2a-28b

**Raba:** If he swore concerning a loaf [not to eat it], and he was dangerously ill on account of [not being able to eat] it, what is the ruling? —

If he is dangerously ill, [of course] you may permit it to him!<sup>9</sup> Well then, if he is distressed,<sup>10</sup> and he ate it, unwittingly transgressing the oath, what is the ruling?<sup>11</sup>—

He said to him, it has been taught: He who would turn back if he knew<sup>12</sup> brings an offering for his unwitting transgression; he who would not turn back if he knew, does not bring an offering for his unwitting transgression.<sup>13</sup> Samuel said: If he decided in his mind,<sup>14</sup> he must utter it with his lips,<sup>15</sup> for it is said: to utter with the lips.<sup>16</sup> An objection was raised: with the lips, but not in the mind. If he decided in his mind, how do we know [that he is liable]? Because it is said: whatsoever it be that a man shall utter clearly with an oath.<sup>16</sup> This itself is contradictory! You say, with the lips, but not in the mind; and then you say, if he decided in his mind, how do we know [that he is liable]? —

**R. Shesheth** said: This is no question; thus he means: with the lips, but not if he decided in his mind to utter it with his lips, and did not utter it.<sup>17</sup> If he decided in his mind, simply,<sup>18</sup> how do we know [that he is liable]? Because it is said: whatsoever it be that a man shall utter clearly. But against Samuel the question remains!<sup>19</sup> — **R. Shesheth** said: Answer it thus: with the lips, but not if he decided in his mind to utter ‘wheat bread’, and he uttered ‘barley bread’.<sup>20</sup> If he decided in his mind to utter ‘wheat bread’, and he uttered ‘bread’ simply, how do we know [that he is liable]?<sup>21</sup> Because it is said: whatsoever it be that a man shall utter clearly.<sup>22</sup>

An objection was raised: That which is gone out of thy lips thou shalt observe and do;<sup>23</sup> from this we know only, if he uttered it with his lips; if he decided in his mind, how do we know [that he must keep his promise]? Because it is said: all who were willing-hearted [brought... an offering of gold unto the

Lord].<sup>24</sup> — There it is different, because it is written: all who were willing-hearted.<sup>25</sup> But let us deduce from it.<sup>26</sup> — [No!] because [tabernacle] offerings and holy things are ‘two verses which come as one’;<sup>27</sup> and all [cases of] ‘two verses which come as one’ do not teach [for other cases].<sup>28</sup> — That is well, according to the one who holds that ‘they do not teach’; but according to the one who holds that ‘they do teach’, what shall we say?<sup>29</sup> — This is Hullin, and [the others are] holy things; and Hullin we cannot deduce from holy things.<sup>30</sup>

(1) Since it has been deduced (from אדם בשבועה, supra) that if he swears falsely, thinking it is the truth, it is termed accidental transgression, and he is exempt; how is unwittingly transgression (for which he is liable) possible?

(2) At the time of the oath that he was swearing falsely.

(3) Although it is willful transgression, it is counted as unwitting, because he did not know that he was liable for an offering.

(4) Shab. 69a; and because of this his willful transgression of the oath is counted as unwitting transgression.

(5) Who hold that ignorance of liability for an offering does not make the transgression unwitting.

(6) Normally, when Kareth is inflicted for willful transgression, an offering is brought for unwitting transgression; it is an innovation in the Torah, in the case of oaths, to make him liable for an offering for unwitting transgression, when for willful transgression the punishment is merely stripes.

(7) Shab. 68b, 69a; Scripture says: And if ye err, and do not observe all these commandments... (Num. XV, 22); this refers to idolatry (Hor. 8a); an offering is brought for unwitting transgression (verse 27); ye shall have one law for him that doeth aught in error (verse 29): this implies that one law, the same law, applies both to idolatry and to other sins; in idolatry, willful transgression is punished by Kareth: but the soul that doeth aught with a high hand (i.e., willfully)... shall be cut off (verse 30); therefore all sins, for the willful transgression of which Kareth is inflicted, are punished by the bringing of an offering for unwitting transgression.

(8) That ignorance of liability for an offering is counted as ignorance, and he brings an offering.

(9) In the case of dangerous illness (סכנה) a commandment may be transgressed; even the Sabbath may be desecrated; v. Bez. 22a.

(10) Not dangerously ill, but sufficiently distressed to have eaten it, even if he had remembered his oath.

# SHEVUOS – 2a-28b

(11) Does he bring an offering, since he transgressed the oath unwittingly: or, since he was prepared to transgress it willfully, does he not bring an offering?

(12) I.e., he would not transgress willfully.

(13) V. Hor. 20a; in the present instance, since he would have eaten the loaf, even if he had remembered his oath, he does not bring an offering for eating it when he forgot the oath, for it is not absolutely unwitting transgression; it is almost (though not quite) like willful transgression; and though stripes are not inflicted, for it is not actually willful transgression, yet he is not allowed to bring an offering (which would serve to cleanse him from his sin): it is not a sufficiently heavy punishment for his sin.

(14) To swear a certain oath.

