

You shall afflict yourselves
Yom Kippur: A Creation of Rabbinic Thought

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I. INTRODUCTION

Yom Kippur, the Day of Atonement, is the most significant day on the Jewish religious calendar for the vast majority of Jews in our time. Particularly for Reform Jews, it is the one day when many who do not come to synagogue regularly fill the pews -- to hear the haunting melody of *Kol Nidre*; to recite the *vidui* in confession of a year's worth of transgressions; to listen to the exhortation of the prophet Isaiah to place the needs of the downtrodden above one's own selfish requirements; and to leave after *Neilah* feeling somehow cleansed by a day of fasting and repentance. Yet many of these same Jews do not realize that the rituals that make up our Day of Atonement are not explicitly ordained in the Torah but are a product of the rabbinic mind.

To be sure, the Torah does command that on the tenth day of the month of Tishri, the people of Israel shall gather in a *mikra kodesh*, a holy convocation, during which "*you shall afflict yourselves and you shall not do any work, neither the native nor the proselyte who dwells among you*" (Lev. 16:29). But the Yom Kippur of the Bible, as described in Leviticus 23, Numbers 29, and particularly in Leviticus 16, was a Temple-centered cultic festival, during which the High Priest offered penitence on behalf of the people through animal sacrifices.

Indeed, the Day of Atonement described so grandly in Leviticus 16 was the quintessential cultic occasion -- the one day of the year on which the High Priest was permitted to enter the Holy of Holies, cleanse the altar, and publicly enunciate the ineffable name of God, while offering expiation on behalf of his family, the priestly community, and the entire nation. In the wake of the *churban* and the end of sacrifices and the priestly cult, what possible need could there be for continuing such an observance? The rabbis found that answer in the events of their own time and in the Bible itself.

With the Temple destroyed and the Jewish people in fear that God had departed from their midst, the rabbis saw a need for an annual observance that would bring the people and their God together. They turned to Scripture to guide them in their work. Leviticus 16 would be the basis for this Atonement Day, but rather than emphasizing the Temple rites that dominate the chapter, the rabbis focused on the message of Leviticus 16:30:

כִּי-בַיּוֹם הַזֶּה יִכַּפֵּר עֲלֵיכֶם לְטַהֵר אֶתְכֶם מִכָּל חַטֹּאתֵיכֶם לִפְנֵי יְהוָה
תְּטַהֲרוּ :

*For on this very day he shall make atonement on your behalf to purify you;
from all of your sins before God you shall be cleansed.*

The verse refers, in context, to the High Priest's service, but the rabbis were not looking at the phrase **יִכַּפֵּר עֲלֵיכֶם** ; rather, they focused on the words **לִפְנֵי יְהוָה תְּטַהֲרוּ** . Without a high priest to make expiation through sacrifices and incantations, surely there must be another way to be "cleansed" or "purified" before God. And the rabbis found that way by turning a day of physical, external expiation through sacrifice into a day of emotional, internal purification through repentance. They replaced *kapparah* with *teshuvah*, to be performed by every individual Jew everywhere in the world. To be sure, *teshuvah* is a year-round activity; one should live and pray in a penitential manner day by day. Yet the rabbis chose to place their discussion of *teshuvah* at the very end of *Yoma* Chapter 8 -- an intentional selection that, as will be shown, is at the heart of the rabbinic transformation of Yom Kippur.

The first step in this analysis will be to present a thorough, annotated and outlined translation of *Yoma* chapter 8, noting the flow of arguments and the major topics of each section of Mishnah and Gemara. Next will come an analysis of the chapter as it relates to Leviticus 16, describing the intentional parallels

between the two texts and what the rabbis have done to transform the Day of Atonement. Following this will be a description of the careful crafting of Bavli Yoma chapter 8 toward the theological goal of its authors, and an explanation of the unique contribution made by the rabbis of the Babylonian Talmud in transforming Yom Kippur into a unique event focused on *teshuvah*. Finally, the conclusion will suggest how our understanding of the rabbinic accomplishment of *Yoma* chapter 8 can enhance the meaning of Yom Kippur for Jews in the modern world.

II. TRANSLATION OF BAVLI YOMA CHAPTER 8

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Introduction from Tosafot: *Tractate Yoma began with a description of the seven days prior to Yom Kippur and then took up the activities of the eve of Yom Kippur, followed by the order of the Avodah -- the High Priest's service on Yom Kippur. Now the tractate takes up the laws of the day with regard to what is forbidden and what is permitted [to all Jews].*

THE LAWS OF AFFLICTION

MISHNAH:

A. General statement of law

On the Day of Atonement (*Yom Hakippurim*), it is forbidden אסור to eat or to drink or to wash or to anoint or to wear sandals or to make use of the bed (for sexual intercourse).¹

B. Exceptions to law

But the king² and the bride³ may wash their faces, and the woman in confinement (Rashi: from childbirth) may wear sandals (Rashi: because the cold may be tough on her), according to the words of Rabbi Eliezer.⁴ However, the sages forbid it.

1. Rashi: It will be explained in the Gemara that all of these are called "afflictions," and that they are derived from the five times that Scripture mentions "afflictions" with regard to Yom HaKippurim. There are five afflictions because drinking is included in the category of eating.
2. Rashi: It is his way and to his credit to be handsome, as it is written in Isaiah 33:17: "*When your eyes behold a king in his beauty.*"
3. Rashi: Her beauty is necessary for her love of her husband. And for the entire thirty days after her wedding she is called a bride.
4. Rashi: This constitutes the reference to the king and the bride and the convalescent woman. [That is, Rashi believes all of the exceptions noted in the Mishnah should be attributed to Rabbi Eliezer.]

C. Explanation of the limits of the law

The one who eats something like the equivalent of a large **הגסה** date with its stone, or the one who drinks a mouthful, is liable **חייב**.⁵ All the foods combined make up the equivalent of a date and all liquids combined make up a mouthful. But the food and the drink do not combine [to make up the equivalent of a date for which the person would be liable].

GEMARA:

I. DEFINITIONS

A. Definition of the prohibitions of Yom Kippur

1. Stam Talmud raises Issue #1

a) Problem of terminology: *kareit* vs. *issur*

It is forbidden **אסור**? But surely it is punishable by *kareit* **ענוש כרת**

הוא!⁶

(Problem: The use of אסור by the Mishnah indicates these pleasurable activities are "prohibited" on Yom Kippur -- forbidden but not subject to a specific punishment like כרת. But the Gemara believes that eating or drinking on Yom Kippur is punishable by כרת -- hence the use of חייב, which implies a specific punishment. How can we reconcile this?)

5. The concept of **חייב**, of obligation or liability, means here that the person is guilty of committing a transgression by breaching a particular commandment. The Mishnah does not explain what the punishment is for this violation, so the first issue the Gemara, in questioning the use of the terms **אסור** and **חייב** by the Mishnah, will take up will be what the punishment is for violating the restrictions outlined in the Mishnah.

6. The punishment of *kareit* is a divine punishment for a serious transgression. According to Rabbi Adin Steinsaltz, the commentators differ in their understanding of exactly what it is. It could mean premature or sudden death; or inability to bear children; or the 'cutting off' of the soul in the Olam Haba. The Talmudic tractate *Keritot* (daf 2a) lists thirty-six transgressions that are punishable by *kareit*, one of which is eating or working on the Day of Atonement. The Biblical reference is Leviticus 23:29-30: "For any soul that does not afflict himself on that day shall be cut off **ונכרתה** from its people, and any soul that does any manner of work on that day I shall destroy that soul from among its people."

b) Stam Talmud offers solution:

Rabbi Ila (or, some say, Rabbi Jeremiah) said: This [language of *issur*] must refer only to חצי שיעור, part of the legal limit.⁷

2. Stam Talmud sees a problem #2 with this response:

a) Problem: But there's a machloket!

This is a satisfactory explanation for the one who says that less than the legal limit is forbidden by Torah, but what about the one who says that less than the legal limit is *permitted* by the Torah? What can you say to that? For it has been stated regarding less than the legal limit: Rabbi Yochanan said it is forbidden by the Torah. But Reish Lakish said that it is permitted according to Torah. It would be satisfactory to Rabbi Yochanan, but what of Reish Lakish? How could you answer that?

b) Solution: #2 : de'oraita vs. de'rabbanan.

[By saying that] Reish Lakish would agree that [eating less than the legal limit] is an *issur* according to the rabbis (*de'rabbanan*).

(Thus, Yochanan and Reish Lakish would agree, for all practical purposes, that one may not eat even under the legal limit that defines "eating" on Yom Kippur without incurring an *issur*, because the rabbis have forbidden it. Thus, the Mishnah is not a kasha against Reish Lakish. The STAM talmud has smoothed that over.)

3. Stam Talmud has a Problem #3 with this answer

a) Problem: Another kasha against Reish Lakish's position

If this is so [if, according to Reish Lakish, the *chatsi shiur* is permitted by Toraitic law but not by the rabbis], then one would not be obligated to offer a sacrifice for an oath!

(Rashi: If this is so, that according to Reish Lakish it is forbidden at least by the Rabbis,

7. Rashi: A *chatsi shiur*, meaning, for example, less than a large date's worth, which is the prescribed amount for Yom Kippur according to our Mishnah. If the person did not eat the entire amount, it is not punishable by *kareit* but is merely an *issur*.
[Note that Rashi doesn't interpret חצי as half the measure but merely as something less than the full measure.]

one would not be obligated for a korban shevuah; the one who swears that he will not eat a chatsi shiur of something forbidden but then eats it anyway would not be obligated to bring a korban regarding the useless oath. For has it not already been taught to us in Masechet Shevuot 27a: "The one who has sworn to fulfill the mitzvah and doesn't fulfill it, he is exempt; or the one who swears to cancel and doesn't cancel, he is exempt.)

(So: How could Reish Lakish, who acknowledges the rabbinic prohibition of chatsi shiur, require a korban shevuah over a chatsi shiur? We wouldn't think that he could. The problem is that he DOES think there are circumstances in which a man CAN make a valid oath over forbidden things, as we see below)

b) STAM again resolves a Kasha against Reish Lakish

Why then do we have this Mishnah (Shevuot 22b):

One who takes an oath not to eat [anything], but then eats carrion, treyfot, abominations, or things that crawl, he is liable, though Rabbi Shimon exempts him from liability.

We (the Gemara, Shevuot 23b) asked regarding this:

"For what is he liable? He stands committed to the oath from the time of Mount Sinai! Rav and Shmuel and Rabbi Yochanan said: [He is liable because] he put forbidden things in with permitted things. But Reish Lakish said: You cannot find him liable (for violating an oath when he eats נבילה) except in a situation where either he expressly vowed to abstain from even less than the legal limit -- and this is according to the opinion of the rabbis (due to the position of the rabbanan from Shevuot 19b that such an oath can cover only a shiur and above) -- or if he made just a general statement [p. 74a] -- and this is in accordance with the opinion of Rabbi Akiva, who said that a man can prohibit to himself any quantity."

(Opinion: This Mishnah's opening statement says the person is liable, but how can that be? The oath not to eat anything cannot cover treyfe, because that's covered at Sinai. The Shevuot doesn't cover that, it would be invalid -- nothing you can say can increase the effect of issur!

Reish Lakish: You CAN swear a valid oath not to eat a chatsi shiur of a forbidden substance, requiring a korban. Here's how: If I swore an oath specifically concerning less than a shiur's worth (Shevuot 19b), or a general oath, according to Akiva's position. According to Reish Lakish, either the rabbanan position or Akiva's position will work

here. He has an answer for both, so Reish Lakish is again saved.)

4. Kasha #4 against Reish Lakish

a) Analogy

Now, if you should say that since the chatsi shiur is Toraitically permitted, requiring sacrifices for oaths is still in force (*See Shevuot 30a*), surely it is taught in a Mishnah (*Shevuot 30a*): *The oath of testimony applies only to those qualified to testify.*

We asked regarding this (in the Gemara, *Shevuot 31a*): "Whom does that come to exclude (*that hasn't already been excluded*)? Rav Papa said: It comes to exclude the king. Rav Acha bar Yaakov said: It comes to exclude the professional gambler. (*Now here comes the Kasha:*) -- But is not the case that a gambler, according to Torah, is fit to testify, and it is the rabbis who disqualify him? Yet so, the law of oaths doesn't apply to him!"

b) Response is NO: STAM rescues Reish Lakish once again:

That is a different case, for Scripture says: "*If a person incurs guilt -- when he has heard a public imprecation and, although able to testify as one who has either seen or learned of the matter, he does not give information, so that he is subject to punishment . . .*" (Leviticus 5:1). But this person is not in the category of those who are capable of giving such testimony.

(The Talmud here first tests Reish Lakish by setting up a parallel situation, something permitted by Torah but prohibited by the rabbis. For Reish Lakish, it's the chatsi shiur; for us here it's the valid testimony of the professional gambler. Just as Torah doesn't specifically prohibit the chatsi shiur and the rabbis add it only later, so too the Torah doesn't prohibit the testimony of the gambler and the rabbis add it later. In both cases the rabbis are extending the prohibition, so the cases seem to be the same. But we know the law of oaths doesn't apply to the professional gambler, so how can Reish Lakish say that the law DOES apply to the chatsi shiur eater? He must be wrong!

Solution: No, the STAM rescues Reish Lakish again by pointing out that the two cases are not really the same at all. In the case of the gambler, there is another added element of "bar haggadah" -- the one compelled and competent to testify. This Toraitic law exempts anyone who for any reason is forbidden to give testimony. It's the Torah itself that sets this standard: you HAVE to be Bar Haggadah in order to testify. That's different from our case with Reish Lakish, in which, according to Torah, there's nothing stopping him from taking the oath, which imposes a Toraitic penalty.

Conclusion: Our guy DOES have to, then, bring a korban for violating the oath.)

B. More on Definitions: Are the terms *kareit* and *issur* mutually exclusive?

1. Question

Now, everywhere it is taught (in the Tannaitic literature that something is) "punishable by *kareit*," does that mean "*issur*" is not used?

(Why is this question important? Because the whole discussion about chatsi shiur assumes that the eating and drinking are above the limit of an issur -- which means that the language of the Mishnah is questionable and deserves discussion. Both Yochanan and Reish Lakish assume that the Mishnah has to be talking about chatsi shiur since the word "issur" is used, because a whole shiur would be an issue of kareit. But if the two terms are not mutually exclusive, then the whole chatsi shiur business is out of place.)

2. baraita raises kasha against Reish Lakish and Yochanan.

Surely it was taught (Nedarim 80b): *Though all these are forbidden*

(issur), kareit is incurred only for eating, drinking and performing work.

(This baraita suggests the Mishnah language is okay the way it is. It indicates that the Mishnah does NOT have to be talking about chatsi shiur.)

3. STAM now reinterprets the baraita to salvage Reish Lakish and Yochanan. Gives two possible explanations

This is what the baraita means to say:

a) Explanation #1

When they say "*issur*" they are speaking only regarding less than the legal limit. But when one transgresses the legal limit, it is punishable by *kareit*. And even though it is punishable by *kareit*, *kareit* only applies to one who eats or drinks or does work.

b) Explanation #2

Or if you like, I can say that when [our] Mishnah uses the term "*issur*" it refers to the remainder [of the prohibitions, outside of eating and drinking].⁸ As Rabbah and Rav Yosef have taught (*in a baraita*) in the other books of *Sifrei*

8. Rashi: The other pleasures of washing and anointing, which are not punishable by *kareit*, are included in the "*issur*."

*d'bei rab⁹: From what Scriptural source do we know that on Yom Hakippurim it is forbidden **לרחוץ** to wash, to anoint, and to wear sandals and to have sexual intercourse? Scripture says: "Shabbaton." [Leviticus 16:31: "It shall be a sabbath of complete rest for you, and you shall practice self-denial; it is a law for all time."] -- complete abstention.*

*(This baraita doesn't mention eating and drinking as issur. They're not included here; the issur covers only those things not covered by kareit. So when "issur" is used regarding eating and drinking in our Mishnah, it HAS to be referring to chatsi shiur, which is not **ענוש כרת**)*

(Reish Lakish and Yochanan have said the issur cannot apply to eating and drinking at all. The first baraita says, oh yes it does. Then the Gemara reinterprets the baraita giving two explanations of why eating and drinking are not covered by the issur. Reish Lakish and Yochanan are vindicated and their position validated.)

C. Now we look at the heart of the machloket between Yochanan and Reish Lakish

Now let us turn to the statement itself **גופא** :

1. Restatement

Regarding less than the legal limit, Rabbi Yochanan says that the Torah prohibits it; Reish Lakish says that the Torah permits it.

2. Reasoning

a) for Yochanan

Rabbi Yochanan says that Torah forbids it since it could be prepared in combination -- so it's forbidden to eat.¹⁰

b) for Reish Lakish

Reish Lakish says that the Torah permits it, because Scripture speaks of eating **אכל** -- and this is not eating!¹¹

9. Rashi: As opposed to Torat Kohanim [Leviticus -- that is, *Sifra* to Leviticus], these are the books [of halakhic midrash] on Numbers and Deuteronomy.

10. Steinsaltz explains: Because it could be combined with any other partial amount to add up to a whole *shiur* that would be definitely punishable under Biblical law -- and therefore even in its current state it cannot be eaten.

11. Steinsaltz explains: We do not count, under the category of eating, consuming something that is less than the measure of an olive.

3. Kasha against Reish Lakish

Rabbi Yochanan raised an objection to Reish Lakish's argument (*based on what we have learned regarding forbidden fat*) :

(אייתיביה: This is a difficulty raised from a Tannaitic source, a Midrashic baraita, which even Reish Lakish would have to admit is authoritative)

a) Yochanan's argument

I know only that everything punishable (by kareit) is covered by this explicit prohibition אִזְהָרָה¹². But (how do I know about) the "Koi" (which is in doubt whether a בתומה or a חיה -- that is, whether its fat is treyfe or kasher), or about the chatsi shiur (of cheilev)? Since neither is included in a specific עונש, a prohibition requiring punishment, one might erroneously think they too are not subject to prohibition. Therefore Scripture states "all fat כל חלב".

(Yochanan's argument is that the כל חלב comes in verse 23 to also cover fats not explicitly listed for punishment in that verse. That would include the koi, and it also would include the chatsi shiur. Conclusion: The less-than-legal limit of fat is included in the Toraitic prohibition!)

b) Reish Lakish dismisses this as evidence

From this I know only that it is a rabbinical argument, and the Scriptural citation merely supports it וקרא אסמכתא בעלמא¹³.

(And the Gemara adds its support to Reish Lakish:)

Here, too, it appears reasonable (*that this baraita uses Scripture only out of necessity to provide support solely in the way of a hint and not as proof*) -- **For if it should enter your mind that the prohibition is Toraitic, (keep in mind that) the "Koi"**

12. Rashi notes the juxtaposition in Leviticus 7:23 and 25: "Speak to the children of Israel, saying: Any fat of oxen, sheep or goats, you shall not eat לא תאכלו . . . for anyone who eats the fat of animal species from which one may bring a fire offering to God, the soul that eats will be cut off from its people ונכרתה." Thus Rabbi Yochanan deduces that the prohibition includes only those fats stated in verse 23, which are punishable by kareit.