(15) Otherwise it is no oath, and he is not liable.

(16) Lev. V, 4.

(17) He decided it should not be an oath unless he uttered it.

(18) That it should be an oath without uttering it.

(19) For Samuel said: If he decided in his mind, he must utter it with his lips; apparently it is not counted an oath unless it is uttered. Samuel's statement cannot be explained in the same way as R. Shesheth explains the Baraitha, because Samuel, being an Amora, should have explained it clearly himself, had he intended it thus; v. Tosaf. a.l.

(20) It is no oath; and he is exempt if he eats wheat bread, because he did not utter it; and he is exempt if he eats barley bread, because he had not intended it in his mind; v. R. Han. a.l.

(21) If he eats wheat bread, since his uttered oath does not at least conflict with his intended oath.

(22) Even if he does not utter his complete intention. And Samuel also means this: If he decided in his mind, he must utter it with his lips, i.e., he must utter at least the main portion of his oath (e.g., 'bread', and not necessarily 'wheat bread'); but if he does not utter it with his lips, it is no oath: an oath in the mind is not an oath.

(23) Deut. XXIII, 24; promising to bring free-will offering.

(24) Ex. XXXV, 22; hence, the willing-hearted (those who had only made up their hearts or minds to bring) fulfilled their promise. Why then, does Samuel say, in the case of an oath, that it must be uttered with the lips in order to make him liable?

(25) But in the case of oaths the expression willing-hearted is not used.

(26) That in the case of an oath also the intention of the mind should be sufficient.

(27) i.e., teach the same thing. In the case of the Tabernacle offerings the phrase willing-hearted is used, and in the case of holy things (when Hezekiah re-consecrated the Temple, and the people brought free-will offerings: 2 Chron. XXIX, 31) the phrase willing-hearted is used. When the same phrase (or, rule) is used in the case of two things, the

implications is that only in these two things is this phrase (or, rule) applicable, and in no other, for, if Holy Writ had desired other cases to be the same, then the phrase would have been used only in one case, and all others could have been deduced from it: the fact that it is used in two cases implies that it is limited to these two, and that no others are to be deduced from them.

(28) I.e., we cannot deduce other cases from them.

(29) One authority (R. Judah; v. Kid. 35a) holds that from two similar cases we can deduce for others; and that only when there are three similar cases we cannot deduce others from them. According to him, let us deduce from these two cases the case of oaths that intention should suffice.

(30) Tabernacle offerings and Temple offerings are holy things; and we cannot deduce the case of oaths (which are Hullin, dealing with ordinary, unconsecrated objects) from that which obtains in connection with holy things: the law with reference to holy things may be stricter.

## Shevu'oth 27a

**MISHNAH.** IF HE SWORE TO ANNUL A PRECEPT, AND DID NOT ANNUL IT, HE IS EXEMPT; TO FULFIL [A PRECEPT], AND DID NOT FULFIL IT, HE IS EXEMPT; THOUGH LOGICALLY [IN THE SECOND INSTANCE] HE SHOULD HAVE BEEN LIABLE, AS IS THE OPINION OF R. JUDAH B. BATHYRA: [FOR] R. JUDAH B. BATHYRA SAID: NOW, IF FOR AN OPTIONAL MATTER, FOR WHICH HE IS NOT ADJURED FROM MOUNT SINAI, HE IS LIABLE;<sup>1</sup> FOR A PRECEPT, FOR WHICH HE IS ADJURED FROM MOUNT SINAI, HE SHOULD MOST CERTAINLY BE LIABLE!<sup>2</sup> THEY REPLIED TO HIM: NO! IF YOU SAY THAT FOR AN OATH IN AN OPTIONAL MATTER [HE IS LIABLE]. IT IS BECAUSE [SCRIPTURE] HAS IN THAT CASE MADE NEGATIVE EQUAL TO POSITIVE [FOR LIABILITY];<sup>3</sup> BUT HOW CAN YOU SAY THAT FOR AN OATH [TO FULFIL] A PRECEPT [HE IS LIABLE], SINCE [SCRIPTURE] HAS NOT IN THAT CASE MADE NEGATIVE EQUAL TO POSITIVE, FOR IF HE SWORE TO ANNUL [A PRECEPT], AND DID NOT ANNUL IT, HE IS EXEMPT!<sup>4</sup>

**GEMARA.** Our Rabbis taught: I might think that if he swore to annul a precept, and did not annul it, he should be liable,<sup>5</sup> therefore it is

# SHEVUOS – 2a-28b

said: to do evil, or to do good; just as doing good is optional,<sup>6</sup> so doing evil must be optional;<sup>7</sup> I must therefore exclude: if he swore to annul a precept, and did not annul it; for which he is exempt. I might think that if he swore to fulfill a precept, and did not fulfill it, he should be liable, therefore it is said: to do evil, or to do good; just as doing evil is optional, so doing good must be optional; I must therefore exclude: if he swore to fulfill a precept, and did not fulfill it; for which he is exempt.<sup>8</sup> I might think that if he swore to do evil to himself, and did not do so, that he should be exempt, therefore it is said: to do evil, or to do good; just as doing good is optional, so doing evil must be optional; I will therefore include: if he swore to do evil to himself, and did not do so, [that he is liable,] for the option is in his own hands.<sup>9</sup> I might think that if he swore to do evil to others, and did not do so, that he should be liable, therefore it is said: to do evil, or to do good; just as doing good is optional, so doing evil must be optional. I will therefore exclude: if he swore to do evil to others, and did not do so, [that he is exempt], for the option is not in his hands. Whence do we know to include [an oath] to do good to others?<sup>10</sup>

Because it is said: or<sup>11</sup> to do good. And what is doing evil to others? 'I shall smite So-and-so, and crack his brain.' But how do we know that the verses refer to optional matters, perhaps they refer [also] to matters relating to precepts?<sup>12</sup> — That cannot enter our minds, for we require that doing good shall be similar to doing evil, and that doing evil shall be similar to doing good; for [the verse] likens doing evil to doing good: just as doing good cannot refer to the annulling of a precept,<sup>13</sup> so doing evil cannot refer to the annulling of a precept;<sup>14</sup> [so that this] doing evil is actually doing good!<sup>15</sup> And it likens doing good to doing evil; just as doing evil cannot refer to the fulfilling of a precept,<sup>16</sup> so doing good cannot refer to the fulfilling of a precept;<sup>17</sup> [so that this] doing good is actually doing evil!<sup>18</sup> If so, even in an optional matter it is not possible!<sup>19</sup>

Well then since [the word] 'or' is necessary in order to include doing good to others,<sup>20</sup> we deduce that the verses refer to optional matters, for if it should enter your mind that they refer to matters relating to precepts [we would not require the word 'or' to include doing good to others for], since doing evil to others is included,<sup>21</sup> doing good is certainly [included]! But this [word] 'or' is necessary to separate [the phrases]?<sup>22</sup> — To separate them the word is not necessary.<sup>23</sup> That is so, according to R. Jonathan, but according to R. Josiah, what is to be said? For it has been taught: A man who curseth his father or his mother [shall surely be put to death];<sup>24</sup> from this we know only [if he curses] his father and his mother;<sup>25</sup> [if he curses] his father and not his mother, or his mother and not his father, how do we know [that he is liable]? Because it is [also] said: His father or his mother he hath cursed;<sup>26</sup> his father he hath cursed, his mother he hath cursed.<sup>27</sup> This is the opinion of R. Josiah. R. Jonathan said: It may imply both together, and it may also imply each one alone

- (1) If he swears to do it, and does not.
- (2) If he swears to fulfill it, and does not.
- (3) If he swears to do evil (e.g., not to eat) or, to do good (e.g., to eat), and breaks his oath, he is liable in either case.
- (4) Annuling a precept being counted negative; and fulfilling, positive. If there is no liability for not fulfilling the negative oath, there is no liability for not fulfilling the positive oath.
- (5) For it comes under the category of to do evil.
- (6) It is explained below why the expression to do evil, or to do good is taken to refer to optional matters, and not to annulling (to do evil) or fulfilling (to do good) a precept.
- (7) The oath to do evil must refer to that which is purely optional (e.g., not to eat), but not to the annulling of a precept (e.g., to eat on the Day of Atonement) which is not optional.
- (8) For, fulfilling a precept is obligatory, and not optional.
- (9) A man may do an injury to himself; v. B. K. 91b.
- (10) That if he swore to do good to others, and did not fulfill his oath, he is liable.
- (11) או is superfluous, for the verse could have said להרע ולהיטיב (Vav has the meaning also of 'or').
- (12) Doing good will mean complete good, i.e., to body and soul; e.g., to eat (= good for the body) mazzah on Passover (= good for the soul, in fulfilling

# SHEVUOS – 2a-28b

the precept); and doing evil will mean complete evil, i.e., to body and soul; e.g., not to eat (= evil for the body) mazzah on Passover (= evil for the soul, in annulling the precept); v. Tosaf. a.l. and Maharsha.

(13) E.g., 'I shall eat (= doing good) Hamez on Passover' (= annulling a precept), for this is not a complete good. It must refer, therefore, to the fulfilling of a precept, e.g., 'I shall eat mazzah on Passover'.

(14) E.g., 'I shall not eat (= doing evil) mazzah on Passover' (= annulling a precept), but must refer to the fulfilling of a precept, e.g., 'I shall not eat Hamez on Passover'.

(15) 'I shall not eat hamez on Passover' is doing good, for though the first part ('I shall not eat') is evil for the body, the oath is good for the soul, and that is the main factor (v. Maharsha). If the verse, then, is concerned with the fulfilling and annulling of precepts, why is this clause (doing evil) mentioned, since it is actually doing good, and that has already been mentioned?

(16) E.g., 'I shall not eat (= doing evil) hamez on Passover' (= fulfilling a precept); for this is not doing evil so far as the precept is concerned (which is the main factor). It must therefore refer to the annulling of a precept, e.g., 'I shall not eat mazzah on Passover.'