13. An *asmachta* is an allusion to a Biblical verse, not used as a proof-text to show a law is of Biblical origin but rather to shed light on a law of Rabbinic origin.

is a doubtful case. Now, would Scripture be needed in a doubtful case?

(How can you expect Torah verses to include something doubtful in Torah? You cannot read the Koi into the word "kol". Likewise, by implication, you cannot read the chatsi shiur into this analogy.)

c) STAM on behalf of Rabbi Yochanan -- rejoinder to R. Lakish

If your argument is based on this text, there is no proof *(because the text is subject to a different interpretation. This is what the text may mean):* *(We could say that the baraita) holds [p.74b] the "Koi" is a creature unto itself* *(that is, the Koi is not merely doubtful as to whether it is a domestic or non-domestic animal but rather constitutes a unique creature that does not belong either to the category of חיה or of בהמה).* **For if you were to not say so, how could Rav Idi bar Avin** *(an Amora)* **say: "Also 'all' (the prohibition against eating anything with blood in it) comes to include the Koi"?**¹⁴ **If the Koi is a doubtful case, why would Scripture be used to cover a doubtful case? Only if it is a "creature by itself"** *(would Scripture need a special category).*
And here too, [the Tanna of our quoted baraita thinks] this is a creature by itself.

(So maybe R. Yochanan is right after all and Reish Lakish is not, regarding the chatsi shiur being prohibited by Torah. But the Gemara now leaves this issue completely and goes on to something else. We're done discussing the definitions on punishment and go to the definitions regarding affliction)

14. Rav Idi bar Avin's comments come in the Gemara on *Keritot* 21b, discussing a Mishnah on 21a about the eating of blood of animals.:

"The Master said: '[Here we have] a generalization followed by a specification and then again by a generalization, [in which case] all things similar to the specification are to be included.' . . . What does the term *all* serve to include? Said Rav Idi bar Avin: "It includes the blood of a Koi." What is his opinion [with regard to the Koi]? If he holds that the Koi is a doubtful creature, do we need a special text to forbid [the blood of an animal] about which there is doubt? He holds that the Koi is a [class of] animal all its own. We have now learned about its blood, from where do we know that its cheilev [is forbidden]? From the Scriptural text, 'כל חלב'."

The Gemara here is using the hermeneutical device of כלל ופרט וכלל, to conclude that all similar animals are included in the explicit ban in the Mishnah. Rav Idi says that includes the Koi.

II. Definitions regarding "Affliction" (p. 74b)

After clarifying the language of the Mishnah, the Gemara now turns its attention to the foundation text for the Yom Kippur afflictions: "It shall be for you a law for all times: in the seventh month, on the tenth day of the month, you shall afflict your souls (Leviticus 16:29)." The Gemara must now establish that Biblical "affliction" means refraining from eating and drinking, when it could mean other deprivations.

A. Definition of affliction

1. First baraita offered to support definition

Our rabbis taught: "You shall afflict your souls." (Lev. 16:29): Now, one might erroneously assume (just by reading this part of Lev. 16:29) that one must sit in the heat or the cold in order to suffer privation (and for him to afflict his soul). So Scripture continues: "and all manner of work you shall not do (neither the citizen nor the alien who dwells among you)" (also Lev. 16:29). [This teaches us:] **Just as [refraining from]"work" means "sit and do nothing" (that we have not been commanded to do something but rather to refrain from doing it), **so also affliction of the soul [is gained by] "sit and do nothing."** (That is, a man is not obligated to actively do something in order to afflict his soul [like going out and sitting in the sun on a hot day]; rather, only to refrain from doing it -- for example, refrain from eating and drinking)**

2. Stam Talmud objects to this analogy

But say (for instance) where a man sits in the sun and is warm -- one may not say to him: Get up and sit in the shade; or, if he is sitting in the shade and is cool, one may not say to him: Get up and sit in the sun?

(We have here a situation of "sit and do nothing", and it is written that this comes under the category of the obligation of affliction. The issue here is that no positive act is required, either by the person sitting there or by us.)

3. Stam Talmud dismisses this objection

(No,) this is analogous to (the prohibition against) work. Just as with (the prohibition against) work you do not make distinctions (because it is a prohibition in

*all situations and does not depend on particular circumstances), so, too, you cannot make distinctions regarding affliction.*¹⁵

(Since we cannot make distinctions about the mitzvah of affliction, that means it cannot be dependent on circumstance. It must apply in all cases. And since it must apply in all cases, that means it cannot be dependent on heat or cold. One cannot afflict himself, therefore, by suffering through heat or cold. Now that we know what it is NOT, the following baraita will tell us just what this "affliction" really IS.)

B. Second baraita defines affliction as refraining from eating and drinking
1. baraita -- Tannaitic Proof

It has been learned in another baraita תניא אידך (Yerushalmi Yoma 88-1):

"You shall afflict your souls (Lev. 16:29)". One might erroneously presume that one must sit in the heat or in the cold in order to afflict oneself. So Scripture also teaches: "and all manner of work you shall not do (Lev 16:29b)". Just as work is something for which one is liable (punishable by kareit) in another situation (for example, on Shabbat), so too affliction of the soul is something for which one is liable (punishable by kareit) in another situation. And what is this? This is (the eating of) פגול or נותר¹⁶

(This baraita takes a different tactic, teaching an analogy with the same texts: We know that Scripture explicitly connects affliction with refraining from work (Leviticus 16:29). We also know that, elsewhere, Scripture says that if you don't refrain from work on the Sabbath (a similar situation to Yom Kippur), this is punishable by kareit (Exodus 31:14: "For whoever does work on it [the Sabbath], that soul shall be cut off from among its people").

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15. Rashi: Just as you do not make distinctions regarding work -- that is, in every situation it is prohibited -- so too with regard to "affliction" the prohibition applies in all circumstances. This would exclude heat and cold. If you're already sitting in the heat or cold you are afflicting yourself. But if you are not already doing so, you cannot fulfill the mitzvah by going and sitting in the heat or cold [because, as the Gemara has already established, you cannot take a positive action to fulfill the mitzvah].
16. Leviticus 19:5-8: *"When you slaughter a feast peace-offering to God, you shall slaughter it to find favor for yourselves. On the day of your slaughter it shall be eaten, and on the next day, and whatever remains הנותר until the third day shall be burned in the fire. But if it is eaten on the third day, it is פגול -- rejected -- and it will not be accepted. Each one who eats it shall bear his iniquity, for what is sacred to God he has desecrated, and that soul will be cut off ונכרתה from its people."*

(Conclusion: Just as with regard to work, it is punishable by kareit on Yom Kippur as on Shabbat, so too any "affliction" must be punishable by kareit on Yom Kippur as it is in another situation. There must be a kareit counterpart somewhere. There isn't one for heat and cold, so we can exclude them from Yom Kippur affliction. What we can include is abstention from eating, because we see in Leviticus 19:5-8 that a kareit attaches to eating food that must not be eaten at a particular time. Now the baraita continues:)

I can therefore include the פגול and the נותר because they are punishable by kareit. But I could not include the טבל since that is not punishable by kareit.¹⁷ So Scripture teaches: "You shall afflict" (Lev. 16:29) and (it teaches) "You shall afflict your souls" (Lev. 16:31) [to show that the prohibition is] inclusive.

(That is, the use of this phrase twice in three verses seems to be superfluous. Since the rabbis believe no word of Scripture is superfluous, the repetition of the phrase must obviously carry another meaning. According to this baraita, the meaning is to include tevel in the Yom Kippur prohibitions, even though its punishment is not kareit, as outlined in the analogy in the first part of the baraita. This same device will now be applied to include other types of foods prohibited on Yom Kippur:)

Now I can bring "tevel" for inclusion [in the Yom Kippur prohibition because it is [at least] punishable by death. But I could not include נבילה -- carrion -- [the eating of which] which is not punishable by death.¹⁸ So Scripture teaches "You shall afflict" and "You shall afflict your souls" [to show that the prohibition is] inclusive.

17. *Tevel* is produce that one is prohibited from eating until the Levitical and priestly shares have been separated from them. The term does not appear in Tanach but is defined in the Talmud. The Gemara, on *Sanhedrin* 83, brings a baraita and a discussion of it to show that the punishment is not kareit:

"The following are liable to death במיתה [at the hands of Heaven]: One who ate tevel . . .

Now, from what source do we know it of one who eats *tevel*? As Samuel said on the authority of R. Eliezer (*Zevachim* 11b): "From what Scriptural source do we know that one who eats *tevel* is liable to death? From the verse, *And they shall not profane the holy things of the children of Israel, which they shall offer up ירימו to the Lord* (Lev. 22:15). Now, the verse refers to that which is yet to be offered."

18. *Neveilah* is an otherwise kosher animal that has died a natural death or has not been properly slaughtered according to ritual rules. It may therefore not be eaten by Jews, although it may be eaten by Gentiles: *You shall not eat any carcass. To the stranger who is in your cities shall you give it that he may eat it, or sell it to a gentile* (Deut. 14:21). The penalty for a Jew eating such meat is described in Leviticus 17:15-16: *Any person who eats neveilah or tereifah, whether citizen or resident alien, must immerse his clothes and wash himself in water; he will be impure until evening and then he will be pure. But if he does not wash [his clothes] or bathe his flesh, he shall bear his iniquity.*

*Now I could include neveilah, which is [at least] a negative prohibition¹⁹, but I could not include [in the Yom Kippur prohibition] **החולין** -- unconsecrated food -- the eating of which is not a negative prohibition.²⁰ So Scripture teaches "You shall afflict" and "You shall afflict your souls" [to show that the prohibition is] inclusive.*

*Now I could include [in the Yom Kippur prohibition] the chullin, which is not included in the command of "get up and eat,"²¹ but not the **תרומה**²² So Scripture teaches "You shall afflict" and "You shall afflict your souls" [to show that the prohibition is] inclusive.*

*Now I could include [in the Yom Kippur prohibition] the terumah, which is not included in the prohibition "You shall not leave over **בל תותירו**," but not **הקדשים** -- the sacrificial meat-- which is included in the prohibition "You shall not leave over."²³ So Scripture teaches "You shall afflict" and "You shall afflict your souls" [to show that the prohibition is] inclusive.*

19. See Note 18 above, Deut. 14:21.

20. There is no positive or negative commandment regarding the eating of *chullin*, which is ordinary food, including animals not consecrated for sacrifices that were slaughtered in the Temple court.

21. That is, there is no positive commandment to eat ordinary, non-consecrated food. The phrase **קום ואכול** is found in *Ketubot* 67b, in the story of Rabbah and a stranger who is accustomed to eating well and applies to Rabbah for maintenance.

22. Broadly speaking, *terumah* is a "portion," a separation of one's goods set aside for a higher purpose. According to Exodus 25:1-7, the *terumah* accepted for the mishkan included gold, silver, copper, fine woolens and skins, spices, incense, and precious jewels. Here, the *terumah* referred to is that portion of the crop -- usually 1/40th -- which is set aside and given to the priest as an offering. Numbers 15:10 commands that the Israelite give to God the choicest of the bread as well as of the crop. Numbers 5:9 states that the *terumah* brought to the priest belongs to the priest.

The assumption could be made that, because this is a specific obligation and a positive commandment incumbent upon each Israelite, it would apply even on Yom Kippur. The Gemara uses this apparent superfluity in the text to teach otherwise.

23. Leviticus 7:15 states of the peace-offering: "And the flesh of his thanksgiving peace-offering must be eaten on the day of its offering; he shall not leave any of it until morning." A negative commandment thus attaches to the sacrificial meat. This is why one might think that, even if *terumah* (which is ruled by a positive commandment) is prohibited on Yom Kippur, that the law of *kodoshim* might still apply.

The sacrificial meat is referred to as *kodoshim* in Leviticus 21:22.

(Conclusion: By way of גִּיבוּר -- amplification by stages -- we learn that all types of food are prohibited on Yom Hakippurim)

And should you wish to say otherwise (and you do not agree with this piece of exegetical work, another Scriptural source will do): Behold Scripture says, "I shall destroy that soul (Lev. 23:30)" -- an affliction that is a destruction of the soul (i.e., the life force). And which one is this? This is [refraining from] eating and drinking.²⁴

(end of baraita)

2. STAM Talmud comes to comment on the baraita

a) The Gemara asks:

What does the baraita mean when it says "If it is your desire to say otherwise" ?

(Why did the baraita need to offer a second proof? What was wrong with its main proof that the "affliction" spoken of by Scripture was the abstinence from eating and drinking?)

b) The Gemara answers:

That if you should say that Scripture is actually speaking here of the sexual sins בְּעִרְיֹת,²⁵ behold Scripture also says "I shall destroy the soul" -- [that is to say, this is] an affliction in which there is destruction of a soul. And which one is this? This is [refraining from] eating and drinking.

24. Leviticus 23:30 states "Any soul who will do any work on this very day, I will destroy that soul from among its people." The baraita is noting the particular language of this verse: Most of the time, Scripture will use the phrase וְנִכְרְתָה -- "and that soul shall be cut off" -- when describing a punishment of *kareit*. Here God states "I shall destroy that soul," indicating that the life force of the body will be diminished by the affliction of Yom Kippur. This refers to eating and drinking, since complete abstention from these would lead to death. This is not something that can be said of the other afflictions.

25. Rashi: That is to say, it is the affliction of abstinence from sex that Scripture is speaking of here. Abstention from sex is also called an "affliction" later on (daf 77a) and it is punishable by *kareit* in another place -- in reference to illicit sexual relations.

[Note: Rashi's reference is to Leviticus 18, the list of forbidden sexual relationships, which concludes: "For if anyone commits any of these abominations, the people doing so will be cut off וְנִכְרְתוּ from among their people" (Lev. 18:29). The *kareit* punishment makes this like the "afflictions" of Yom Kippur, so one might think that what is referred to here is not eating and drinking but rather involves sexual abstinence.]

(Why bother to put this at the end of the baraita? Why did the Tanna need it? Because elsewhere in Scripture, such as in the story of Leah and Rachel, "affliction" is used with regard to abstention from sex -- it has nothing to do with food and drink. The Tanna needed another verbal analogy to solidify the tie to food. But the Gemara now picks up on this verbal connection to sex to try and break the affliction-food connection.)

3. The Gemara now offers a third baraita offering a different proof about the afflictions of Yom Kippur being eating and drinking, through the use of a *gezerah shavah*

a) Proof offered

The school of Rabbi Yishmael taught (*a baraita about the laws of Yom Hakippurim in this manner*) : **Scripture states "affliction" here** (with regard to Yom Kippur) **and it also states "affliction" further on.**²⁶ **Just as further on "affliction" means hunger, so too here "affliction" means hunger.**

b) Gemara raises a series of kashas to this proof

1) Kasha #1

But let us draw the analogy (*not from this Scriptural source but*) **from "If you should afflict my daughters . . . אַם תַּעֲנֶה אֶת בָּנוֹתַי"** (Genesis 31:50, Laban to Jacob about Rachel and Leah, which is not affliction of hunger but of marital sex)!

2) Gemara refutes the kasha

(No:) The laws of affliction for a community must be learned from the affliction of a community. One may not learn about the laws of affliction of a community from the laws of an individual.²⁷

3) Gemara raises Kasha #2

Well then, let us draw the analogy [to afflictions on Yom Kippur] **from the affliction of [the Israelites in] Egypt, of which it is written, "And God saw our**

26. Rashi: "And he afflicted you and caused you hunger" (Deut. 8:3).

27. Rashi: The affliction of Yom Kippur applies to all Israel and the eating of the manna (the analogy drawn to Deut. 8:3) applies to all of Israel.

This makes the first analogy much more plausible than the analogy one could draw between the afflictions of Yom Kippur and Genesis 31:50.

affliction ענינו" (Deut. 26:7). Regarding this verse, we said (*in Sifre Deuteronomy*), **"This is abstinence from sex."**

(We have here a communal abstinence that doesn't have to do with food but with sexual relations. This should trump the refutation of the first kasha, but the Gemara will still try and refute it:)

4) Gemara refutes Kasha #2

Instead (*learn not according to what we said and say rather*) **we derive the laws of affliction at the hands of heaven from affliction at the hands of heaven, and we do not derive afflictions at the hands of heaven from afflictions at the hands of man.**²⁸

(Having defeated both kashas, the STAM has maintained the integrity of the baraita making the connection between affliction and food/drink.)

(We have now seen three separate baraitot, all brought to respond to the same problem: How can we limit "affliction" with regard to Yom Kippur to fasting, when it could well include other afflictions?)

(Now that we have brought up the "affliction" caused by the manna, we will look at an Amoraic dispute about it)

28. Rashi: The afflictions of Yom Kippur involves mitzvot at the command of the King; similarly, the affliction involving the giving of the manna was at the command of the King.
[Note: Rashi's explanation implies that the affliction in Egypt was caused by the Egyptians, not by God, so the analogy to Yom Kippur does not hold.]

AGGADIC SECTION OF YOMA 8 ON THE NATURE OF THE MANNA AND THE AFFLICTION INHERENT IN THE GIVING OF THE MANNA. THIS IS A BRIDGE BETWEEN THE FIRST SECTION ON DEFINITIONS AND THE FOLLOWING SECTION, WHICH DETAILS THE NATURE OF THE AFFLICTIONS OF YOM KIPPUR.

(We have already introduced the verse, "He subjected you to the hardship of hunger and then gave you manna to eat" (Deut. 8:3 -- see R. Yishmael's gezerah shavah). Now the Gemara interprets the texts on this matter on several levels.

(Note: the interpretations are done through disputes between Rabbis Ammi and Assi, third-generation Amoraim.)

C. Food and Affliction/Reward and Punishment: The Example of the Manna

1. The disputes of Ammi and Assi

a) *(It is written:)* **"The one who fed you manna in the wilderness in order to afflict ענתך you" (Deut 8:16)"**

(The Gemara now seeks to clarify the issue of what affliction was involved in the eating of the manna).

Rabbi Ammi and Rabbi Assi dispute . One says that you cannot compare one who has bread in his basket to one who has no bread in his basket.²⁹ And the other says one cannot compare one who sees and eats to one who cannot see and eats.³⁰ Rav Yosef [the blind sage] said: From this [second interpretation] we get a hint about blind people who eat and yet are not sated [because they cannot see their food. Also seeing the food causes the sensation of satisfaction to come to one's eating]. Abbaye said: Therefore, [we learn from all of these words that] **he who has a [limited] meal, let him not eat except during daylight** [because at that time it will be more satisfying than the meal that is eaten in darkness]. **Rabbi**

29. Rashi: For the one who has no bread in his basket and has already eaten today, the affliction is that he is already worried about his meals tomorrow.

[Note: The affliction of the manna thus was that it could not be prepared for the next day; it appeared each day (except Shabbat) and had to be collected and eaten on that day or it would spoil. No food could be saved for the next day or the day after.]