(17) E.g., 'I shall eat (= doing good) mazzah on Passover' (= fulfilling a precept); but must refer to the annulling of a precept, e.g., 'I shall eat hamez on Passover.' Hence this doing good ('I shall eat') is actually doing evil from the point of view of the precept; then why is this clause written, since doing evil is already mentioned?

(18) Hence, we must say that the verse is not concerned with precepts, but with optional matters, i.e., doing good or evil simply to the body in matters not affecting the soul.

(19) According to your reasoning the verse cannot refer to optional matters either; for, we may say, the verse likens doing evil to doing good: just as doing good ('I shall eat') means a complete good, and not, e.g., 'I shall eat poison' (for that is not doing good), but means e.g., 'I shall eat bread,' where the result is beneficial; so doing evil ('I shall not eat') must have a beneficial result, e.g., 'I shall not eat poison.' but this doing evil is actually doing good: and that has already been mentioned. Similarly, the verse likens doing good to doing evil: just as doing evil ('I shall not eat') does not refer to injurious foods (for that is not doing evil) but to beneficial foods, so that the result is injurious; so doing good ('I shall eat') must refer to that which is injurious ('I shall eat poison') so that the result is injurious; hence this doing good is actually doing evil; and this has already been mentioned; why does the verse mention it again?

(20) That if he swears to do good to others, and does not fulfill his oath, he is liable.

(21) For if he they refer to precepts, doing evil means annulling a precept, and this includes doing evil to another (for, injuring another is prohibited); and if he is liable for breaking his oath to injure another, he is certainly liable for breaking his oath to benefit another.

(22) To do evil, or to do good; without 'or' we might have assumed that he is liable only if he swears both to do evil and to do good. Since 'or' is necessary, it cannot be said to be superfluous in order to include doing good to others.

(23) Vav is also disjunctive, and וְלֹא־יִשָּׁב (instead of וְאוֹ.) could have been written.

(24) Lev. XX, 9.

(25) For the verse has: אֶת אֲבִיו וְאֶת אִמּוֹ (not אִמּוֹ אוֹ).

(26) Lev. XX, 9.

(27) Though the verse has: אֲבִיו וְאִמּוֹ (not אִמּוֹ אוֹ), we deduce that it means either father or mother; for in the first half of the verse the verb is contiguous to father (...יִקַּל אֶת אֲבִיו...), and in the second half it is contiguous to mother (...וְאִמּוֹ קָלָל...).

## Shevu'oth 27b

unless the verse clearly specifies together.<sup>1</sup> [According to R. Josiah, then, how do we know that the verse concerning oaths refers to optional matters?]<sup>2</sup> — You may say that it will be even in accordance with the view of R. Josiah.<sup>3</sup> He agrees with R. Akiba who expounds [the verse on the principle of] amplification and limitation; so that, granted if you say the verse refers to optional matters, it may exclude a precept; but if you say it refers [also] to precepts, what can it exclude?<sup>4</sup>

**R. JUDAH B. BATHYRA SAID: NOW, IF FOR AN OPTIONAL MATTER, etc.** Well did the Rabbis reply to R. Judah b. Bathyra.<sup>5</sup> And R. Judah b. Bathyra? He may reply to you: Is there not [the case of] doing good to others, which, though it is not applicable [negatively] in doing evil to others, is yet included by the Divine Law? Similarly, therefore, in [the case of] fulfilling a precept, though it is not applicable [negatively] in annulling a precept, it may be included by the Divine Law. And the Rabbis? — There<sup>6</sup> it is applicable [negatively] in such a case as], 'I shall not do good [to others];'<sup>7</sup> but here,<sup>8</sup> is it applicable [negatively] in, 'I shall not fulfill [the precept]'

# SHEVUOS – 2a-28b

**MISHNAH.** 'I SWEAR I SHALL NOT EAT THIS LOAF;' 'I SWEAR I SHALL NOT EAT IT;' 'I SWEAR I SHALL NOT EAT IT;' AND HE ATE IT, HE IS LIABLE ONLY ONCE. THIS IS THE OATH OF UTTERANCE, FOR WHICH ONE IS LIABLE, FOR ITS WILFUL TRANSGRESSION, STRIPES; AND FOR ITS UNWITTING TRANSGRESSION, A SLIDING SCALE SACRIFICE. FOR A VAIN OATH ONE IS LIABLE FOR WILFUL TRANSGRESSION, STRIPES; AND FOR UNWITTING TRANSGRESSION ONE IS EXEMPT.

**GEMARA.** Why does he state: I SWEAR I SHALL NOT EAT [THIS LOAF]; I SWEAR I SHALL NOT EAT IT?<sup>9</sup> — This he teaches us: The reason is because he said, '[I swear] I shall not eat;' then he said, '[I swear] I shall not eat it,' therefore he is liable only once;<sup>10</sup> but if he said, '[I swear] I shall not eat it;' and then he said, '[I swear] I shall not eat,' he is liable twice;<sup>11</sup> as is Raba's view, for Raba said: [If he said,] 'I swear I shall not eat this loaf,' as soon as he ate a Ka-Zayith of it, he is liable;<sup>12</sup> [but if he said, 'I swear] I shall not eat it,' he is not liable until he eats it all.<sup>13</sup> 'I SWEAR I SHALL NOT EAT IT,' AND HE ATE IT, HE IS LIABLE ONLY ONCE, etc. Why is this further [oath] necessary?<sup>14</sup> — This he teaches us: that there is no liability,<sup>15</sup> but the oath remains, so that if room is found,<sup>16</sup> it takes effect. For what practical purpose?<sup>17</sup> —

For that which Raba said, for Raba said: If he obtained absolution<sup>18</sup> from the first, the second takes effect in its place.<sup>19</sup> Shall we say that [the following] supports him? [For it has been taught:] He who vowed two vows of naziriteship,<sup>20</sup> and counted the first, and set apart the offering for it,<sup>21</sup> and then obtained absolution from the first — then the second [vow] takes the place of the first!<sup>22</sup> — How now!<sup>23</sup> There the [second vow of] Naziriteship is at least in existence, so that when he would have finished counting for the first, he would have had to begin counting for the second, even if there had been no absolution; but here, would the second oath have any existence at all

[were it not for the absolution from the first]?<sup>24</sup>

Raba said: If he swore concerning a loaf,<sup>25</sup> and was eating it; then, if he left a Ka-Zayith of it, he may obtain absolution from it;<sup>26</sup> but if he has eaten it all, he cannot obtain absolution from it. Said R. Aha the son of Raba to R. Ashi: How is this? If he said, 'I shall not eat,' then from the first Ka-Zayith he has already transgressed the prohibition?<sup>27</sup> And if he said: 'I shall not eat it', then why mention Ka-Zayith,

(1) From the first half of the verse we know that each one separately is intended; for when Scripture intends the Vav as a conjunction the word together (יחדו) is added; e.g., Thou shalt not plow with an ox and an ass together (Deut. XX, 10). The second half of the verse is, according to R. Jonathan, not necessary for the deduction that each one separately is intended, and is utilized by him for another deduction (cursing after death; v. Sanh. 85b).

(2) According to R. Jonathan, Vav may be disjunctive, and ו is not necessary (להרע או להיטיב) to separate the phrases, so that it may be utilized, because it is superfluous, to include doing good to others; hence, because we require to deduce that doing good to others is included, it follows that the verse refers to optional matters (v. supra). But according to R. Josiah, ו is necessary to separate the phrases, for Vav is conjunctive; so that we cannot deduce the inclusion of doing good to others from ו; how, then, do we know that the verse refers to optional matters?

(3) That the verse refers to optional matters.

(4) For, on the principle of amplification and limitation, only one thing is excluded; and that which most logically should be excluded is swearing to annul a precept; swearing to fulfill a precept is automatically excluded, because every oath must be possible of application both negatively and positively.

(5) V. Mishnah supra 27a.

(6) In the case of doing good to others.

(7) E.g., 'I shall not give a present to a wealthy man' ('I shall not give charity' would be annulling a precept).

(8) In the case of fulfilling a precept.

(9) Let him use the same form twice: 'I swear I shall not eat; I swear I shall not eat.

(10) Because when he swears, 'I shall not eat,' he prohibits even a Ka-Zayith of it to himself; the second oath, 'I swear I shall not eat it' (implying all of it) can therefore not take effect on the first oath.

(11) For the first oath prohibits only the eating of all of it (not a Ka-Zayith), and the second oath prohibits even a Ka-Zayith; when therefore he eats a Ka-

# SHEVUOS – 2a-28b

Zayith, the second oath takes effect; when he eats it all, the first oath takes effect. He is therefore liable to bring two offerings, if he eats it all.

(12) For the oath implies 'I shall not eat (i.e., a Ka-Zayith, for .....)' of this loaf.'

(13) For the oath implies 'I shall not eat it' (i.e., the whole.)

(14) Why does the Mishnah mention the third oath? From the fact that the second oath does not take effect on the first, we already know that the third also does not take effect.

(15) To bring an offering, because a later oath cannot take effect when a previous oath exists; but the later oath is not wasted; it can take effect when the previous oath is removed.

(16) I.e., if the previous oath is removed.

(17) Does he tell us that the later oath remains?

(18) Lit., 'allowed himself to be asked,' v. note 2.

(19) If he explains to a Sage that the first oath was made under a misapprehension, and he expresses regret for it, the Sage absolves him; so that it is now counted as if he had not sworn the first oath; the second oath therefore takes effect. The Mishnah therefore mentions a third oath to teach us that no matter how many oaths are uttered they all remain, but are merely suspended from taking effect as long as the first oath is in existence.

(20) I.e., vowed to be a Nazir for two periods, each of which is for 30 days; v. Naz. I, 3.

(21) Num. VI, 13-21.

(22) And he does not need to be a Nazir for another period of 30 days, for, since the first is absolved, the 30 days he has already counted are reckoned for the fulfillment of the second vow, and the offering may also be utilized for it. Similarly, in the case of all oaths, when the first is absolved, the second takes its place. This therefore supports Raba's statement.