30. Rashi: Eating the manna, one could taste any manner of food he wanted. But since they saw only the manna [they couldn't feel as satisfied as the one who actually gets to see the actual food that he's eating], and this was the affliction.

Zeira said: What Scriptural verse teaches us this? "*Better is the feasting of the eyes עינים than the pursuit of desire*" (Kohelet 6:9). [On this same pasuk,]

Reish Lakish said: Better is the feasting of the eyes upon a woman than the act [of sex] itself. As it is written: "*Better is the feasting of the eyes than the pursuit of desire.*"

[Since the Gemara has now presented the dispute of understanding the pasuk of the two fellow Amoraim, Rabbi Ammi and Rabbi Assi, it also now brings a similar dispute:]

b) "[Do not ogle the wine when it is red], as it lends יתן its color עינו to the cup, as it goes down smoothly במישורים; [in the end it bites like a snake, it spits like a basilisk] (Proverbs 23:31-32).

Rabbi Ammi and Rabbi Assi dispute: One says, whoever fixes [75a] his eye הנותן עינו on the cup [that is to say, one who earns a profit, all] sins of sexual perversity all appear to him like a straight line מישור [that he's not worried that there's a stumbling block to sexual perversity, and he goes on his way even to a place that is crooked and dangerous]; and one says that anyone who fixes his eye עינו הנותן on the cup, all the world appears to him like a straight line [that it's not just sins of illicit sex that are not of account in his eyes, but also the rest of the prohibitions involving money appear of little consequence in his eyes] .

c) [And further in the peyrush it is written:] "*If there is anxiety in a man's heart, let him quash it ישיחנה*" (Mishle 12:25).

Rabbi Ammi and Rabbi Assi dispute: One says: Let him ישיחנה humble his opinion [that in his opinion the intent of this verse is that a man worries that it's appropriate for him to speak his mind out of his concern], and one says [that the intention is]: Let him ישיחנה tell others [that he tell it to others and lighten it for himself].

d) [And similarly they disagree on this peyrush:] "**And dust shall be the serpent's food**" (Isaiah 65:25). Rabbi Ammi and Rabbi Assi dispute. One says: **Even if he** [the serpent] **should eat all of the delicacies of the world, he would taste in them the taste of dust; and one says: Even if he were to eat all of the delicacies of the world, his mind would not rest until he had eaten** [also the taste of] **dust**.

[On this same matter] **It has been learned (in a baraita): Rabbi Yossi said: Come and see that the nature of flesh and blood is not like the nature of the Holy One Blessed Be He. The nature of humanity (flesh and blood) --**[what is it?] **It is to vex his fellow -- behold he seizes from him his life** [and in every way torments him]. **But the Holy One Blessed Be He does not do this.** [Behold,] **He cursed the serpent** [and what happened to him?] **-- yet when he goes up on the roof his food is there for him; when he descends below, his food is there for him** [so the curse with which God cursed the serpent did not rob him of his life and even has some advantages. Similarly,] **He cursed Canaan** [that he be the servant of servants] **-- yet he eats what his master eats and drinks what his master drinks** [and he doesn't need to worry about himself as free men do]. **He cursed the woman -- yet all run after her. He cursed the land -- yet all are fed by it.**

[Conclusion: Even at a time of anger, the Holy One Blessed Be He does not punish His creatures with too difficult a punishment.]

[And further on this same matter, in the explanation it is written:] "**We remember the fish, which we would eat in Egypt for nothing**" (Numbers 11:5). Rav and Shmuel dispute. One says [the intent here is that it really means simply] **fish and one says** [there's a hint in here about the prohibitions against] **illicit sexual unions** [and that what the Israelites were complaining about was that in general Torah now prohibited them from doing things that they once enjoyed in Egypt.]

1) The Gemara explains the rationale of each interpretation

The one who says that it means fish derives his explanation from what is actually written there: "we would eat." And the one who says it means illicit sexual unions derives it from what is actually written there -- "for nothing." (*In his opinion in reality they would not be eating fish of substance for free.*)

2) The Gemara now raises a kasha to the second opinion:

a) Kasha

In the opinion of the one who said it means sex, behold it is written: "we would eat"! (*So how would he understand this phrase?*)

b) The Gemara responds to the kasha

Scripture is using a euphemism here [*and not using language referring to sex in its explanation, and the proof is the use of this language:*]. It is written [*about the evil woman*]: "*She eats and wipes her mouth and says: I have committed no sin*" (Proverbs 30:20--*here, indeed, it hints about sex*).

3) The Gemara raises a kasha to the first opinion

a) Kasha

As for the one who says it really means "fish," then what is the sense of the word **הֵנָּה**, 'for nothing'? (*The Egyptians didn't really give them fish for free!*)

b) The The Gemara responds to this second kasha

That they were brought to them from the ownerless (public) property (*In reality, the Egyptians would not pay them in free fish but rather they would bring fish out of the river.*) As the Master says (*in Massechet Sotah, first chapter, daf 11b*): When Israel would draw water, the Holy One Blessed Be He would prepare for them in the midst of the water small fish for their pitchers.

c) The Gemara persists in its objection

This explanation is reasonable for the one who said [we're talking about real] "fish" [since the Israelites had no real fish now] -- but [if we're talking about illicit sexual relations [it makes no sense, because the Israelites] were not dissolute in them [even in Egypt] . This is why Scripture writes [in praise of Israel in figurative language]: "A closed-up garden is my sister, my bride . . . [a sealed fountain]" (Song of Songs 4:12).³¹ So according to the one who said it means [the Israelites were referring to] illicit intercourse [they had in Egypt] -- what could be the meaning of the phrase "a sealed fountain"?

d) The Gemara responds

The Israelites were not dissolute in those things that were prohibited to them [at the time].³²

e) The Gemara challenges the first opinion.

This [explanation] is reasonable for the one who says that it refers to illicit sex, [for this is why Scripture writes regarding illicit sex]: "And Moses heard the people weeping throughout their families" (Numbers 11:10). [And we interpret this verse to mean:] it is about their family members, with whom it was now prohibited to them too sleep. But for the one who says it really means fish,

31. The Targum says:

"'A garden locked is my sister, my bride.' -- Your women are wedded to husbands whose intimate conduct is marked by circumspect modesty; each is like a shy bride. The "garden" also alludes to the Garden of Eden where none but the righteous may enter, whose souls are guided by angels. 'A fountain locked, a spring sealed up.' -- Your virgins are hidden away in your innermost chambers, like sealed off wellsprings of living waters that flow from beneath the tree of life and separate into four headwaters."

(Yalkut Meam Loez, *The Torah Anthology: Shir HaShirim* [New York: Moznaim Publishing, 1988], p. 210)

32. Rashi: These were those prohibited to the children of Noach [which the Israelites were considered to be while in Egypt] such as are outlined in Sanhedrin 57b. Sexual unions which the courts of Israel would prohibit under penalty of death to the children of Noach they were careful about. But the rest [those permitted to Noachides but prohibited later on under the laws of Torah] did they weep over.

what is the meaning of the phrase "weeping throughout their families"?

f) The Gemara responds to the challenge:

Both explanations are implied. [*The verse deals with both the laws of illicit sexual unions and also the manna as its real meaning.*].

(The Gemara now continues in its explanation of Numbers 10:5: "We remember the fish that we ate in Egypt for nothing, the cucumbers and the melons and the leeks and the onions and the garlic but now our soul is dried away: there is nothing at all, beside this manna, before our eyes.")

e) " . . . *the cucumbers and the melons [and the leeks and the onions and the garlic].*" Rabbi Ammi and Rabbi Assi disagree. One says: The taste of all the [other] types of food they tasted in the manna, but the taste of these five species they did not taste in it (*and on account of this they wept*).³³ And the other says: They experienced, in of all the [other] species of food they tasted [in the manna], their taste and their substance [but with these five species they experienced] only their taste and not their substance.

2. The miraculous qualities of the manna

a) (*And further on the issue of the manna it is said*): "*And it was white like a coriander seed כַּחֲסֵי־חֵטְא וְטַעֲמָהּ כַּחֲמִצִּים*, and its taste [was like wafers in honey]" (Shemot 16:31). Rabbi Assi said that it was round like a coriander seed and white like a pearl (*and not black like coriander*).³⁴

33. Rashi: [These five species in particular were to be avoided because] they are dangerous to pregnant and nursing women, as is related in *Sifrei* about the one who said to a woman: Do not eat onion on account of the child.

34. Rashi: The coriander seed is not white but it is round, and here Scripture means to say that it is round like a coriander seed and white like a pearl [so this is Rabbi Assi's explanation].

b) It was also learned in a baraita: [The manna was like] Gad גַּד, for it resembles the flax seed in its casing. Others say: (It is called) Gad גַּד for it resembles אֶדְדָּא, which entices the heart of a man like water.³⁵

c) Another baraita taught: [Why is it called] Gad? Because it informs מַגִּיד Israel (regarding doubtful matters. For instance): Whether he was nine months old from the first or a seven months old from the latter. (For instance, a situation in which a woman remarried within two months of her divorce or the death of her husband, and she gives birth after seven months and its not clear if the child is seven months old and belongs to the second husband or if he's nine months old and is a product of the first husband. Now, since the manna would come to each family per capita, it would be clear by where the manna was found to which family the child belonged.³⁶ And why was the manna called) White? It whitens (purifies) the sins of Israel (by causing them to reflect in repentance).³⁷

d) It is taught in a baraita: Rabbi Yossi says that just as the prophet would relate to Israel what was in holes and what was in fissures, so too the manna would teach Israel what was in holes and what was in fissures (that is, in hidden or concealed matters). How? Two men came before Moses for judgment. One said "You have stolen my servant" and the other said "(I did not steal him -- rather,) You sold him to me." Moses said to them: Judgment will come tomorrow. (And how would the matter be cleared up?) Tomorrow, if his omer [that is, the servant's portion of the manna] is found in the house of his first master it will be known that this (other) one stole him (because the manna will still be arriving at the home

35. Here, גַּד is understood as אֶדְדָּא, homiletical discourse, and לבן as לב, the heart. Just as aggadah entices the heart into Torah study, so does the taste of the manna entice the heart of man to eating.

36. Rashi: If the manna was found closer to the house of the first husband, it would be known that he was seven months old and belonged to the first husband; but if it was found among the portion belonging to the second husband, then it would be known he was the son of the second husband.

37. Rashi: Out of fear they might not get manna the following day, the Israelites reflected in repentance.

of his first master). But if his omer is found in the house of his second master, it will be known that he (the first) sold him to him (the second).

Similarly, a man and woman came before Moses for judgment. He said: She acted offensively toward me (and this is grounds for divorcing her), and she said: He acted offensively toward me (He has sinned against me and I have not sinned).³⁸ Moses said: Judgment will be rendered in the morning. Tomorrow, if her omer is found in the house of her husband, it will be known that she acted offensively toward him. And if her omer is found in the house of her father, it will be known that he acted offensively toward her.

3. Talmud now tries to resolve seemingly contradictory descriptions from Scripture about the manna

a) It is written, "*When the dew fell upon the camp in the night the manna fell upon it*" (Numbers 11:9). And it is written, "*and the people shall go out and gather*" (Exodus 16:4). And it is written: "*The people went about and gathered it*" (Numbers 11:8). How is it possible *(to explain these differing descriptions)*? For the righteous *(of Israel)*, it fell at the entrances of their homes *(and it was not necessary for them to be troubled at all)*; the average people went [outside the camp] and picked up *(what was gathered for them there)*, and the wicked had to go about *(for it was necessary for them to go far)* and gather it.

b) It is written "*bread*" (Shemot 16:4) and it is written "*cakes*" (Numbers 11:8) and it is written "*they ground it (between millstones)*" (*ibid*). How *(can we explain these differing descriptions)*? For the righteous *(it came down in the form of already-baked)* "*bread*." For the ordinary people it *(came down like unprocessed)* "*cakes*" and for the wicked *(it would come in its own natural form and therefore)* "*they would grind it on a millstone*."

38. Rashi: And on these grounds she is claiming her ketubah payment.

(And the text continues regarding the heavenly gifts that came with the manna:) **"Or beat it in a mortar"** (Deut. 11:8). Rabbi Yehuda said in the name of Rav (and some say Rav Chama Bar Chanina): This teaches that women's cosmetics came down to Israel along with the manna. This is the item that is beaten in a mortar. **"And they boiled it in a pot."** (Deut. 11:8-more) Rabbi Chama said: This teaches that along with the manna descended to Israel the ingredients for pudding **ציקי קדירה** (which would be added to the manna).³⁹

[Regarding the free-will offering of the Mishkan it is written:] **"And they brought to him freewill offerings every morning בנקר בנקר"** (Shemot 36:3). (They ask:) What is the meaning of doubling the word "in the morning"? Rabbi Shmuel Bar Nachmani said in the name of Rabbi Yonatan: It means that they brought offerings from that which came to them each and every morning. This teaches that precious stones and pearls came down to Israel together with the manna.

(It is written there:) **"And the נשיאים brought the onyx stones"** (Shemot 35:27). It was taught in a baraita (on this verse): This refers to actual clouds and for this reason Scripture says: **"Clouds נשיאים and wind but no rain"** (Proverbs 25:14). (From this gezerah shavah, we learn that the clouds themselves brought the precious stones to the Israelites along with the manna).

(Now the Gemara goes back and finishes describing and expounding on the original manna verse:) **"And their taste was like the taste of sweet cakes לשד of oil"** (Num. 11:8). Rabbi Abahu said: ("Sweet cake לשד -- its meaning is like שד, "breast.") Just as in the breast the infant tastes many flavors⁴⁰, so to with the manna, each time that Israel ate it, they found in it many flavors. There are those who say [Torah is comparing manna to] an evil spirit **לשד**. How is this possible?

39. Rashi understands **ציקי קדירה** as spices or seasonings that would be mixed into the manna when it was cooked.

40. Rashi: From all that his mother has eaten.

Just as the evil spirit can change into many forms, so too the manna transforms into many tastes.

(Now the Gemara enters a more general discussion of the Israelites' eating experiences in the wilderness.)

(It is written): "And Moses said: 'God will give you meat to eat in the evening and bread in the morning to the full' " (Shemot 16:8). It is taught (in a baraita) in the name of Rabbi Joshua ben Karchah: The meat for which Israel asked, the request for which was not appropriate⁴¹, was thus given to them in an inappropriate manner⁴² [pg. 75b]; while the bread, the request for which was appropriate⁴³, was given to them in an appropriate manner.⁴⁴

[And in an incidental way), from this the Torah teaches "derech eretz" [appropriate behavior] -- that a man must not eat flesh except at night (for thus Moses had said to the children of Israel: "At night, flesh to eat."

1) The Gemara raises a kasha to end of baraita

Did not Abbaye teach: One who has a meal should eat it only during the day?

2) The Gemara responds to the kasha

What we are saying is that *[a man should only eat a meal in a setting that is] "similar to daytime."* *(He doesn't have to eat during the day but must have light at mealtime).*

(And on the subject of the Israelites' eating regimen:) **Rav Acha Bar Yaakov said:**
At first Israel resembled roosters who peck in the refuse *(and any time there was food they would gobble it down), until Moses came and fixed for them a meal time*
(and according to Scripture, he fixed times in the morning and evening).

41. Rashi: It was not an appropriate request because they had an ample supply of cattle.

42. Rashi: The meat came to them with nightfall, at a time when they had no opportunity to prepare it before the evening meal.

43. Rashi: Because it is impossible to live without bread.

44. Rashi: In the morning, when they had an opportunity to prepare it for the meal.

(The Gemara looks at the verses following the Israelites' demand for meat:)

c) (It is written:) **"The flesh was yet between their teeth [. . . when the anger of God was inflamed against the people and God struck the people with a very severe plague]"** (Numbers 11:33) (We learn that they died immediately). **And it is written: "Yet a whole month"** ["Not one day shall you eat . . . but a whole month, until it comes out of your nostrils and is loathsome to you."] (Numbers 11:20). **How is it possible** (to reconcile these quotations?) **The average people died immediately. But the wicked continued to suffer for a whole month** (and they then died after that).

(It is written): **"And they spread them all abroad נִשְׁחָחוּ לָהֶם שְׂטוֹחַ"** (Num. 11:32). Reish Lakish taught regarding this: Do not read this as **"they spread them נִשְׁחָחוּ"** but rather as **"they were slaughtered נִשְׁחָחְטוּ"**. This teaches us that the enemies of Israel (a euphemism for Israel) were punished by **slaughter** (because of this request for meat). **"שְׂטוֹחַ"**

(Note: Both this exegete and the next switch the tet and the chet in order to make their interpretation work.)

It is taught (in a baraita) in the name of Rabbi Yehoshua ben Karchah:

Do not read this as שְׂטוֹחַ but rather as שְׂחָחַט , "ritually slaughtered." This teaches that what came down to Israel with the manna was **something requiring slaughter** (that is to say: species of fowl).

Rabbi taught: Do you really learn this from this text (Is it necessary to bend the language of Scripture in this way)? **Has not Scripture already taught us "And He rained meat upon them like dust and feathered birds like the sand of the sea" (Psalm 78:27)? And it is taught in (another) baraita (in connection with this): Rabbi taught: "you shall kill of your heard and your flock . . as I have commanded you" (Deut. 12:21). This teaches that Moses was commanded** (regarding the laws of ritual slaughter that one must cut) **the esophagus and the windpipe** (at the neck), **regarding** (the cutting of) **the majority of one** (of the two pipes) **for the**

fowl and the majority of both (pipes) **on the beast** (and the rest of the laws of ritual slaughter.] And since according to the opinion of Rabbi we cannot learn from the word שטור about the issue of slaughter,) **why, rather, does Scripture say שְׁטוֹחַ? To teach that the quail came down to them in layers מְשֻׁטָּחִין** (in a straight line).

d) It is written (of the manna) **"bread"** (Shemot 16:4) and it is written **"oil"** (Numbers 11:8) and it is written **"honey"** (Shemot 16:31). **Rabbi Yossi said in the name of Rabbi Chanina: To the youth it was** (like) **bread, to the elders oil, and to the children honey** (each one according to what was sweet to him).

e) It is written (of the quail) **"שְׁלִי"** (with a shin) **but we read it** (like a sin, as though it were) **"סְלִי"** (and what does this come to teach us?) **Rabbi Chanina says: The righteous eat it בְּשָׁלוֹחַ -- in peace--**, the wicked eat it and it resembles to them **בְּסִילָוִין -- like thorns.**

(And further on the matter of quail:) **Rav Chanin bar Rava said: there are four species of quail [fat birds] and these are they: The thrush, the partridge, the pheasant, and the quail proper. The best of all of them** (in taste) **is the thrush and the least of all of them is the quail** (that God gave the Israelites).