(23) There is no similarity, and it does not support Raba.

(24) In the case of the vow of Naziriteship, the second vow was not uttered in vain, for it was to be fulfilled in any case, but in the case of oaths, the second oath, when uttered, was in vain, and might possibly never take effect (if the first is not absolved); therefore we may say that, since when uttered, it was in vain, it should not take effect even when the opportunity arises.

(25) Not to eat it.

(26) Then he will not have transgressed the oath, and may also eat the remainder.

(27) Then how can he obtain absolution now?

and if you will, you may say [that he said], 'I shall not eat it.' If you will, you may say [that he said], 'I shall not eat;' and since absolution is effective for the last Ka-Zayith, absolution is effective also for the first Ka-Zayith.<sup>2</sup> And if you will, you may say [that he said], 'I shall not eat it;' now, if he left a Ka-Zayith, it is of sufficient consequence to have absolution obtained for it; but if not, it is not of sufficient consequence to have absolution obtained for it.<sup>3</sup> An objection was raised: 'He who vowed two vows of Naziriteship, and counted the first, and set apart an offering for it, and then obtained absolution from the first — the second [vow] takes the place of the first'.<sup>4</sup> Here we are discussing the case where he has not yet obtained atonement.<sup>5</sup> But surely it has been taught: [Even if] he obtained atonement [he can still obtain absolution]! — It refers to the case where he had not yet shaved;<sup>6</sup> and it is in accordance with the view of R. Eliezer, who holds that shaving is indispensable.<sup>7</sup> —

But surely it has [also] been taught: [Even if] he shaved [he can still obtain absolution]? R. Ashi said: You put a question from that which obtains in the case of Naziriteship! [There is no comparison.] What caused the second [vow] not to take effect? The first! Well, it is no more!<sup>8</sup> Amemar [however] said: Even if he ate it all, he may obtain absolution from it; for, if unwittingly, he lacks an offering; and if willfully, he lacks stripes;<sup>9</sup> but if he had already been bound to the pole,<sup>10</sup> no; as Samuel said, for Samuel said: If they bound him to the pole, and he ran away from the Beth Din, he is exempt.<sup>11</sup> — But it is not really analogous; there he ran; here he did not run.<sup>12</sup> Raba said: [If he said:] 'I swear I shall not eat this loaf, if I eat that one,' and he ate the first<sup>13</sup> unwittingly, and the second<sup>14</sup> willfully, he is exempt;<sup>15</sup> [if he ate] the first willfully, and the second unwittingly, he is liable;<sup>16</sup> both unwittingly, he is exempt;<sup>17</sup>

## Shevu'oth 28a

even if only a minute quantity [is left, he should obtain absolution] also?<sup>1</sup> — If you will, you may say [that he said], 'I shall not eat,'

(1) For as long as he has not eaten it all he has not yet transgressed the oath, and may obtain absolution.

(2) After eating the first Ka-Zayith he may obtain absolution from the oath to permit him to eat the

# SHEVUOS – 2a-28b

remainder of the loaf; and since he can obtain absolution for the rest, the oath is thus automatically removed (for the Sage has the power to uproot the oath ab initio), and the first Ka-Zayith which he has already eaten is therefore now counted as not having been eaten under prohibition.

(3) If he leaves less than a Ka-Zayith, it is counted as if he had already eaten the whole loaf, and thus transgressed his oath; and he cannot, therefore, obtain absolution; v. Tosaf. 27b, s.v. זא.

(4) This shows that absolution may be obtained from the first vow even after it has been completely fulfilled. Why then, in the case of an oath, should he not be able to obtain absolution even after he has completely eaten the loaf?

(5) Num. VI, 14-17; if the offerings have not yet been sacrificed, he has not obtained atonement for his vow; it is therefore not yet completed, and he may obtain absolution.

(6) Cf. Num. VI, 18; the omission of this act invalidates the rite; therefore so long as this has not been done the first vow has not been completed entirely, and he may still obtain absolution.

(7) Lit., 'restrains'; he must still refrain from drinking wine, until this is completed.

(8) He vowed two vows, counted 30 days, and now asks for absolution from the first. Why assume that the 30 days that have been counted are for the first vow, and that it has therefore been completed, and absolution should not be possible? Since the Sage has the power to uproot the first vow in its entirety by showing it to have been made under a misapprehension, the result is that we may legitimately assume that the 30 days that have been counted are for the second vow, and the counting for the first vow has not even started, so that when absolution is asked for the first vow, it is still intact, and absolution may therefore be granted; but in the case of an oath, if he has already eaten the loaf completely, he has transgressed the oath; how can he now obtain absolution?

(9) Since there is something still necessary, he may yet obtain absolution and be exempt from offering or stripes. Amemar disagrees with Raba who holds that only if a Ka-Zayith is left can he obtain absolution.

(10) In readiness for receiving the stripes (v. Mak. 22b), he cannot obtain absolution, for it is counted as if he had already received the stripes.

(11) It is counted as if he had already received the stripes, and he is not brought back.