(And now we discuss further the negative characteristics of the quail): **It is the size of a small bird (tzippur) and one places it in the oven and it swells up and fills the oven, and one places it on top of thirteen cakes** (of bread) **and even the least** (of the cakes, on the bottom of the stack) **cannot be eaten except in combination** (with other foods, because of the excess of oil in it.⁴⁵)

45. Rashi: The quail is so fatty that the oil seeps down to the bottom cakes -- and all the more so to the ones on top.

[Note: This entire section describes the quail given the Israelites in entirely negative terms, as befitting their improper request to God: God gives them the least desirable type of quail, which is small and fatty and ruins any food that comes in touch with it. A pile of bread is required to sop up the fat underneath it, and even thirteen cakes of bread can hardly handle all the grease.]

(On the other hand, worthy scholars were blessed with good quail from heaven:)

(It is said): Rav Yehuda would find them (the quail) between his barrels. Rav Hisda would find them among twigs. Rava's field laborer would bring them to him every day. One day he did not bring them and he said: What's this (why is this day different from all other days)? He went up to the roof and heard a child reciting the verse "When I heard, my belly trembled; [at the sound, my lips quivered. Rottenness enters my bones, and I tremble where I stand that I should wait for the day of trouble]" (Habakkuk 3:16). Rava said: Learn from this that Rav Hisda's soul is at rest⁴⁶ (that he is dead) and that it is through the merit of the teacher that the student eats. (When Chisda was alive, it was through his merit the quail came to me; now that he is dead I am not so worthy).

f) It is written, "*And when the layer of dew had gone up [behold, on the surface of the wilderness there lay a fine flaky surface, fine like hoar frost on the ground]" (Shemot 16:14) (According to this verse, the dew covered the manna). But it is also written, "When the dew descended [upon the camp at night, the manna fell upon it]" (Numbers 11:9) (indicating that the manna covered the dew. So how can we reconcile these verses?). Rabbi Yossi said in the name of Rabbi Chanina: There was dew above and there was dew below (and the manna was between them), and it resembled something resting in a box (of dew).*

4. The rabbis play with vocalizations to reinterpret the text

a) *(It is written in Shemot 16:14:) "a fine, flaky surface מַחֲסַפֵּס." Reish Lakish said: This was something that is dissolved מָח upon the wrist of the hand פֶּס (which is very soft and melts instantly). Rabbi Yochanan said: It is something absorbed by the two hundred and forty-eight parts of the body אַבְרִים (just as the heretics are absorbed and vanish--Note: Numerical value of the word is 248).*

46. Rashi: Rav Chisda was Rava's father-in-law as well as his teacher.

1) the Gemara raises an objection

"מְחֻסָּפֵס" (If you consider all of the letters, [including the vowels]) it adds up to more (than two hundred and forty eight)!

2) The Gemara refutes the objection

Rav Nachman Bar Yitzchak noted: But it is written "מְחֻסָּפֵס" (chaseir, and since it is written chaseir, it is exactly 248.)

b) The rabbis taught in a baraita:

"[The manna rained down upon them to eat and gave them of the corn of heaven;] Man ate the bread of the mighty אֱבִירִים" (Psalm 78:24-25).

This is the bread which the ministering angels ate of, according to R. Akiva. But when these words were spoken before Rabbi Yishmael he said to them: Go forth and tell Akiva: Akiva, you are mistaken! Can ministering angels really eat bread? Has not Scripture already taught (of Moses when he ascended to the heavenly heights): "I did not eat bread nor drink water"? (And just as a man who ascends the heavenly heights is not dependent on food and water, all the more so the angels!) Rather, how do I interpret "אֱבִירִים"? It was bread of the organs -- bread that is absorbed by the two hundred and forty eight organs אֲבִירֵי of the human body (and so does not produce bodily waste.)

1) The rabbis raise an objection to this interpretation

(If that is so, then) how do you explain the verses "You shall have a spade among your weapons and when you ease yourself outside, you shall dig with it", "You shall have a place also outside the camp where you shall withdraw yourself"? (Deut. 23:14, 13 -- From this it's possible to learn that there was indeed waste in their bowels so that it would be necessary to go out and relieve themselves.)

2) Yishmael explains

(This human waste was not produced by eating the manna, but rather from) foods that foreign merchants were selling to them.

3) One rabbi raises an objection

Rabbi Elazar Ben Perata said: Even foods that foreign merchants were selling to them, the manna would intercede *(and cause everything to be absorbed completely without waste).* **So then how do I understand the phrase "You shall have a spade among your weapons"?**

4) The discrepancy is explained

After they sinned (and the manna was not useful to this extent,) the Holy One Blessed Be He said: I said (at first) that they would be like the ministering angels (who don't have to empty their small intestines) -- now I will burden them by moving them three miles (to go outside the camp to do their business).

(The Gemara now picks up the narrative and offers proof of this last statement:)

As it is written, "And they pitched their tents by the Jordan from Bet-hayeshimot to Avel-hashittim in the plains of Moab" (Numbers 33:49). And Rabbah Bar Bar Chana said: I myself have seen this place and it is three miles across.

And it was taught in a baraita: When they ease themselves they do not do so before them nor to the side but rather behind them *(outside the camp in a place in which they had already traveled. And therefore all of them had to go far outside the camp.)*

(And Scripture writes of the complaint of Israel:) **"And now our souls are dried up; there is nothing at all except this manna before us" (Numbers 11:6).**

This is what they were really saying: That in the future this manna would swell up in their bowels (and would cause them to be sick), for is there a single one born of woman who takes in (food) and not eliminate it?

(The Gemara now gives us a different version of the Yishmael baraita:)

And when these words were said before Rabbi Yishmael, he said to them: Do not read it as אַפְיִים (mighty ones) but rather as אֲנָפִים (body parts) -- something which is absorbed by the two hundred and forty eight organs of the body (and this was what he intended with the manna). So how do I interpret "You shall have a spade among your weapons" (in order to dig holes for defecation)? It speaks of the the foods that came to them from the province of the sea.

(The baraita now gives us) Another interpretation of "the bread of the mighty shall a man eat" [p. 76a]: This is Joshua, to whom the manna descended as it did with all of Israel. For it is written here "וַיֵּשׁ" and it is written there "Take for yourself Joshua bin Nun, a man וַיֵּשׁ in whom there is spirit" (Numbers. 27:18).

(By a gezerah shavah on the word וַיֵּשׁ, we learn that Psalm 78:25 was referring to Joshua bin Nun)

a) The Gemara object to this gezerah shavah in the baraita

But I could say that it's referring to Moses, for it is written: "The man וַיֵּשׁ Moses was very humble" (Numbers 12:3).

b) The Gemara responds

One may infer "man וַיֵּשׁ" from "man וַיֵּשׁ " but one may not infer "man וַיֵּשׁ" from "the man וַיֵּשׁ."

c) (And also on the subject of manna, another baraita:) **Rabbi Shimon Ben Yochai's students asked him: For what reason did the manna not descend to Israel once a year** (to suffice for all their needs, instead of descending every day)? **He said to them: I will explain it to you in a parable: To what may this be compared? To a king of flesh and blood who had one son. He supplied him with his food** (his monetary sustenance) **one time a year, and he visited his father only once a year** (for his need). **So he began to provide him with his food every day, and the son visited his father every day. So too Israel: One who has four or five sons would worry and say: Perhaps the manna will not fall tomorrow and all will be found dead from hunger. (Therefore) all were found to turn their attentions to their father in heaven** (therefore it came down every day so all of Israel would turn the intention of the heart to God) **Another explanation [of why they got it every day]: That they would eat it when it was warm** (and tasty). **Another explanation: Because of the burden of the journey** (They were not in one place, and if they would need to move from place to place, they would be burdened by it. Therefore, in every place they went to, the manna would come to them).

d) (And now another baraita in which the rabbis discuss the manna:) **Long ago, it happened that Rabbi Tarfon and Rabbi Yishmael and the elders sat and busied themselves with the parashah about the manna, and Rabbi Elazar of Modiin sat among them. Rabbi Elazar of Modiin interpreted, saying: The manna that fell to the Israelites was sixty cubits high.**

Rabbi Tarfon said to him: You Modaite! How long will you pick up frivolous arguments (lit: gather twigs together) and bring them to us!

He responded: My teacher, I am expounding from Scripture. (How? It is written of the flood): "Fifteen cubits upward did the waters prevail; and the

mountains were covered" (*Bereshit 7:20*). *And was this in fact fifteen cubits high in the valley, fifteen cubits in the lowland, and fifteen cubits high on the mountains? And was the water really standing like so many walls (that the water stood exactly according to the height of the place)? And further: How could the ark move (and keep watch over the waters if the waters were not equal)? Rather, all of the fountains of the great deep burst open until the water rose to the top of the mountains, and afterwards "fifteen cubits upward did the waters prevail." And so which measure is greater, the measure of goodness or the measure of divine retribution? You must conclude that the measure of goodness comes from the measure of divine retribution.*⁴⁷ (*For behold,*) *Regarding the measure of divine retribution, Scripture says: "the windows of heaven were opened" (Bereshit 7:11). (And) regarding the measure of goodness (of the manna), Scripture says "though He commanded the clouds from above and opened the doors of heaven, and rained down manna upon them to eat, and gave them of the corn of heaven." (Psalm 78:23-24). (and from this we consider:) How many windows are in a door? (at least) Four (according to the size); (four plus) four (in two doors--דלת שמים) -- behold here we have eight (and if the flood came down according to the phrase from "windows of heaven," behold the manna descended multiplied by four from the flood) -- and thus we find the manna that descended upon Israel was sixty cubits high (multiply four by fifteen cubits of the flood).*

(Math time: We have at least two doors of heaven (via Psalm quote) and each door has at least four windows. That makes eight windows to heaven giving goodness. With the punishment of the flood, we know of at least two windows (*Bereshit 7:11*) and we know that each of those windows produced fifteen cubits of rain (*Bereshit 7:20*). So we know each window of heaven, when it comes to punishment, produces 15 cubits. Therefore, with regard to reward, each window has to produce at least fifteen cubits because the measure of reward is greater than the measure of punishment. Eight windows times 15 cubits gives us at least 60 cubits of manna.)

47. בי"ח (R. Yoel Sirkes, 17th century Poland) adds the word מרובה and emends the text to read: "You must conclude that the measure of goodness is greater than the measure of divine retribution."

e) Similarly, it is taught in a baraita: *Issi Ben Yehuda said: The manna that descended to Israel rose so high that all of the kings of the east and the west saw it, as it is written, "You have set a table before me in the presence of my enemies [and anointed my head with oil; my cup overflows]" (Psalm 23:5).*

(The Gemara now takes up the discussion)

"My cup overflows." Abbaye said: Learn from this that the cup of David in the world to come will hold 221 logs⁴⁸, as it is written, " my cup overflows **כּוֹסִי רוֹיֵחַ** ". This is the numerical equivalent of the word **רוֹיֵחַ** in Gematria.

1) The Gemara raises an objection to the previous baraita quoting Rabbi Elazar of Modiin, who calculated the amount of manna from the amount of water in the Flood

Surely you can't compare them! There, (the flood waters rose over) forty days whereas here, it's just one hour! There, the whole world (was engulfed by the flood) whereas here, it's for Israel alone and it should have been higher still (according to the calculation).

2) The Gemara resolves the objection by explaining how Elazar actually reached his conclusion

Rabbi Elazar of Modiin (in the baraita) drew the conclusion from פתיחה and **פתיחה** (He learned it through a gezarah shavah, which used the language of opening the heavens in two separate scriptural verses, learning that the phrase "opening" the sky was used

48. A "log" is the basic unit of liquid measurement in the Talmud. It is equivalent to the volume of six eggs.

*both to refer to the Flood [Bereshit 7:11] and to the falling of the manna [Psalm 78:23].)*⁴⁹

49. Rashi: Just as the פתיחה , the "opening" of the windows during the Flood, caused fifteen *amot* to flow per two windows, so too the פתיחה , the "opening" of the doors, led to fifteen *amot* of manna falling through every two windows.

[bottom p. 76a--five afflictions]

[Note: The Gemara now returns to the first statement in the Mishnah regarding the afflictions and questions the number and content]

D. The Scriptural Basis for "five afflictions"

1. The Gemara asks:

"It is forbidden to eat [(and drink, wash, anoint, wear shoes, and have sex) on Yom Kippur]" These five afflictions -- to what do they correspond? *(that is to say, what is the Scriptural source that hints about them?)*

2. The Gemara replies:

Rav Chisda said: They correspond to the five afflictions that are in **the Torah** *(that is, five times does the Torah mention the obligation of the afflictions of Yom Hakippurim, as it is written):* **"And you shall have on the tenth day of this seventh month a holy gathering, and you shall afflict your souls"** (Numbers 29:7); **"Also on the tenth day of this seventh month there shall be a day of atonement: it shall be a holy gathering to you; and you shall afflict your souls"** (Leviticus 23:27); **"It shall be to you a sabbath of solemn rest, and you shall afflict your souls"** (Leviticus 23:32); **"It shall be a sabbath of solemn rest to you, and you shall afflict your souls"** (Leviticus 16:31); **"And this shall be a statute for ever to you: that in the seventh month, on the tenth day of the month, you shall afflict your souls"** (Leviticus 16:29).

3. The Gemara raises a kasha

But are there just five of them? We have learned six in the Mishnah!

(that is: eating, drinking, washing, anointing, sex, and sandals)

4. The Gemara defeats the kasha

Drinking is included in the general category of eating *(so the two are considered one affliction).*

a) Gemara offers proof for this

As Reish Lakish said: From what scriptural source do we know that drinking is included in the category of eating? As it is written, "*And you shall eat before the Lord your God . . . the tithe of your corn and of your wine תירוש and of your oil*" (Deut. 14:23). The "tirosh" is wine and it is referred to under "*you shall eat*" (teaching us that references to eating also include drinking).

b) The Gemara challenges this proof

How do we know that? Perhaps it is used as an admixture to anigaron!⁵⁰ For Rava bar Samuel said: Anigaron contains the juice of beets; aksigaron, the sauce of all kinds of boiled vegetables.⁵¹

c) Gemara concedes the problem, offers an alternative proof text

Rather, Rav Acha bar Yaakov said: From *this* do we derive (proof): "*And you shall bestow that money on all that your heart desires, on oxen, or sheep, or wine, or strong drink נֶשֶׁךְ, or whatever your soul requires*" (Deut. 14:26a). "Strong drink--נֶשֶׁךְ" -- this is drinking, yet Scripture then refers to it as "*you shall eat*" (Deut. 14:26b)

d) Gemara objects to this proof too

How do we know that (what proof do you have)? Perhaps here also Scripture is referring to the anigaron!

50. Anigaron is a sauce of oil and garum to which wine is sometimes added. If the "tirosh" is referred to as an ingredient in a food dish, then it is not really שתיה . If that's so, then the verse from Deuteronomy 14:23 is not conclusive proof that drinking should be subsumed under the category of eating.

51. Rashi: Anigaron is a type of food to into which wine was mixed. In a number of places in the Tosefta, anigaron and aksigaron are described as having wine and oil mixed in.

e) Gemara responds to this objection

Scripture writes "strong drink **שֵׁכָר**" (and intends it to mean) something that makes one drunk.⁵²

f) Gemara persists in the objection, raises another kasha

But perhaps (that's not what it means at all. Rather, maybe it really is food which causes drunkenness -- for example:) "**deveilah**" from Keilah **דְּבִילָה קְעִילִית**?⁵³ For we have learned in a baraita: [The priest] ate the dried figs of Keilah and drank honey and milk and entered into the Mikdash (to do his service) [p. 76b] and thus he is culpable.⁵⁴

g) Gemara answers this objection

Rather, derive (the inclusion of drinking in the eating category from) **this** (gezerah shavah on the words) **שֵׁכָר** and **שֵׁכָר** from the (Scriptural passage on the) **Nazir**. Just as farther on it says **יין** (regarding the nazarite, שֵׁכָר is interpreted as actual wine) , so too here it means **יין** (actual wine and not dried figs).

(The Gemara, in attempting to show that drinking is included in the category of eating (from Deut. 14:23), has done so on the assumption that tirosh is wine. Now the Gemara will challenge that assumption.)

52. Rashi: And one cannot get drunk from eating.

53. The דְּבִילָה is a dried fig, very sweet, which comes from Keilah, a town in the lowland district of Judea.

54. Rashi: He is culpable because of the use of the word שֵׁכָר in the following Scriptural verse: "God spoke to Aaron, saying: 'Wine and **ושֵׁכָר** you shall not drink, neither you nor your sons with you, when you enter the Tent of Meeting, lest you die'" (Lev. 10:9). [If we understand שֵׁכָר to be anything that makes one intoxicated or disoriented, it is possible to interpret שֵׁכָר in Scripture as this dried fig or some other food. It doesn't necessarily have to be a drink, and therefore the text cannot be used to prove that drinking should be included in the category of "eating," for the purposes of the Yom Kippur afflictions.]

5. Gemara challenges the legitimacy of the proof-text

a) The challenge

But is "tirosh" really wine? For behold we learn in a baraita:

The one who makes a vow to abstain from "tirosh" -- he is forbidden from any type of sweet wine (for instance, the fruit of sweet things) but he is permitted to drink regular wine -- יין (and thus "tirosh" is not wine!)

b) Gemara responds to the challenge

But is tirosh not wine? Behold, it is written, "[corn shall make young men flourish] and new wine (tirosh), virgins" (Zecharia 9:17). (that is to say that tirosh opens wide the heart and the mouth (יָנוּחַ is from נִיח -- speech) of the drinker, even virgins who are modest and "closed," so we learn that "tirosh" is wine!)

c) Gemara deflects the proof

(No, the verse means that) **The thing that comes from the tirosh makes the virgins flourish** (that is, the tirosh itself are sweet grapes, and the wine is called "tirosh" because it is made from the tirosh. So tirosh is not wine.)

d) Gemara again tries to prove that tirosh is wine

Behold it is written, "**Your vats shall burst with new wine (tirosh)**" (Prov. 3:10) (and this teaches us that tirosh IS wine).

e) Gemara rejects this proof, too

(They respond: Also here there is no proof, for it is possible to say that) **something which derives from the tirosh shall burst from the vats.** (So perhaps tirosh is not wine but is only the grapes).

f) Gemara finds a way to prove that tirosh is wine in a way that everybody can agree with

Behold Scripture states: "Harlotry and wine and tirosh capture the heart" (Hosea 4:11) (so it's clear from this that tirosh IS wine, which opens wide the heart)⁵⁵.

g) One more problem to be solved: Why does the baraita above then prohibit sweets to the one who makes a vow against tirosh but allows him wine?

Rather, everyone agrees that tirosh (as written in Scripture) is wine. But with regard to vows, we follow the common language of people.⁵⁶

(So now we've accepted the fact that tirosh is wine, which validates the proof-text, which validates the concept that drinking is included in the general category of drinking. That means we do have five afflictions, not six -- there's no disagreement among the texts. But there's still a problem to be solved.)

6. Gemara raises another question about the proof-texts

a) Question

(If this is so,) **why is it called in Scripture both wine and tirosh?**

b) Gemara responds

Wine (hints) that it brings lamentation to the world⁵⁷, and tirosh because all who indulge in it are made poor.⁵⁸

c) Gemara notes a spelling issue

i) Rav Kahana pointed out a contradiction: **It is written**

תירש but we read it (according to k'tiv male) as **תירוש** (which renders this meaning): **If**

55. Rashi: Tirosh cannot be just the grapes because eating grapes does not make one intoxicated.

56. Rashi: But it is not the way of people generally to call wine "tirosh." Therefore, the one who makes such a vow is permitted to have wine.

57. Rashi: Wine causes a great deal of lewdness and causes Divine retribution to come into the world. The word for wine יין is related to תאניה and יללה, "lamentation." [See Eicha 2:5: וירב יללה -- "God has increased among fair Judah wailing and lamentation."]

58. תירש derived from the word רש, as if to say, "You shall become poor".

he is worthy,⁵⁹ he is made a leader רֹאשׁ⁶⁰, but if he is not worthy, he is made poor רֵשׁ (according to how it's written).

ii) This is identical with Rava, when Rava pointed out a contradiction: It is written יִשְׂמַח (the ketiv is with a shin) but we read it as יִשְׂמַח (the kere is with a sin, which tells us:) -- If he has merit, מְשַׂמְחו , it (the wine) makes him happy; but if he does not have merit, מְשַׂמְחו , it (the wine) makes him desolate (makes him bewildered). And this is the same thing as Rava said: Wine and spices open my eyes (put me in control of all my faculties. Behold the wine brings benefit to he who merits it).⁶¹

(The Gemara is done with the eating and drinking issue for now. Now we go back to the Mishnah and look at the next two afflictions, washing and anointing)

E. Washing and Anointing as Afflictions

1. The Gemara asks:

Washing and anointing: From what Scriptural source do we know that these are called afflictions?

2. The Gemara answers:

It is written, "I ate no pleasant bread, nor did meat or wine come into my mouth, nor did I anoint myself at all" (Daniel 10:3).

59. Rashi: That is, if he drinks appropriately.

60. Rashi: Because the wine opens his heart to wisdom.

61. Rashi: Regarding Psalm 104:15, "Wine gladdens the heart of man." With a *shin*, this would be the language of שממה , of desolation, but we read it as "wine gladdens the heart" with a *sin*, giving us the language of שמחה , rejoicing.

[Note: Rava's comment is a puzzlement. The Masoretic tradition does indeed give the word as יִשְׂמַח , as rejoicing. But there is no indication that the *ketiv* was ever with a *shin*. Biblia Hebraica has a מסורה קטנה note above the word as something of a question mark but does not give an alternative *ketiv* in the margins.]

a) Clarification of language

What does "*I ate no pleasant bread*" mean? Rav Yehuda son of Rav Shmuel bar Sheilit said: Even bread of pure refined wheat he did not eat.

b) Continuation of proof

But where do we learn that (*Daniel considered deprivation from*) anointing to be an affliction? As it is written, "*And he [the angel Gabriel] said to me: Do not fear, Daniel, for from the first day when you gave your heart to understanding and to afflict yourself before your God, your words were heard and I have come because of your words*" (Daniel 10:12), "*For you are greatly beloved*" (Daniel 9:23).

c) Gemara raises a question now about bathing

So we find from this the proof that anointing is called an affliction -- but what about washing? From what scriptural source do we know that refraining from this too is an affliction?

d) Gemara responds with this proof:

i) Proof

Rav Zutra said in the name of Rabi Tuvia: Scripture said "*And it came into his bowels like water, and like oil into his bones*" (Psalm 109:18).

ii) Gemara challenges proof

But I could say that the "*water within him*" means he was drinking it!

iii) Gemara deflects the challenge

This [the water] can be compared to oil. Just as oil is applied externally, so too the water is applied externally. [*here they derive the water from the oil*]

[Note: This means that the verse speaks of water that is applied externally through washing, and then is absorbed into the skin the same way oil is. That makes abstaining from washing an affliction]

iv) Gemara raises another challenge

But behold a Tanna takes this to be just the opposite, as we have learned (in a Mishnah on Shabbat 86a): From what Scriptural source do we learn that anointing is like drinking on Yom Hakippurim? Even though there is no proof of this, there is an allusion to it in Scripture, as it is written, "And it came like water into his bowels and like oil into his bones." (The oil was in his body just like the water in his bowels, teaching us that we understand "like water in his bowels" with meaning of drinking) [here they derive the oil from the water].

[Note: This Tanna thinks we're talking about water for drinking, not for bathing. He expounds a law about the oil based on the water. That means that the verse cannot teach that abstaining from washing is an affliction]

v) Gemara is forced to offer a different proof-text for abstention from bathing being an affliction

Rather Rav Ashi said: Of the [prohibition against the]washing of the body the Scriptural verse itself teaches us, as it is written, "I did not anoint myself at all וְסוּךְ לֹא סָכַתִּי" (Daniel 10:3).⁶²

* * * * *

62. Rashi: Daniel mentions anointing and we derive through *ribui* [that it also refers to washing] because of the language of the verse, וְסוּךְ לֹא סָכַתִּי . It would have been sufficient to write just לֹא סָכַתִּי . [Since Scripture gives us an otherwise superfluous word, we understand that word to refer to something else -- and that something else is washing.]

[Now we take a little detour from the discussion of the five afflictions to look at Gabriel's words to Daniel in 10:12, which were mentioned above.]

(Since Scripture on Daniel has been mentioned, the Gemara asks:) **What does "I came because of your words" mean?**⁶³

The Gemara now looks at the circumstances of this expulsion.

This is the same as is written in Ezekiel (8:11, 3): "And there stood before them seventy of the elders of the House of Israel and in the midst of them stood Ya'azanyahu son of Shaphan; every man with his censer in his hand; and a thick cloud of incense went up. . . . " (Ezekiel saw how the elders of Israel worshiped idols) "and he held out the shape of a hand and he took me by a lock of (the hair on) my head, and the wind lifted me up between the earth and the heavens and brought me to Jerusalem in the visions of God, to the door of the inner gate that looks north -- which is the [p. 77a] seat of jealousy, which provokes one to jealousy . . . And he brought me to the inner courtyard of the House of God, and behold, at the entrance to the temple of God, between the porch and the altar, were about twenty-five men with their backs to the temple of God and their faces eastward and they prostrated themselves to the east, to the sun" (Ezek. 8:16).

Gemara looks at the last part of this statement

Now, from the phrase "and their faces were towards the east," do I not know by implication that their backs were to the temple of God? So why then does Scripture have to tell us that their backs were to the temple of God? To teach us that they were uncovering themselves, and that they were relieving their bowels towards below (that is to say, towards the Shechina.).

63. Rashi: Gabriel said "I have come because of your words," indicating "I have entered into the heavenly court for your sake." But at what point had he been expelled from the heavenly court, that he now found it necessary to re-enter?

The Holy One Blessed Be He said to Michael: Michael! Your nation has sinned! He said before Him: Master of the Universe, it is sufficient *(that God save the nation for the sake of)* the good ones among them . He said to him: I will consume them and the good among them *(for they are not wiping out the sinners)*. Immediately, "*And he spoke to the man clothed in linen*⁶⁴ *and he said: 'Go in between the wheelworks, under the cherub, and fill your hands with coals of fire from between the cherubim and scatter them all over the city.'* And he [Gabriel] went in before my eyes" (Ezekiel 10:2).

Immediately, "*and one cherub stretched out his hand from between the cherubim unto the fire that was between the cherubim, and he took and put it into the hands of the man dressed in linen, who took it and went out*" (Ezek. 10:7).

Okay, so how does this explain Gabriel's expulsion from the Heavenly Court?

Rav Chana bar Bizna said in the name of Rabbi Shimon Chasida: Were it not for the fact that the burning coals became cold when transferred from the hand of the cherub into the hand of Gabriel, no remnant or survivor would have been left from the enemies of Israel (*a euphemism for Israel herself*).

[In other words, Gabriel didn't do what he was told. He was supposed to go between the cherubim and get the coals himself, which he would then scatter in Jerusalem to destroy the city. Instead, he let the cherubim get them and place them in his hands. That allowed just enough time for the coals to cool off and lose their usefulness. So when he says he did as he was commanded to do (see below), that's not true.]

And it is written, "*And behold, the man clothed in linen, who had the inkwell by his side, reported the matter, saying 'I have done as you commanded me'*" (Ezek. 9:11). Rabbi Yochanan said: At that moment they cast Gabriel out from behind the curtain, and they lashed him with sixty

64. Rashi: This man dressed in linen is identified as Gabriel in the Book of Daniel.

rods of fire. And they said to him: If you hadn't done it, [we could accept the fact that] you just didn't do it . But if you did do it, why did you not do as you were commanded (but rather changed it)? And further: Do you not subscribe to (the notion that) one must not return in disgrace? (That is to say, none must not deliver judgment or punishment that compromises the message of divine judgment and disgrace.)

(So what happened next? Subjugation of the Jews by the Persians:)

And then they brought in Dubiel, guardian angel of the Persians, and they put him in (Gabriel's) place and he served for twenty one days. This is the meaning of what is written, "The guardian angel of the kingdom of Persia stood with me twenty-one days, but behold, Michael, one of the chief angels, came to help me, for I had remained there with the king of Persia" (Daniel 10:13). And they gave (to the guardian angel of the Persians) twenty-one kings (that they would rule over them) and the harbors of Mashig. He (the guardian angel of the Persians) said: Write down for me about Israel regarding the head tax (for the Israelites will have to make good on the taxes). They wrote it for him as he requested. Write me about the rabbis with regard to the head tax! They wrote it for him. At the time they sought to seal it, Gabriel stood up from behind the curtain and said, "It is vain for you to rise up early, to sit up late, to eat the bread of toil, for truly to his beloved he gives tranquility לִידִידוֹ שָׁנָא" (Psalm 127:2).

What is meant by "for truly to his beloved he gives tranquility לִידִידוֹ שָׁנָא"? Rabbi Yitzchak said: These are the wives of Torah scholars, who chase sleep (from their eyes) in this world (and wait for their husbands, who rise up early and sit up late engaging in Torah) and they merit the world to come (so shall this be their reward, that they should pile more taxes upon them?!)

But they did not pay attention to [Gabriel]. [Gabriel] said before [God]: Master of the Universe! If all the sages of the nations of the world were to be placed on one side of a scale, and Daniel, a beloved man, on the other, would he not be found to outweigh them all? The Holy One Blessed Be He said: Who is this who pleads for my children? They [the other angels] said before Him: Master of the Universe, it is Gabriel. He said to them: Let him come. As it is written, "*And I have come because of your words*" (Daniel 10:12).⁶⁵ He said to them: Let him enter. They brought him in. He came in and found Dubiel, the guardian angel of the Persians, grasping his letter in his hand. He sought to tear it from him, and Dubiel swallowed it. There are those who say that the letter was only written but not signed, and there are those who say that it was signed as well, but when he swallowed it he blotted out the signature. This is why in the Persian kingdom there are some who pay the head tax and some who do not pay the head tax (*because the decree was not completely erased*).

(And further it is written there in Gabriel's words:) "*And I when I depart from him, lo, the ministering angel of Greece shall come*" (Daniel. 10:20). [Gabriel] cried out and cried out, (*pleading*) that (*the kings of Greece*) not rule over Israel, but no one paid attention to him.

* * * * *

65. Rashi: That is, because I spoke up for you [I merited returning to the heavenly court].

(Gemara now returns to the subject at hand, the five afflictions. We already had Rav Ashi citing Daniel 10:3 as a proof-text to show that washing is an affliction. Now Gemara offers a second Scriptural text as proof that abstention from washing is an affliction.)

Or, if you like, I can say: From what Scriptural source do we know that washing is called an affliction? From here, as it is written, "*And to Abiathar the Priest, King Solomon said: Go to Anatot, to your field. For you are a man deserving of death. You shall not die today, though, because you carried the Ark of God before David my father, and because you have been afflicted **הִתְעַנָּה** with everything with which my father was afflicted **הִתְעַנָּה***" (I Kings 2:26).⁶⁶ And of David it is also written, "*For they said, 'The people are hungry and weary and thirsty in the wilderness'*" (II Samuel 17:29). "*Hungry*" (from not eating) bread; "*thirsty*" from (lack of) water. "*Weary*" -- what is this if not from bathing?

(Gemara now needs to explore this further to prove that abstention from bathing is indeed an affliction)

i) The Gemara raises a kasha

But perhaps this refers to their abstinence from wearing sandals?⁶⁷

ii) The Gemara finds another source

Rather Rabbi Yitzchak said: From this (do we learn of the affliction of bathing): "*Cold water upon a weary **עֵינָהּ** soul*" (Proverbs 25:25).⁶⁸

iii) The Gemara raises another kasha

But perhaps that refers to abstention from drinking?

(That would leave us without proof that abstention from bathing is an affliction.)

66. Rashi: This teaches us that when David fled Jerusalem because of Absalom [and his attempted coup], this was called "affliction" -- "*For they said, 'The people are hungry and weary and thirsty in the wilderness.'*"

67. In II Samuel 15:30, David is described as **יָרַךְ**, going barefoot.

68. This is the same word that II Sam. 17:29 used about David (see above), so by process of *gezerah shavah*, we know that verse was describing washing.

iv) The Gemara refutes that kasha

Is it written **על נפש עיפה**? No, but rather **"נפש עיפה"** (*Not IN a weary soul but ON a weary soul*).

(It's ON the body, not IN the body. Thus it is washing and not drinking. The Gemara has upheld the proof-text and thus the validity of the concept of abstention from washing being an affliction)

(The Gemara has now detailed the proofs for the afflictions of eating/drinking, washing and anointing. Now we turn to the fourth affliction, the wearing of shoes.)

F. Not Wearing Shoes as An Affliction

1. The statement of the Gemara

And the wearing of sandals -- From what Scriptural source do we know that this is an affliction? As it is written, "*David went up to the ascent of the Mount of Olives, weeping as he went up, and his head was covered and he went יחף*" (II Samuel 15:30). And what is the meaning of **יחף**? Is it not to be barefoot?

2. The Gemara refutes this interpretation

But perhaps it means he was bare of horse or whip?

3. The Gemara can't seem to dismiss this refutation and so offers another proof-text for **יחף** being barefoot.

Rather, Rav Nachman bar Yitzchak says: We learn about it from this Scriptural passage: "*Go and loose the sackcloth from your loins and remove the shoe from upon your foot*" (Isaiah 20:2a). And it is further written, "*And he did so, walking naked and יחף*" (Isa. 20:2b). And this **יחף** -- what is this if not barefoot?

4. But the Gemara refutes this proof-text as well

But I could say that the verse is referring to *patched* shoes. For if you do not say this, then "naked" means actually naked! Rather it means he was dressed in rags. Here, too, we're talking about tattered shoes.

5. Gemara tries one more time, offering yet a different source to show that עירום means going barefoot

Rather, Rav Nachman Bar Yitzchak says: We learn the affliction from this Scriptural source: "*Withhold your foot from being unshod and your throat from thirst [but you did say, There is hope; no, for I have loved strangers, and after them will I go]*" (Jeremiah 2:25). *(Its meaning is this:)* Withhold yourself from sin so that your leg will not come into עירום (barefootedness); withhold your tongue from vain words so that your throat will not come to thirst.
(From this we learn that the one who goes barefoot is considered afflicted.)

G. Not having sex as an affliction

1. Gemara's statement and proof-text

Sexual intercourse -- from what Scriptural source do we know that refraining from it is an affliction? As it is written, "*If you should afflict תענה my daughters or if you take other wives*" (Gen. 31:50). [pg. 77b] "*If you afflict*" -- meaning refraining from sexual intercourse *(meaning that he would withhold from them their conjugal rights)*. "*Or if you take*" -- concerns the taking of rival wives *(that he should not take other wives)*.

2. Gemara offers a kasha to this proof

But I could say that *both* of them refer to *(a warning against taking) rival wives* *(and that the second clause merely sheds light on the first)*.

3. Gemara refutes this kasha

Is it written here **אם תקח** ? No, it says **ואם תקח** . *(And from this we learn that they are two separate issues)*⁶⁹

4. Gemara offers the kasha again, with more explanation

But I could still say that both of them are about rival wives, one about rival wives he has now *(that is to say that should he elevate the two handmaidens to higher ranks, they would become rival wives to his daughters)* **and one about rival wives who would come to him from the outside world** *(that he should not take other additional wives).* **This is analogous to "If you take."**

5. Gemara refutes the Kasha yet again

Is it written here **"If you take or if you afflict"**? No, what's written here is **"If you afflict or if you take"** *(teaching us that these two things are two different types of afflictions.)*⁷⁰

6. Gemara now goes about the kasha a different way, from a different proof-text to redefine the "affliction."

Rav Papa said to Abbaye: But is not sex itself called an affliction? As it is written, "And he lay with her and afflicted (defiled) her" (Gen. 34:2-- the rape of Dina)! *(And if so, how can refraining from it be called an affliction?)*

7. Gemara refutes this one as well, so the proof-text stands

He (Abbaye) said to him (Papa): There he afflicted her through other sexual acts. *(That is to say, that he came to her in a way that was not hers, and this kind of*

69. Since the second clause starts with "or", it cannot simply explain the first. The *vav* is a separator. So the first clause has to refer to marital sex.

70. Schottenstein Talmud notes that one who takes an oath forswears the greater evil before the lesser one. The reasoning here by the Gemara is that, if both clauses were talking about new rival wives, Jacob should have stated *"If you take"* first, since the taking of a new rival from the outside is a greater threat to the current wives than is the elevation of a concubine. Since he said *"If you afflict"* first, the Gemara concludes, this phrase cannot refer to rival wives but to abstaining from marital sex.

sexual act truly is called an affliction).

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We now have gone through the Scriptural proof-texts for the five afflictions listed in the Mishnah. Now the Gemara goes back to the general prohibition against washing (we've already looked extensively at eating and drinking) and explores it further, seeking to learn what the parameters are.

H. Restrictions on Washing on Yom Kippur

1. More obvious exceptions to the rule

a) Washing

The rabbis taught in a baraita: *It is forbidden to wash part of one's body as it is forbidden to wash one's entire body. But if he was filthy with mud or excrement, he may wash as he usually does and not worry [about violating the laws of Yom Kippur].*

(You're not washing for pleasure, which is what is prohibited)

b) Anointing

It is forbidden to anoint part of one's body as it is forbidden to anoint all of one's body. But if one is sick or has scabs on his head, he may anoint himself as he usually does and he need not worry [about violating the laws of Yom Kippur].

(treating a person medically with salve does not defy the prohibition)

2. A second, less obvious exception to the rule

a) baraita

It was taught in the school of Menashe (in a baraita): *Rabbi Shimon Ben Gamaliel says: A woman may wash one of her hands with water and give bread to her child, and she need not be worried [about violating the laws of Yom Kippur]. They said to him about Shammai the Elder that he did not want to feed with one hand⁷¹ and they decreed to him that he should give food with both hands.*

71. Rashi: He wouldn't use even one hand to feed bread to his young son on Yom Kippur.

b) Gemara explains the baraita

What is the reason for this? Abbaye said: Because of "shivta."⁷²

3. A third exception to the prohibition against washing

a) The baraita

Our rabbis taught (in a baraita): *The one who goes to visit his father or his teacher or one who is greater than himself (and finds it necessary to cross a river along the way) may cross up to his neck in water and need not worry (about the prohibition against washing on Yom Kippur).*

72. Abbaye's reference to "Shivta" is not explained in the Gemara, but the commentators have a great deal to say about it. Rabbeinu Hananel gives this explanation of the text:

"*Shammai the Elder did not want to feed even with one hand, so the sages decreed upon him that he feed with both hands. What is the reason? On account of שיבתא*," which is best explained as an evil spirit."