(12) By running away he has already suffered degradation (v. Mak. 23a), and it is counted as if he had already received his punishment; but here we may say that even if he has been bound to the pole, it is not yet counted as if he had received his stripes, and he may therefore still obtain absolution from his oath.

(13) The conditional one.

(14) The one he prohibited to himself; if he should eat the conditional one.

(15) An oath which is conditional upon the performing of another act does not take effect at the moment it is uttered, but at the moment the first act is performed; and if at that moment he remembers the oath, it takes effect, but if he has forgotten the oath, it cannot take effect, for it is not counted **האדם בשבויה** (v. supra 26a). If he ate the conditional one unwittingly (having forgotten the oath) and the prohibited one willfully (remembering the oath), he is exempt from stripes (though he ate the prohibited one willfully), because at the moment of the first act (eating the conditional one) when the oath was due to take effect, he had forgotten it (and it is not, therefore, **האדם בשבויה**) (16). For an offering, because when he ate the conditional one he remembered the oath: he ate it willfully (it was, of course, permitted to him then); when, therefore, he later ate the prohibited one unwittingly, he became liable for an offering.

(17) Whether he ate the conditional or the prohibited loaf first, because at the moment he ate the first one he had forgotten the oath, and it cannot, therefore, take effect.

## Shevu'oth 28b

both willfully, then, if he [first] ate the conditional one, and then he ate the prohibited one, he is liable;<sup>1</sup> but if he [first] ate the prohibited one, and then he ate the conditional one, [the ruling depends on] the controversy between R. Johanan and Resh Lakish:<sup>2</sup> according to the one who holds an uncertain warning is a warning he is liable, and according to the one who holds it is not a warning, he is exempt.<sup>3</sup> If he made them conditional upon each other: 'I shall not eat this one, if I eat that one; I shall not eat that one, if I eat this one';<sup>4</sup> then, if he ate this one willfully, [mindful of the oath] concerning it, but forgetful [of the oath] concerning the other; and [ate] the other willfully, [mindful of the oath] concerning it, but forgetful [of the oath] concerning the first, he is exempt;<sup>5</sup> [if he ate] this one unwittingly, [forgetful of the oath] concerning it, but mindful [of the oath] concerning the other, and [ate] the other unwittingly, [forgetful of the oath] concerning it, but mindful [of the oath] concerning the first, he is liable;<sup>6</sup> both unwittingly, he is exempt;<sup>7</sup> both willfully, then, for the second he

## SHEVUOS – 2a-28b

is liable;<sup>8</sup> but for the first, [the ruling depends on] the controversy between R. Johanan and Resh Lakish.<sup>9</sup>

R. Mari said: We have also learnt thus [in a Mishnah]:<sup>10</sup> Four vows did the Sages permit:<sup>11</sup> vows of urging,<sup>12</sup> vows of hyperbole,<sup>13</sup> vows made unwittingly,<sup>14</sup> and vows accidentally unfulfilled.<sup>15</sup> Vows made unwittingly: how? ‘Konam<sup>16</sup> [this loaf to me], if I ate or drank [today]’, and he remembered that he had eaten or drunk; ‘[konam this loaf to me,] if I eat or drink [today]’, and he forgot, and ate or drank, he is permitted [to eat that loaf]; and it was taught with reference to this: just as vows made unwittingly are permitted, so oaths made unwittingly are permitted.<sup>17</sup> Efa<sup>18</sup> learnt [the laws of] oaths in the school of Rabbah. His brother Abbimi met him, and asked him: [If one said,] ‘I swear I have not eaten; I swear I have not eaten’, [and he had eaten,] what is the ruling? —

He replied: He is liable only once. He said to him: You are mistaken, for surely a false oath went forth [from his mouth].<sup>19</sup> — [He asked him again: If one said,] ‘I swear I shall not eat nine [figs; I swear I shall not eat] ten [figs’, and he ate ten figs], what is the ruling?—

He replied: He is liable for each [oath].<sup>20</sup> — He said to him: You are mistaken, for if he will not eat nine, he will not eat ten.<sup>21</sup> [He asked him again: If one said,] ‘I swear I shall not eat ten [figs; I swear I shall not eat] nine [figs,’ and he ate ten], what is the ruling? —

He replied: He is liable only once.<sup>22</sup> He said to him: You are mistaken: ten he would not eat, but nine he would eat.<sup>23</sup> Abaye said: Sometimes this ruling of Efa is possible,<sup>24</sup> as the Master said, for Rabbah said: [If a man said,] ‘I swear I shall not eat figs and grapes [together in one day],’ then he said, ‘I swear I shall not eat figs;’<sup>25</sup>

(1) Stripes; provided, before eating the second, he was given the required definite warning: ‘Do not eat this loaf, because you have sworn not to eat it, if you eat the first; and you have already eaten the first.’

(2) V. supra 3b.