Rashi does not take up the issue here, but it does come up in the "Rashi" commentary on *Ta'anit 20b* -- which was attributed to Rashi but was in fact not written by him. Here the Gemara expounds on the virtues of Rav Huna. Among them, say the rabbis:

"*Whenever he discovered some new medicine, he would fill a water jug with it and suspend it above the doorstep and proclaim: Whoever desires it let him come and take of it! Some say מייר מילתא דשיבתא הוה and he would suspend a jug of water and say: Whoever needs it let him come and wash his hands to be free of the danger of it.*"

The "Rashi" on *מילתא דשיבתא* is as follows:

"It is the custom of evil demons to do harm to a person who would eat before ritually washing נוטל his hands. This is our understanding of the שיבתא in *Yoma 77b*: 'Abbaye said: It is on account of the shivta.' Here Huna would suspend a jug of water so that people could wash their hands of the demon."

The Tosafot picks up the explanation in its commentary on our text in *Yoma 77b*:

"According to Rashi, this is an evil spirit that rests on hands that have not been washed in the morning. And Rabbeinu Tam explains that even one who is not going to be feeding a child is permitted to do the regular ritual washing ליטול of one's hands in the morning on Yom Kippur."

The Tosafot then cites the Gemara on *Shabbat 108b-109a*, in which the rabbis discuss the disastrous effects of rubbing one's bodily parts with unwashed hands: "*If the [unwashed] hand be put to the eye, let it be cut off; the hand to the nose, let it be cut off; the hand to the mouth, let it be cut off; the hand to the ear, let it be cut off. . . because the [unwashed] hand leads to blindness, the hand leads to deafness . . . It was taught: Rabbi Nathan said: It [the evil spirit] is a free agent and insists [on remaining on the hands] until one washes his hands three times.*" And this is on account of the 'Bat Melech.'"

But, continues the Tosafot: "The Shivta in our case is another creature entirely, which rests upon food when one comes to feed a child of age four or five and strangles the child, if that person has not washed his hands immediately before the feeding -- even if he has done the ritual washing in the morning. These days people are not careful about this because this evil spirit isn't around."

(Note: He's doing this to perform a mitzvah and not for the purpose of washing)

b) Gemara asks a question about a related situation not covered in the baraita

They asked: The teacher who goes to the home of his student -- what is the law concerning this situation *(Is it permitted for him to cross the river to teach his student)?*

c) Gemara provides an answer:

Come and hear: Rav Yitzchak bar bar Chana said: I once saw Zeiri going *(and crossing the river on his way)* **to the home of Rav Chiyya Bar Ashi, his student.**

d) Rav Ashi objects to this answer--that's not the way it happened!

Rav Ashi said *(no, this is not the teaching; rather:)* **In that situation it was Rav Chiyya Bar Ashi who was going to the home of Zeiri, his teacher** *(and if this is so, we cannot answer our question from this).*

(STAM does not resolve this issue of whether a sage may go through a stream of water on Yom Kippur to get to his student. Now the rabbis note another exception to the prohibition against washing on Yom Kippur)

4. Fourth exception to the prohibition against washing on Yom Kippur

Rava permitted the people of Avar Yemina to pass through water to guard the fruits *(in their fields on Yom Hakippurim).* **Abbaye said to Rava: There is a baraita that supports you: Those who guard the fruit may cross through water until it reaches their necks, and they need not worry** *(on account of the Yom Kippur prohibition).*

5. Fifth exception to the prohibition against washing on Yom Kippur

a) First version

(A further story:) **Rav Yosef permitted the people of Bei Tarbu to pass**

through the water to go listen to the drasha⁷³; however, to return (through the water) he did not permit them. Abbaye said to him: If this is so, you will cause the people to stumble in the future.⁷⁴

b) Second version

There are those who say (that the story goes like this): He [Rav Yosef] permitted them to come (through the water) and he permitted them to return (through the water). Abbaye said to him: It is appropriate that you permit them to come -- that's good. However, to allow them to return (back home through the water) -- what's your reason (for permitting this? Yosef said to him): In order not to cause them to stumble in the future.

6. Sixth exception to the rule (related to #5)

a) Version #1

Rav Yehuda and Rav Shmuel son of Rav Yehuda were standing on the shore of the River Papa⁷⁵ at the ford of Hatsdad, and Rami Bar Papa stood at the far side of the river. He called to them loudly: What is the law about crossing the river to come to you to inquire regarding a point of halakhah? Rav Yehuda said to him: Rav and Shmuel both said: One may cross the river, but only if he does not take his hand out from underneath his shirt

73. Rashi: They would publicly expound Torah in this village on Yom Kippur.

74. Rashi The following year they will not come [to the public drasha on Yom Kippur] since you did not permit them [this year] to cross through the water to return home.

This same rationale -- that the masses would refrain from coming in the future if they could not complete their journey this time -- is used in Mishnah *Rosh Hashanah* 1:6:

מעשה שעברו יותר מארבעים זוג, ועכבן רבי עקיבא בלוד. שלח לו רבן גמליאל, אם מעכב אתה את הרבים, נמצאת מכשילן לעתיד לבא

It happened once that more than forty pairs [of witnesses to the new moon] passed [on their way to court on Shabbat.] Rabbi Akiva detained them in Lod [so that they would not go to the court in violation of the Sabbath]. Rabban Gamaliel sent [word] to him: If you detain the masses, it will be found that you have caused them to stumble in the future.

75. The *Aruch* emends the text to read נהר פרת, the Euphrates River.

*(that he not throw his shirt over his shoulder but go as he is dressed so his clothes get wet.)*⁷⁶

b) Version #2

Some say that Rav Shmuel son of Rav Yehuda said to him: I have received (a baraita--not my own teaching): *One may cross through the water but only if he does not take his hand out from underneath his shirt.*

In exception #4, the baraita permitted those guarding the fruits to go in water up to their necks on Yom Kippur. STAM Talmud now indicates it has a problem with this.

7. Rav Yosef's Problem

a) Kasha

Rav Yosef raised a kasha to this: And during an ordinary day is it permitted in that manner *(to cross deep water like this? But there is a danger of drowning!)* **For it is written, "*He measured a thousand cubits and he made me pass through the water*" (Ezekiel 47:3--the prophet's vision of the Third Temple, with the stream flowing from the Holy of Holies). From this we learn that it's permitted to cross over if the water reaches to the ankles; "*And he measured a thousand and made me pass through the water up to my knees*" -- from this we learn that it is permitted to cross over if the water comes up to the knees; "*And he measured a thousand and he made me pass through water up to my loins*" -- from this we learn that it's permitted to cross water that reaches to the loins. Then it continues: "*And he measured a thousand and it was a river that could not be crossed over.*" *(so when the water had reached above the loins, he couldn't pass over because of the danger!)***

76. Rashi: He may not lift the hem of his clothing and drape it over his arm lest it appear, not like clothing, but like something he is carrying on his shoulders [in violation of the carrying rules of the Sabbath]. The Master said (*Shabbat* 147a): *He who goes out with a cloak folded up and laid about his shoulder on Shabbat is liable for a sin offering.*

b) Gemara's refutation of the kasha

Abbaye said: *(There is no proof in this.) The river is different because its water pours down quickly (and because of this there is a fear that in water deeper than one's loins, one may fall into the water, but in water that is calm it is permitted to cross over even if it is deeper).*

(The Gemara assumes the situation in exception #4 deals with still water, not a raging river. Thus the parameters are different. We can't learn about the situation in #4 from the proof-text in Ezekiel.)

(Since we've brought up now the matter of Ezekiel's vision, in which the river emanating from the Holy of Holies will flow in the the world-to-come, the rabbis now ruminate on this text through a halakhic midrash, to show there would be no crossing it in any way.)

c) More on River of Holy of Holies

One might erroneously conclude that it would be permissible for us to cross over by swimming. So Scripture states: "*For the waters were risen, מי שחו*" (Ezekiel 47:5 -- see above) And what is the meaning of מי שחו? "Water for swimming"⁷⁷ for thus they call the swimmer סייהא .

One might erroneously assume that one could cross the river in a small ship. So Scripture states: "*[But there the Lord in majesty will be for us a place of broad rivers and streams,] wherein no אֱלֹהֵי שֵׁט can go*" (Isaiah 33:21: Description of God in Jerusalem parallel to Ezekiel's vision).

And one might erroneously think that one would be able to cross over in a big ship. So Scripture adds "*neither shall a אֲדִיר be able to pass by it*" (Isa. 33:21b).

(The rabbis recognize that looking only at the Ezekiel proof-text one might make some false assumptions about access across this river. So we need the Isaiah proof-text as well.)

77. Rashi: "That it was fit for swimming." But still "they were waters that could not be crossed over"-- deep enough but too swift-moving.

1) Gemara questions usefulness of the Isaiah proof-text

What does it teach? (*What support does it convey for the rule under discussion*)?

2) Gemara responds to the question

(*The understanding is*) **As Rav Yosef translated it: One cannot cross it in a fishing boat, nor can a mighty ship traverse it.**

(*Now the Gemara continues with more about the stream, using the Isaiah text*)

Rav Yehuda Ben Pezi said: Even the Angel of Death has no permission to pass through it (*to remove the boundary of this river, and the proof is:*) **It is written here: "Wherein no galley with oars שֵׁיט אֱלֹהִים can go"** (Isa. 33:21) and it is written there "[and the Satan responded and said:] . . . from going to and fro on the earth מְשִׁיט בָּאָרֶץ" (Job 1:7 -- the Satan answering God where he has come from).⁷⁸

(*We now get a further description of the stream from the Midrash*)

Rabbi Pinchas said in the name of Rav Huna of Tzipori: The spring which comes forth from the House of the Holy of Holies at its source (*where it is very narrow*) **resembles the antennae of the locust. When it arrives at the entrance of the Temple it becomes like a** (*thicker*) **warp thread. When it arrives at the hall leading to the interior of the Temple it becomes like the** (*even thicker*) **woof thread. When it arrives at the entrance to the Courtyard it becomes like the mouth of a narrow-necked jar.**

And this has the same meaning as what we have learned in a Mishnah (Middot 2:6): Rabbi Eliezer Ben Yaakov says: Water from flasks (*issuing as from the mouths of flasks*) [p. 78a] **will in the future come forth from under the threshold of the House.**

78. Rabbi Yehuda ben Pezi is making a *gezerah shavah* on the words שֵׁיט and מְשִׁיט. He explains them as deriving the same root, thus teaching that the Isaiah text refers to Satan. That mean Satan too did not have the power to cross this river emanating from the Holy of Holies.

From this point onward, (the fountain) swells and rises up until it reaches the entrance to the House of David. When it reaches the entrance to the House of David it becomes like an overflowing wadi in which they wash -- זבין וזבות⁷⁹, נידות⁸⁰, and ויולדות⁸¹, as it is written, "*On that day there shall be a fountain opened to the House of David and to the inhabitants of Jerusalem for cleansing from sin and for purification*" (Zecharia 13:1).

1) Gemara draws a halakhic inference from this verse:

Rav Yosef said: From this we get a hint about the impure woman, who must sit in the water up to her neck *(that this is the depth of water appropriate for one who immerses for purification)*.

2) Gemara rejects this inference in its conclusion

(And they remark:) **But the halakhah does not agree with Yosef.** *(Rather, she can enter into water of any depth, and any water which completely covers her is a fit mikve.)*

That same baraita in Exception #4 above permits crossing a stream on Yom Kippur. The Gemara now uses it to look at what commonality might exist between the laws of Yom Kippur and those of Shabbat -- do the exceptions and leniencies that the rabbis apply to Yom Kippur apply to Shabbat as well?

8. Shoes, Shabbat and Yom Kippur

a) Question #1

(Regarding the law about one who crosses over water for a necessary mitzvah, they ask:)

Regarding Yom Kippur this is all very well, since one may not wear shoes on that day, but on Shabbat, on which one *does* normally wear shoes, what is the law? *(Is one permitted to cross the river wearing one's shoes?)*⁸²

79. Those afflicted with gonorrhea.

80. Ritually impure women.

81. Those women who have given birth.

82. Rashi: Should we permit someone wearing shoes to cross through water on Shabbat, or perhaps should we consider that maybe they would fall off and he would have to carry them [in violation of Shabbat carrying laws]?

b) Gemara's Response

Nechemia the son-in-law of the house of the Nasi said: I saw Rabbi Ammi and Rabbi Assi come to a pool of water *(which it was necessary for them to cross on Shabbat)* **and they crossed it while clothed** *(not removing their shoes).*

c) Gemara raises another related issue

That's all well and good if you're wearing shoes *(since it's possible to secure them tightly).* **But what about if you're wearing sandals?**⁸³ **What can you answer?**

d) Gemara responds

Rav Richumi said: I once saw Ravina cross fully dressed *(and wearing sandals).* **But Rav Ashi said: It is preferable that sandals *not* be worn** *(while one crosses through water on Shabbat, lest the sandal fall off and the person come to retrieve it and carry it in his hand, thus violating the carrying prohibition of Shabbat).*

(This is illustrated by way of this story:) **The Exilarch happened to come to Hagronia**⁸⁴, **to the school of Rav Natan. Rafram and all of the rabbis came**⁸⁵, **but Ravina did not come. The next day Rafram sought to remove from the mind of the Exilarch any anger about Ravina** *(for his absence from the drasha).*

-- He (Rafram) said to him (Ravina): What is the reason that my Master did not come *(on foot)* **to the drasha?**

-- He (Ravina) said to him (Rafram): My leg was hurting me.

--(He said to him:) You should have put on shoes!

-- (He answered him:) The top hurt me. *(that is, the top of my leg hurt, and to put on a shoe would have been difficult)*

83. Rashi: Sandals cannot be fastened tightly on one's feet as shoes can.

84. Rashi: This happened on Shabbat.

Jastrow identifies Hagronia as a Babylonian town and the seat of several scholars.

85. Rashi: To the drasha of the Exilarch.

-- (He said to him:) **You should have worn sandals** (since the top of the leg would have been uncovered in it).

-- **He said to him: A pool of water was in the way** (and it was necessary to cross it).

-- (He responded:) **You should have crossed it clothed** (while wearing sandals).

-- **He (Ravina) said to him (Rafram): But does my Master not hold with this view that Rav Ashi stated: "It is preferable that a sandal not be worn"** (while passing through a stream on the Sabbath)?

(Note contradiction. The Gemara above cites Rav Richumi as saying that he saw Ravina cross water once in sandals. Now Ravina says he won't do that because of Rav Ashi's statement)⁸⁶

9. More applications to the prohibition against washing on Yom Kippur

a) First application -- muddy ground is a no-no

1) Statement

Yehuda Bar Garogarot recited ״אין״ the following baraita: It is forbidden to sit on top of muddy ground on Yom Kippur.⁸⁷

2) Gemara clarifies, narrows the meaning of the baraita

Rabbi Yehoshua Ben Levi said: In muddy ground that oozes moisture (that is to say, that the moisture in it is felt in contact). **Abbaye said: Moist ground that can make something else moist** (that the moisture is so great that everything that comes in contact with it also becomes moist from it).

b) Second application -- Permitted ways to cool off

1) Rule

Rav Yehuda said: It is permitted to cool oneself off with fruits (on Yom

86. Tosafot Yeshanin explains this contradiction by suggesting that there are two scholars named "Ravina," and that the one mentioned in this story is not the one mentioned by Rav Richumi. Alternatively, Tosafot Yeshanin suggests that it *was* the same Ravina but that he just didn't want to deal with Rafram.

87. Rashi: Because the moisture in the mud gives a pleasure close to that of washing.

Kippur without fear that this would be considered washing. And so) Rav Yehuda would cool himself off with a gourd (when he suffered from the heat on Yom Kippur he would cool himself by way of resting a pumpkin on himself). Rabbah would cool himself with a baby (pressing himself against a child whose flesh was cool). Rava would cool himself with a cup of silver.

Gemara's qualification of the rule

Rav Papa said: A silver cup -- if it is full it is prohibited, but if it is not full it is permitted *(if it was full of water it was prohibited but if it was not completely full it was permitted). A cup made of clay is prohibited either way (whether it's completely full or not) because it lets the moisture ooze through (and this would amount to washing).* **Rav (Papa) said: A silver cup that is not full also is prohibited because it may be upset and liquid flow over.**

2) Rule

(It is further related:) **Zeira bar Chama hosted Rabbi Ami and Rabbi Assi and Rabbi Yehoshua Ben Levi and all the rabbis of Caesarea. He said to Rav Yosef son of Rabbi Yehoshua Ben Levi: Son of a Lion! Come and I will tell you something great that your father would do . He would have a towel on Erev Yom Kippur and he would soak it in water and then make it into a kind of dry vessel (it would sufficiently dry). And the next day he would wipe with it on his face and hands and feet. On Erev Tisha b'Av (whose prohibitions are not from Torah but rather from the words of the Soferim alone), he would soak it in water, and the next day he would pass it over his eyes.**

And similarly (וכן) when Rabbah Bar Mari came, he said: On Tisha b'Av they would bring him (R. Yehoshua Ben Levi -- Rif and Rosh) a towel and soak it in water and leave it under his head. And the next day (when all that remained

in it was a little bit of moisture), he would wipe with it on his face and hands and feet. On Erev Yom Kippur they would bring him a towel and he would soak it in water and he would make it into a kind of dry object, and the next day he would pass it over his eyes.

(Note discrepancies between these two versions.⁸⁸ In first, he had enough moisture in the towel to wipe his hands and feet as well as hand on Yom Kippur but not on Tisha

88. Alfasi has the following version of this story:

"Zeira bar Chama hosted Rabbi Yehoshua ben Levi and Rav Ammi and Rav Assi and all of the sages of Caesarea. He once said to Rav Yosef, son of Rabbi Yehoshua ben Levi: Son of a Lion! Come and I will tell you about something great your father would do: On the eve of Tisha b'Av they would bring him a towel, and he would soak it in water and would wipe it on his face, hands and legs. The next day, he would pass it over his eyes without fear [of violating the restrictions on washing.] And on the eve of Yom Kippur he would soak it in water and would make it into sort of a dry article. The following day he would pass it over his eyes without fear [of violating the Yom Kippur restrictions.] And similarly וכך, when Rabbah bar Mari came, he said: Rabbi Yehoshua ben Levi had a towel on Erev Yom Kippur that he would soak in water and make it into sort of a dry article. And the next day he would pass it over his eyes without fear [of violating the Yom Kippur restrictions]. I brought up that on Erev Tisha b'Av he would soak it in water and make it into sort of a dry vessel, and on Erev Yom Kippur he would wipe it on his arms and legs and the next day he would pass it over his eyes without fear, but he did not soak it in water. At first he was troubled about wringing it when he would pass it over his eyes."

Note the vast difference between Alfasi's version and the one in our Gemara: Yom Kippur and Tisha b'Av have now been switched in Zeira's version of the story, with Tisha b'Av coming first. It is clear that on Tisha b'Av he used no special procedure to dry it thoroughly as he did on Yom Kippur. Most importantly, there is no internal contradiction in the text between Zeira and Rabbah bar Mari's versions: Both relate the same story about Erev Yom Kippur, so the וכך that ties the two versions together makes sense. And in both Zeira and Rabbah bar Mari's versions, he only leaves enough moisture in the towel on Yom Kippur to pass it over his eyes; he does not soak it so much that he can wash his legs, arms and face with it. The second paragraph is different: Here Yehoshua ben Levi is said to have wiped his arms and legs on the evening before Yom Kippur but not soaked the towel beforehand, and that it was on Tisha b'Av, and not Yom Kippur, that he was careful to let it dry so thoroughly. Yet at least in this version we get rid of the internal inconsistencies between Zeira and Rabbah bar Mari's versions that mar the story as it appears in the Gemara..

b'Av; in the second related incident, that happened on Tisha b'Av but not Yom Kippur.⁸⁹⁾

Problem with rule #2

Rav Yaakov said to Rabbi Yermiah bar Tachlifa: You told us just the opposite *(that is, what was said about Yom Kippur you said about Tisha b'Av), and we responded to you that this* *(using a moist towel that had not previously been wrung out)* **violated the prohibition against "wringing"** *(for on Yom Kippur the law is like Shabbat and it is forbidden to wring out something).*

* * * * *

89. Rabbeinu Asher relates the story this way:

"Zeiri bar Chama hosted Rabbi Yehoshua ben Levi and Rav Ammi and Rav Assi and all the rabbis of Caesarea. He once said to Yosef, son of Rabbi Yehoshua ben Levi: Son of a Lion! Come and I will tell you about a great thing your father did: On Erev Tisha b'Av, they would bring him a towel and he would use it to wipe his arms and legs. And the next day he would pass it over his eyes without fear [of violating restrictions on bathing]. And on Erev Yom Kippur he would soak it in water and would then make it into sort of a dry article. The next day he would pass it over his eyes without fear [of violating bathing restrictions]. And similarly וכן, when Rabbah bar Mari came he said: Rabbi Yehoshua ben Levi would have a towel and on Erev Yom Kippur he would soak it in water and make it into sort of a dry article. The next day he would pass it over his eyes without fear."

This is exactly the same version that the Alfasi has, indicating perhaps that he used Alfasi's version, minus the comments in the final paragraph, so as to avoid any internal contradictions in the text as we have it in the Gemara.

In his notes on the Gemara, the *Gra* (Rabbi Eliahu, the Vilna Gaon) tries to resolve the problem by removing the word וכן and accepting it as two separate and different versions of these events.

In Section F as outlined above, the rabbis had briefly discussed the halakhah regarding removing one's shoes as an affliction on Yom Kippur. The issue there was in proving that it is indeed an affliction.

In the following section, however, the rabbis are seeking ways to limit the import of that restriction -- that is, they are looking at various ways that "shoe" may be understood, to see if there are exceptions to the affliction law of Yom Kippur, just as they found with washing and anointing, above.

This section focuses on two inquiries of Rabbi Elazar. Rashi notes that the reason they're here is because the second one actually deals with the wearing of sandals on Yom Kippur (the first is an unrelated matter).

I. Exceptions to the Shoe Restriction on Yom Kippur

1. The questions to Rabbi Elazar ben Pedat

a) On ruling on *bechorot*⁹⁰

Rabbi Menashiah bar Tachlifah said in the name of Rav Amram, who said in the name of Rabba bar bar Chana: They asked Rabbi Elazar⁹¹: One who is a sage and sits in the Yeshiva (meaning he is already teaching other sages) -- must he receive permission (from the Nasi) in order to permit the first-born animals (as the rest of the sages are), or does he not need permission?⁹²

1) The Gemara asks

What point are they asking him? (What is the basis for the question?)

90. In *Hilchot Bechorot* (chapter 3, paragraph 1), Rambam states:

"No one may slaughter the *bechor* except on the approval of an expert who has the permission of the Nasi of Eretz Yisrael, and who tells him to approve *bechorot* with blemishes -- even if the blemish is big and obvious to all, no one is permitted except an expert who has permission."

If the *bechor* -- the first-born male of kosher animals -- is found to have a blemish, then it cannot be sacrificed and the Kohen gets to keep it as personal property and eat its meat as non-sanctified (See Rambam's *Hilchot Bechorot*, chapter 1 paragraph 3).

The *bechor* was kept in a pasture until it developed a permanent blemish and then could be slaughtered as non-sacred meat. But most people, as Rambam noted, had to get permission from the Nasi to declare the blemish permanent and thus slaughter it for non-sanctified food. The scholars are asking whether this restriction also pertains to a member of the Sanhedrin.

91. Rashi: The reference is to Rabbi Elazar ben Pedat [the Amora].

92. Rashi: The rabbis say (in *Sanhedrin* 5a): One sage on his own could not permit the first born [that is, declare its blemish permanent and allow it to be eaten as a non-sacred meal] by looking at its blemish; rather he had to get permission from the Nasi. And here they are asking him if a sage who sits as a member of the Sanhedrin is one who needs permission or not. And the text is placed here because it will then say: "He further inquired of him -- what is the law regarding one who goes out wearing a sandal made of rush on Yom Hakippurim."

2) The Gemara responds

This is what they are asking: With reference to what Rav Idi bar Avin said -- "This thing *(that is to say, whether permission is needed from the Nasi)* **is left to the House of the Nasi in order to enhance its prestige** *(that it would become great through it, and therefore)* **-- it is necessary to receive permission** *(since the matter involves the honor of the Nasi)*. **Or perhaps since the sage sits in the Yeshiva, it's not necessary?** *(Does his eminence exempt him?)*

3) One sage's response

Rav Zadok ben Chalukah stood on his feet and said: I saw Rav Yossi ben Zimri, who was a sage and who sat in the Yeshiva, he would stand before the grandfather of the current Nasi and he would get permission to approve the firstborn.

4) Second sage's objection

Rabbi Abba said to him: It did not happen *(as you have described it)*. **Rather, this is how it happened: Rabbi Yossi ben Zimri was a Kohen, and this is** *(the question)* **that he asked of him: Is the halakhah according to Rabbi Meir -- who said "One who is suspected in a matter may neither judge it** *(he has no permit to judge the matter)* **nor act as a witness** *(and may not testify about it. And since we know that Kohanim were suspected of raising a blemish on the firstborn, does that apply even to a sage who sits in the Yeshiva?)* **-- or perhaps the halakhah is according to Rabban Shimon Ben Gamaliel, who said: (Even the suspected one) who is believed concerning his friend but not concerning himself?**⁹³

93. The Mishnah involving this halakhic dispute appears on *Bechorot* 35a:

With respect to all blemishes that may come through the agency of a man, lay Israelite shepherds are trustworthy, whereas priest shepherds are not trustworthy. Rabbi Shimon ben Gamaliel said: He is trustworthy as regards someone else's firstling, but he is not trustworthy as regards his own. Rabbi Meir said: One who is suspected of neglecting any religious matter must not pronounce judgment on it or give evidence concerning it.

And he explained to him: the halakhah is according to Shimon ben Gamaliel. ⁹⁴

b) Question #2 to R. Elazar: How narrowly to define "shoe" for purposes of the Yom Kippur prohibition

1) Question

And they further inquired of him *(that is to say, these same sages who sat before Rabbi Elazar and decided on the various halakhot, a few of whose rulings we have already mentioned -- they sat and judged also with required to this question:)* **What is the law regarding one who goes out wearing a sandal made of [p. 78b] עץ⁹⁵ on Yom Kippur** *(is this considered like a shoe or not)?*

2) Solutions indicating one may wear bamboo sandals

i) One example

Rabbi Yitzchak bar Nachmani got to his feet and said: I saw Rabbi Yehoshua ben Levi go out in sandals made of bamboo on Yom Hakippurim, and I asked him: Regarding a public fast day, what is the law?⁹⁶ **He said to me: It is no different** *(than the laws of Yom Kippur that do not cover bamboo sandals, so on this public fast day they would also be permitted).*

94. The second description of the incident explains that it's not relevant to the issue at hand. R. Yossi wasn't asking *reshut* from the Nasi to examine an animal, he was merely asking whether or not he was qualified to do so.

The issue is that he was a Kohen, and since Kohens were responsible for taking care of the animals offered to them until they came up with a permanent blemish, a Kohen would be under suspicion for raising the blemish intentionally so that he could claim the animal as his property, kill it and eat it. Meir believed, apparently, that Yossi would be ineligible, but the halakhah goes with R. Shimon, who said that a Kohen was eligible to judge another's *bechor* but not his own.

95. Jastrow defines this as either bamboo or perhaps cork. At any rate, it is not the customary leather that a sandal would be made of, so the question is: Does it count under the Yom Kippur prohibitions?

96. Rashi: This public fast was enacted for the purpose of bringing rain. The Mishnah in Tractate *Ta'anit* 12b says that it is forbidden on such a day to wear sandals.

ii) Another example

Rabbah bar bar Chana said: I saw **Rabbi Elazar of Nineveh** go out in sandals made of bamboo on a public fast day, and I said to him: On **Yom Hakippurim**, what is the law? He said to me: It is no different (*than on a public fast day and they are permitted*).

iii) The Gemara now adds more of these examples

Rav Yehuda would go out (*on Yom Kippur*) in shoes made of reeds, **Abbaye** would go out in shoes made of palm branches, **Rava** would go out in shoes made of grass, and **Rabbah bar Rav Huna** would wrap a scarf around his leg and go out.

3) Gemara now challenges the practices of these rabbis to say, no they shouldn't have done that

Rami bar Chama uses a Tannaitic source⁹⁷ to raise a kasha to this: *A crippled man could go out on his artificial leg (on Shabbat because it was like a shoe), according to Rabbi Meir, while Rabbi Yossi forbids it. But it has been taught about this (in a baraita, as an addition to this Mishnah): The two of them agree that it is forbidden for him to go out on it (the wooden foot) on Yom Hakippurim. (We learn from this that even on a shoe made from wood is forbidden!)*

4) Gemara claims that this other baraita does not apply in this case.

Abbaye said: **There** (*in the case of the baraita cited above*) **he had compresses of rags כתייתן** in it (*so the prohibition was not on account of the shoe itself but rather because it was a pleasure (which is forbidden on Yom Kippur)*).

97. From the Mishnah on *Shabbat* 65b-66a.

5) Gemara raises several objections to Abbaye's answer.

i)

Rava said to him (to Abbaye): If the artificial leg is not a utensil, can the rags make it into a utensil?

Rava thinks that R. Yossi must consider the wooden foot a "utensil." As such it inherently has the same status as a shoe and is therefore in and of itself prohibited on Yom Kippur.

ii)

And further: Any pleasure that does not involve a shoe -- is it prohibited on Yom Hakippurim? *(Not every pleasure is forbidden on Yom Kippur, but rather only the listed afflictions.)* **And would not Rabbah bar Rav Huna wrap a scarf around his leg and go out?** *(and we learn from this it is not prohibited!)*

Abbaye thinks Yossi's prohibition was based on the fact that the padded wooden leg provided comfort on the day of affliction. Rava says no, that can't be, because there's no general prohibition against being comfortable on Yom Kippur.

iii)

(And there is a further kasha on your words:) **From what is said at the end (of this baraita on Shabbat 66a) it is taught: If the artificial leg contains a receptacle for rags, it is considered נטב , impure** *(since it is made of wood and has in it a receptacle, it receives tum'ah, uncleanness).* **By implication, the first part (of the Mishnah-- the dispute between Meir and Yossi regarding wearing a wooden shoe on Shabbat) does not involve a wooden foot that contains rags!**

Abbaye thought the baraita referred to a case where the wooden shoe did contain rags, as noted above. But the Gemara here, through Rava, is stating that that baraita did no such thing, and that the text here also is referring to a case of a wooden shoe that does not contain rags.

Conclusion: Rava solves the challenge of the baraita of Yossi and Meir and upholds the behavior of the Amoraim on Yom Kippur:

Rather, said Rava: Everyone agrees that (a wooden leg) is a shoe. It is with regard to Shabbat that they disagree. One sage (R. Yossi) is of the

opinion that we have ruled *(by a rabbinic decree)* **it is prohibited, lest it become detached and he will come to carry it four amot; and the other sage** *(R. Meir)* **is of the opinion that we have not prohibited it.**

Conclusion: Since everyone agrees a wooden leg is a shoe, then it, too, is prohibited by the laws of Yom Kippur as laid out by our Mishnah. But the rabbis make a distinction between this and shoes made of other materials -- bamboo, reeds, palm branches, grass, even a scarf. As Rashi notes, these are not included in the halakhic definition of "shoe" of our Mishnah and thus are permissible on Yom Kippur. Thus the rabbis have managed to narrowly define the prohibition against wearing shoes on Yom Kippur.

* * * * *

J. The Yom Kippur Prohibitions as They Relate to Children

1. The Offer of Tannaitic Proof

Our Rabbis taught in a baraita: *To children are permitted everything [that is forbidden to adults on Yom Kippur] except the wearing of sandals.*

2. Gemara's challenge #1

a) Question

Why is the wearing of sandals different? [Is there concern] **that people will say: Grown men did it for him** *(in violation of the Yom Kippur laws)?* *(But if you use this reasoning, then with regard to)* **washing and anointing** *(which are also prohibited to adults on Yom Kippur)* **someone could also say: Grown men did it for him!**⁹⁸

b) Gemara answers this challenge

(With regard to washing and anointing there's no problem, because) **I could say that he did them for him yesterday** *(when it was permitted, and not today when it is forbidden).*

98. Rashi: Adults did it for him, and the Torah warns adults against inducing a child to do something that is forbidden, as the rabbis teach in Masechet Yevamot 114a:
" 'You shall not eat them for they are an abomination' (Leviticus 11:42) -- This verse is to be understood as 'You shall not allow them to eat.' It is an admonition to adults concerning young children. Does this imply that children must be ordered: You shall not eat such things? No; it implies that adults may not give these things to them with their own hands."

3. Gemara raises kasha #2

a) Gemara's challenge

(But by that logic) **I could also say that he did the sandals for him yesterday!**

b) Gemara's response

(they respond): **With regard to sandals, it is not possible to say that he did it for him yesterday (because he would have to remove his sandals at night), as Shmuel said: One who seeks to taste the taste of death should put on shoes and go to sleep (for truly a man does not do this of his own free will).**

(It's not a good idea to sleep while wearing shoes. Thus, the boy's shoes must have been removed last night and put back on today -- Yom Kippur. If that's so, then the assumption is that an adult did it, in violation of the affliction laws -- you can't even put on someone else's shoes for them, much less your own for yourself! That's why the wearing of shoes by children is the one thing prohibited to them on Yom Kippur)

4. Kasha #3

a) Question

But [the baraita originally cited] taught: Children are permitted [to engage in all the pleasures, etc] -- even in the first place! *(And if this is so, then there's no distinction if they all know that the adults did it for him since it is a permitted practice).*

b) Gemara forced to give another rationale for prohibiting shoes but allowing the other things prohibited to adults.

Rather *(this is the way to explain it): Those things (such as wearing shoes) which have nothing to do with their healthy growth, the rabbis have issued a prohibition against it. And those things (such as washing and anointing) that are needed for their healthy growth, the rabbis have not prohibited them.*

As Abbaye said: My mother told me -- the development of a child requires hot water and anointing. When he has grown a little (they fix for him

to eat), an egg in כותח.⁹⁹ When he has grown a little more (he would) have vessels to break (so that he would benefit from the shattering of them)¹⁰⁰. This squares with what we know of Rabbah, that he would buy for his son defective earthen vessels and they would break them (and thereby benefit).

Conclusion: In this section, the rabbis seek to make clear that the prohibitions of Yom Kippur that apply to adults do not apply to children, except for the wearing of shoes (and as we have seen, what constitutes "shoes" is now more narrowly defined).

The other restrictions of Yom Kippur, however, are not incumbent upon children, because of developmental reasons. They are not "pleasures" but things that children need to grow properly -- basic hygiene, for example. Apparently the rabbis have decided that going without shoes for one day a year will not stunt the child's development.

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99. Jastrow: A preserve consisting of sour milk, bread-crusts and salt.

100. Rashi: To satisfy his desires.

MIDDLE OF DAF 78B: New Section:

(The Talmud now continues with its look at the Mishnah. Part one of the Mishnah focused on the five afflictions. The middle part focuses on the exceptions to these rules.)

III. The Exceptions to the Restrictions in our Mishnah

A. The First Exception

"The king and the bride may wash their faces."

1. Defining authorship: The Leniency of Rabbi Eliezer

Who is the author of our Mishnah? It is Rabbi Chanania ben Teradion, for it was taught in a baraita: *The king and the bride may not wash their faces. Rabbi Chanania ben Tardion says in the name of Rabbi Eliezer: The king and the bride may wash their faces. A birthing mother may not wear sandals [on Yom Kippur]. Rabbi Chanania ben Teradion says in the name of Rabbi Eliezer: A birthing mother may wear sandals.*

The Gemara is clarifying the words of the Mishnah. It reads: "The king and the bride may wash their faces, and a birthing mother may wear sandals. [These are] the words of Rabbi Eliezer. But the Sages prohibit." It's vague as to whether the sages disagree only about the mother or about the king and bride as well. So the Talmud here brings in another Tannaitic source. By explaining the authorship, the Gemara also shows that the dispute between Eliezer (who's more lenient) and the sages (who are more strict and by whose ruling the halakhah is followed) is over all the cases listed.)

(The Gemara inquires about the three instances listed by Rabbi Eliezer:)

a) Rabbi Eliezer's first lenient ruling

What is the reason (that Rabbi Eliezer allows) a king to wash his face?

Because it is written, "The king in his beauty shall your eyes see" (Isaiah 33:17). *(It's appropriate for the king always to look attractive to his people)*

b) Rabbi Eliezer's second lenient ruling

And what about the bride? What is his reason? In order that she not become repulsive to her husband. *(This is considered by the rabbis especially important at the beginning of their marriage)*. Rav said to Rabbi Chiyya: For how long is she considered a "bride"? He said to him: As it is taught in a baraita: *We do not*

withhold cosmetics from the bride for the entire thirty days (after the wedding).¹⁰¹

c) Rabbi Eliezer's third lenient ruling

And the birthing woman may wear sandals because of the cold. (*Since she's weak from bearing the child, there would be fear lest she catch cold.*) **Shmuel said: If there is danger of being stung by a scorpion** (*by going barefoot on Yom Kippur*), **[the wearing of shoes] is permitted.** (*This applies to everyone on Yom Kippur -- there's no need to endanger yourself in this way.*)

Conclusion: The Talmud has, in previous sections, attempted to alleviate the restrictions and prohibitions of the Yom Kippur afflictions, through making exceptions. Here, however, the Gemara makes clear that the majority of sages, in accordance with the Tanna Kamma of our Mishnah, are more stringent with regard to the cases of the king, the bride, and the woman who has just given birth. Only Rabbi Eliezer is credited with more lenient exceptions.