(3) The warning, which must be given before the eating of the prohibited loaf, cannot be definite: ‘You must not eat this loaf’ (for it is not prohibited until he eats the conditional loaf). The warning is therefore: ‘You must not eat this loaf, in case you eat the conditional one, and then you will have transgressed the oath in having eaten this prohibited loaf.’ This warning is uncertain, for he may never eat the conditional loaf.

(4) Both loaves are conditional and prohibited.

(5) When he ate the first one, he remembered that he had sworn not to eat it, if he ate the other; but he forgot that he had also sworn not to eat the other, if he ate this one. When he ate the second, he remembered that he had sworn not to eat it, if he ate the first; but forgot that he had also sworn not to eat the first, if he ate this. Now, he is exempt from stripes for the second loaf which he has just eaten willfully, because at the time the oath has to take effect, i.e., at the moment of the first act (eating the first loaf), he had forgotten that he had sworn not to eat the second loaf, if he ate the first; the second oath, therefore, does not take effect; and he is exempt from stripes or offering for the first, because, though he ate it willfully, it was permitted at the moment of eating (for he had then not yet eaten the second).

(6) When he ate the first one, he forgot that he had sworn not to eat it, if he ate the second, but remembered that he had sworn not to eat the second, if he ate this; and when he ate the second, he forgot that he had sworn not to eat it, if he ate the first, but remembered that he had sworn not to eat the first, if he ate this. Now, for the second loaf he must bring an offering, for the second loaf took effect at the beginning, at the moment of the first act (eating the first loaf), for at that moment he remembered that he had sworn not to eat the second loaf, if he ate the first. And now when he ate the second loaf (though he forgot this oath now) he is liable, for it is a simple case of unwitting transgression (eating the loaf, having forgotten his oath not to do so). But he is not liable for stripes for the first loaf (though now, when eating the second loaf, he remembers that he had sworn, not to eat the first, if he ate the second, and yet he eats the second willfully), because at the moment of the first act (eating the first loaf) this oath (not to eat the first, if he ate the second) did not take effect, for he had forgotten it.

(7) For at the moment of the first act, when the oaths are due to take effect, he had forgotten them, and the condition of *האדם בשביעה* is therefore not fulfilled.

(8) Stripes; where he was given a definite warning which, in this case, is possible: ‘Do not eat this loaf, for you have sworn not to eat it, if you eat the first; and you have already eaten the first.’

(9) For it is an uncertain warning: ‘Do not eat this in case you also eat the other, and if you eat the other

# SHEVUOS – 2a-28b

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you will be liable for having eaten this.’ It is uncertain, because he may never eat the other.

(10) In support of Raba’s statement that in the case of a conditional oath the person must remember the oath at the time of fulfilling the condition.

(11) To be deemed as of no effect even without absolution; Ned. 20b.

(12) Bargaining in business; e.g., the seller says: ‘I vow that food shall be prohibited to me today, if I sell you this article for less than 4 denarii’, and the buyer vows similarly that he will not give more than 2 denarii; both intend to compromise for 3 denarii; they vow merely to obtain better terms, and do not intend their vows to be taken seriously.

(13) Or exaggeration; e.g., I vow that this loaf shall be prohibited to me, if I did not see 500,000 men pass along this road today.’ He knows it is untrue; It is merely exaggerated speech.

(14) E.g., ‘I vow that this loaf shall be prohibited to me, if I have drunk wine today.’ When uttering the vow he thought he had not drunk, but later reminded himself that he had; the vow is null, and he may eat the loaf.

(15) E.g., ‘I vow that enjoyment of my property shall be prohibited to you, if you do not dine with me today,’ and illness prevented the acceptance of the invitation, the vow’ is null, for the person who made it did not intend it to take effect if accident prevented the fulfillment of the condition.

(16) Prohibited be (v. Glos.).

(17) E.g., ‘I swear I shall not eat this loaf, if I drink wine today,’ and he forgot and drank wine, he is permitted to eat the loaf; because in order that the oath shall take effect he must remember the oath at the time of fulfilling the condition, but in this case, when fulfilling the condition (drinking the wine), he had forgotten the oath. This, therefore, agrees with Raba’s statement.

(18) He and Abbimi were the sons of Rahabah of Pumbeditha.

(19) Only in the case of an oath in the future can you say that the second oath does not take effect, because the first has already prohibited it, and the second is now an oath to fulfill a precept (to fulfill the first oath); but in the case of an oath in the past, which is false immediately when it is uttered, why should he not be liable for the second or any number of subsequent oaths?

(20) He assumed that the second oath is not included in the first, and therefore can take effect.

(21) The second oath is therefore already included in the first, and cannot take effect, for it is now an oath to fulfill a precept.

(22) He assumed that the second oath is included in the first, for ‘nine’ is included in ‘ten’.

(23) The first oath was only for ten, but he was permitted to eat nine; the second prohibited nine. When he ate nine, he transgressed the second oath,

and when he ate another one, he transgressed the first.

(24) That if he swore for ten, and then nine; and ate ten, he should be liable only once.

(25) If he would have eaten figs and grapes together in one day, he would have had to bring two offerings: for, as soon as he ate the figs, he is liable for the second oath, and when he eats also the grapes, he is liable for the first.