(*The Gemara now turns again to the Mishnah. Part 3 of the Mishnah investigates the parameters of what is permitted or forbidden with regard to food.*)

IV. The Measurements of Liability in our Mishnah

A. The Size of a Date

"The one who eats something like the equivalent of a large הגסה date [with its stone . . . is liable חייב]."

¹⁰¹ Rashi refers us to the original use of the baraita, which appears on Ketubot 3b-4a:

"As it has been taught in a baraita: *If his bread was baked and his meat prepared and his wine mixed [that is, all wedding preparations had been made] and the father of the bridegroom [who provided the feast] or the mother of the bride [who provided the trousseau] died, they bring the dead person into a room and the bridegroom and the bride into the bridal chamber and he performs the first act of marital intercourse and then separates himself from her. Then he keeps the seven days of the wedding feast and after that he keeps the seven days of mourning, and during all these days he sleeps among the men and she sleeps among the women. And they do not withhold cosmetics from the bride for the entire thirty days.*"

The baraita implies that, under normal circumstances, a woman in mourning for a parent would not be permitted to use cosmetics or wear jewelry during the *sheloshim* period. The exception is made for a bride, and the exception holds even if Yom Kippur falls during that thirty-day period following her wedding.

1. Questioning the size for the liability

Rav Papa inquired: [p. 79a] Regarding "something like the equivalent of a date ככותבת" -- are they talking about with its pit or without it?¹⁰² *(In the same vein,)* **Rav Ashi inquired: (With regard to the measurement involving laws of uncleanness of the dead), "a bone of barleycorn size עצם כשעורה"**¹⁰³ -- **is that (measurement taken) with the husk or without it, with the moisture (i.e., fresh) or dry?**

2. The comparison answers the question

Rav Ashi did not inquire about *(he was in no doubt about)* **this question of Rav Papa's, (for as he explained): "large" is indicated here, meaning as large as possible (so indeed the intent is that it would include the pit). And Rav Papa did not inquire about** *(he was in no doubt about)* **this question of Rav Ashi's, (for as he explained it): (A barleycorn that is) fresh is called "shibboleth" (and not שעורה), and a barleycorn without its husk is called "ushlah" (and not שעורה). (Thus, since Mishnah Ohalot 2:3 refers neither to "shibboleth" nor to "ushlah," the reference to the bone fragment the size of a barleycorn must refer to a dried barleycorn with its husk on.)**

3. The Gemara offers a further definition of the "large date" a) Comparative definition

(Rava said in the name of) **Rav Yehuda: "The size of a large date" which they discuss (in our Mishnah) is a bigger measurement than the equivalent of an egg, and the rabbis hold as a principle וקים להו לרבנן that food in this measurement sets one's mind at ease (that is, alleviates affliction), but food in less than this amount does not set one's mind at ease (and does not alleviate the**

102. Rashi: Our Mishnah states: "וכגרעינתה" -- "something like the equivalent of a large date and like its pit." But it should have said "וכמוהו וכגרעינתה יחד" -- "like the equivalent of it and its pit together." But perhaps it says here "like it, [or] like its pit."

[Note: Rashi's comment indicates that Rav Papa is justified in questioning the language of the Mishnah, because the Mishnah is vague.

103. See Mishnah *Ohalot* 2:3. A human bone fragment the size of a kernel of barley imparts its ritual impurity through contact or by being carried.

affliction).

(Rashi: Even though any amount of food is prohibited over an olive's worth (smaller than a large date), these words apply where it is written "food אכילה." But here (Yom Kippur), "אשר לא תעונה" -- "the one who does not afflict himself" is written (that its, it does not specifically refer to eating), and any amount which does not set one's mind at rest is an affliction.)¹⁰⁴

b) Gemara's objection to Rava's understanding

The Gemara raises an objection, based on a Tannaitic source (to Rav's assertion that the size of a large date is bigger than the size of an egg, using this Mishnah): *It once happened (during Sukkot) that they brought to Rabban Yochanan Ben Zakkai a prepared dish to taste and to Rabban Gamaliel two dates and a bucket of water, and (the two sages) said: Bring it up to the sukkah (where it will be eaten). -- Another baraita was brought regarding this: [The sages ate this way in the sukkah], not because this is the halakhic requirement, but rather because they wanted to be more strict regarding their own behavior.*

(Now the Mishnah continues) And when they gave to Rabbi Tzadok less than an egg's worth (of food) to eat, he wrapped it in the cloth and ate it outside the

104. In all other food prohibitions in the Torah (such as those for Pesach), punishment is incurred when one eats more than an olive's worth of the forbidden food. These laws specifically talk about "eating," and the rabbinic tradition is that "eating" really means eating anything over an olive's worth. The laws of Yom Kippur are different. As Rashi indicates, the Torah in this case doesn't talk about "eating" and does not specify that one must fast, only that one must afflict oneself. The Gemara here indicates that if one eats less than a large date's worth of food (a larger amount than the olive's worth), one is still considered afflicted. Setting one's mind at rest would lift the affliction; the rabbis have set an amount here that does not set one's mind at rest.

*sukkah, and did not offer the blessing (birkat hamazon) afterwards.*¹⁰⁵

[p. 79b]

Behold, [the Mishnah referred to on *Sukkah* 26b] indicates that if one eats the equivalent of an egg's worth, it must be done in the sukkah. And if it should enter your mind that the large date of which the rabbis speak (*in our Mishnah*) is larger than an egg, now (*see in this case that*) two dates without their pits are not even the equivalent of one egg. So a single large date with its pit -- how could it be larger than an egg?!¹⁰⁶

c) The Gemara responds to the objection, in support of Rava

Rav Yereimiah said: Yes indeed, two dates without pits don't add up to a single egg. But a single large date with its pit included is indeed

105. MISHNAH (*Sukkah* 25a) teaches: "Casual eating and drinking are permitted outside the sukkah."

The discussion continues on *Sukkah* 26b-27a:

"MISHNAH: It once happened that they brought cooked food to R. Yochanan ben Zakkai to taste, and two dates and a pail of water to R. Gamaliel, and they said, 'Bring them up to the sukkah.' But when they gave to R. Zadok food less than the bulk of an egg, he took it in a towel, ate it outside the sukkah and did not say the benediction after it.

"GEMARA: Does not the incident come as a contradiction[to the previous mishnah that indicates snacks may be eaten outside the sukkah]? There is a lacuna, and it should be taught thus: But if he wishes to be strict with himself, he may do so, and it does not constitute presumption, and so it also happened that they brought cooked food to R. Yochanan b. Zakkai to taste, and two dates and a pail of water to R. Gamaliel, and they said, 'Bring them up to the sukkah.' But when they gave to R. Zadok food less than the bulk of an egg, he took it in a towel, ate it outside the sukkah, and did not say the benediction after it.

"But if it was the bulk of an egg, must he [eat it in] the sukkah? Should we say that this is a refutation of R. Yosef and Abbaye [who say, respectively, that casual eating constitutes two or three eggs, and that one egg is the amount a student eats before going off to college]? Perhaps [it means that] less than the bulk of an egg does not necessitate washing of the hands [beforehand] and the benediction [afterwards], but if it was the bulk of an egg, it necessitates washing of the hands and the benediction [but does not necessitate being eaten in the sukkah]."

106. The Mishnah uses the phrase "less than an egg's worth," indicating that if Rabbi Tzadok had been given the equivalent of an egg's worth of food, he'd have to eat it in the sukkah. The preceding Baraita tells us that Rabban Gamaliel's consumption of two dates in the sukkah was not because of a halakhic requirement but because he wanted his own behavior to be more strict than the halakhah demanded. Thus, we have a presumption that one egg had to be eaten in the sukkah but two dates did not. That means the two dates' worth has to be smaller than one egg's worth. And if two dates are smaller than an egg, that means that a single date (pit included) cannot possibly be bigger than an egg! Thus, Rava's assertion, that "the size of a large date" in our Mishnah is bigger than an egg, is refuted.

bigger than an egg. Rav Papa: This is similar to what people say: Two measures of dates contain one measure of stone and some extra *(and this teaches us that in each date there is more stone than fruit).*

Rava said *(this entire objection to my statement is without foundation): There* *(in the case in Sukkah 26b)* **the reason** *(why eating dates does not require a sukkah has nothing to do with them being smaller than an egg but rather)* **was on account of it being fruit, and** *(the eating of)* **fruit does not require** *(going into)* **a sukkah** *(and indeed that it's permitted to eat any amount of fruit outside the sukkah).*

d) The Gemara raises a second objection to Rava

They *(the Gemara)* **raise an objection to this opinion** *(that fruit doesn't require a sukkah), again from a Tannaitic source: Rabbi taught: When we would learn Torah with Rabbi Elazar Ben Shamua, they would bring before us figs and clusters of grapes, and we would eat them as an incidental meal (i.e., a snack) outside the sukkah.* *(So from his words we would conclude that if one eats an amount that constitutes)* **An incidental meal, yes** *(it's permitted to eat it outside the sukkah);* *(however, if one eats an amount that constitutes)* **a fixed meal, no** *(one may not eat it outside the sukkah) !*

e) The Gemara now refutes this second objection to Rava -- one need not reach this conclusion based on Rabbi's words

But rather we could say *(based on his words)* **that it was eaten as an incidental meal outside the sukkah** *(that is to say, the eating of fruit is always considered an incidental meal).* **Or if you wish I could say** *(that one might understand it this way):* **We ate** *(these fruits in a quantity that constituted)* **a fixed meal and we ate with it bread that constituted a snack, outside the sukkah.**¹⁰⁷

107. Rabbi's statement was ואכלנום אכילת עראי חוץ לסוכה . This interpretation adds a vav, as though Rabbi said: ואכלנום ואכילת עראי חוץ לסוכה -- "We ate them *and* we ate a snack-size amount [of bread] outside the sukkah."

(The Gemara says): Let's say that this [baraita] supports (Rava's contention that eating fruit doesn't require going into a sukkah): If he made up [for a meal he missed] with various types of desserts תרגימא, he has fulfilled his obligation (Sukkah 27a)¹⁰⁸. And if it should enter your mind that fruit requires a sukkah, let it say "fruit"!

f) The Gemara rejects this proof, offers a third challenge to Rava

(They retort): But what are these different desserts? Fruit! (and thus, Rava is wrong) Or, if you like, say: (this baraita applies) in a place where there is no fruit to be found (so we would eat other sweets instead -- but in truth one could make up for what he missed by eating fruit. If this is so, then one cannot bring proof from this baraita that Rav is right.)

Rav Zevid said: A "large date," to which the sages refer (in our Mishnah) is smaller than an egg. For it is taught in a Mishnah (Beitza 2a): Beit Shammai says: [The quantity] of leaven שאור (forbidden during Passover) is the size of an olive; and grain חמץ (forbidden) is the size of a date. And we asked: What is the reason that Beit Shammai (distinguishes between the two)? Let Scripture say "chametz" and there would be no reason for mentioning "leaven" שאור¹⁰⁹. And I would say (that is, I could learn שאור by way of a קל וחומר): If חמץ, whose leavening property is not so strong, is forbidden in the amount of an olive, then שאור, whose leavening property is stronger, so

108. Steinsaltz understands תרגימא to be sweets or dessert, the definition also given by Jastrow (p. 1695), and this is the interpretation I am using. Rashi understands the word differently, as ליפתן, a turnip or, perhaps, a relish.

109. Scripture distinguishes between the two in Shemot 13:7:

וְלֹא-יֵרָאָה לְךָ חָמֶץ וְלֹא-יֵרָאָה לְךָ שָׂאֹר בְּכָל-גְּבֻלָּךְ :

There shall not be seen with you any chametz, nor shall there be seen with you leaven in all of your borders.

Chametz is breadstuff made with leaven, which cannot easily impart its leavening qualities to other foods. On the other hand, the leavening agent itself is designed to do just that.

much the more so (should it be prohibited even in the amount of an olive)! **But since Scripture differentiates** (between the two), **learn from this: The measure of this one is not like the measure of the other.** The *(prohibited -- and smaller and more stringent -- measure of)* **leaven is the equivalent of an olive, and the** *(prohibited -- and slightly larger and less stringent -- measure of)* **chametz is the size of a date.**

(Now we clarify:)

And if it should enter your mind [to say] that a large date, to which the sages refer (in our Mishnah), is bigger than an egg, then since Beit Shammai is searching for a measure bigger than an olive's worth -- let them teach that it is an egg's worth! And if in addition (you were to say) that they (the two measures) are equivalent, then let them say it's the equivalent of an egg's worth! Rather, would you not derive from this that a date's worth is less than an egg's worth?¹¹⁰

g) The Gemara responds again to the challenge to Rav's assertion that our big date with its pit is bigger than an egg

(They retort): **How do we know that? Maybe I can still say to you: A large date, to which the sages refer in our Mishnah, is larger than an egg, but a regular date is the same size as an egg. Or, the two are equivalent but one of them was used (by Beit Shammai).**

h) Gemara offers a fourth challenge to Rava

Rather, (if you want proof, take it) from here: *How much food must one*

110. Rashi: They (Beit Shammai) mentioned "the equivalent of a date" only because they were seeking a measure for the prohibited chametz that was larger than that of the leaven, which is prohibited in the size of an olive. And if they could have found a measure that was smaller than a date but greater than an olive, they would have used it. So if the equivalent of an egg is smaller than the equivalent of a date, let them (Beit Shammai) teach that it's "the equivalent of an egg."
And if, in fact, the two measures (egg and date) are the same, then let them (Beit Shammai) mention "the equivalent of an egg," since this is the measure more often given in the Mishnah, rather than "equal to a date," in dealing with the ritual impurity of food.

*consume in order to be obligated to participate in the Birkat HaZimun (prior to the Birkat HaMazon)? An olive's worth, according to Rabbi Meir; but Rabbi Yehuda says, an egg's worth.*¹¹¹

(Now the Gemara will clarify this to support its argument that a date's worth is indeed smaller than an egg's worth): What is it that they are disagreeing over? Rabbi Meir holds that when Scripture says "You shall eat ואכלת and you shall be satisfied ושבעת and you shall bless the Lord your God" (Deut. 8:10)¹¹², that ואכלת refers to eating (אכילה) and ושבעת refers to drinking (שתיה). And אכילה (that is, "eating," means one has eaten) the equivalent of an olive's worth (of food = כזית). But Rabbi Yehuda holds that ואכלת ושבעת refers to food that sates the eater. And what is this? This is an egg's worth. And if it should enter your mind (to say) that a large date's worth, mentioned by the rabbis in our Mishnah, is greater than an egg's worth, now you see that the equivalent of an egg sates the hunger, so is the mind (of a faster) not thus put at ease? Rather, do we not learn this? -- A large date, which our Mishnah mentions, is smaller than an egg's worth, since an egg's worth satisfies hunger but a date's worth (is not enough to satisfy hunger yet) will put the mind (of the Yom Kippur faster) at ease (and thus is used by our sages as the threshold requirement for Yom Kippur.)

The Gemara has concluded its proof that the large date of our mishnah is smaller than the size of an egg. Now the Gemara continues with a general discussion of Biblical measures.

111. Here the rabbis excerpt from the Mishnah itself on *Berachot* 45a and the subsequent discussion in the Gemara on 49b.

112. On *Berachot* 48b, the rabbis deduce from Deuteronomy 8:10 the requirement to recite the Birkat HaMazon.

B. The Date Measure: Why do we use it on Yom Kippur?

1. Tannaitic proof

It is taught in a baraita: Rabbi says [p. 80a]: Every single one of the measurements [that involve food in the Torah] are in an olive's worth except for that involving the ritual impurity of food, for which Scripture changed the implication and so the Sages changed its measure (that is, since Scripture intentionally worded it in a different, unusual way, the Sages changed the measure). And the proof of this is Yom Kippur.

2. Gemara's clarification of the baraita

How did Scripture change the implication? From "For whatever person shall not be afflicted *לא תענה* on that same day, he shall be cut off from his people" (Leviticus 23:29, laws of Yom Kippur, which do not mention eating).

And how did the Sages change its measure? To the equivalent of a date (and not an olive).

And what is meant by saying that the proof is in Yom Kippur? That if we deduce from there (from the law of food impurity), I could simply say that it's the way of the verse to speak in this manner.

(That is, if we were to learn only from the verse that speaks of the laws of food impurity [Lev. 11:34, where the change in style is not so pronounced], we would say that it's the way of Scripture and we would not learn the halakhah of this change. So Scripture comes along regarding Yom Kippur [Leviticus 23:29, a verse in which the change in language is very obvious] to teach us that in every place where the written language has changed, there is also a change in practical halakhah).

And regarding the limit for food impurity being an egg's worth -- from what Scriptural source do we know this? Rabbi Abbahu said in the name of Rabbi Elazar: Scripture says, "of all the food which may be eaten *מכל האכל אשר יאכל*" (Leviticus 11:34) -- (teaching us that the impurity of food falls upon) food that comes from food. And which is this? The egg of a chicken.

a) The Gemara raises a kasha to Rabbi Elazar

i) Kasha

But I could say that this verse alludes simply to a young animal (*which is also food from within food*)!

ii) Refutation of the kasha

Without being slaughtered (*the young animal really isn't food. It needs also to be slaughtered and only after that can it be considered food*).

b) The Gemara raises a second kasha to R. Elazar

i) Kasha

I could say that that's an animal taken alive out of its slaughtered mother's womb!¹¹³

ii) Refutation of the kasha

But this requires tearing (*before it can be considered food*)!¹¹⁴

c) Gemara raises a third kasha to Rabbi Elazar

i) Kasha

But I could say that (*this verse in Leviticus*) **alludes to the egg of a Bar Yochani** (*which would be much larger than that of a chicken*).¹¹⁵

ii) Refutation of the Kasha

**If you take hold of a large amount, you may not have taken anything.
But if you take hold of a small amount, you have certainly taken something**

113. Rashi: The *Ben Pekuah* is an animal taken from its slaughtered mother, and we are taught (in *Chullin* 74a) that the ritual slaughter of its mother suffices for the offspring as well.
114. Rashi: We learn also in *Chullin* 74a that one must tear and remove the blood of the animal. [Rashi's note indicates that the *Ben Pekuah* still cannot be considered food until it is cut open and the blood removed from it.]
115. Rashi: The Bar Yochani is a large bird, of which it is said (in *Bechurot* 57b) that its egg once drowned sixty cities.

(that is, if you're confronted by two possibilities, one greater than the other, the smaller should be chosen for safety).¹¹⁶

d) Gemara raises a fourth kasha to Rabbi Elazar
i) Kasha

If that's true (and one must seize the smaller), then one could say that (this verse alludes to) egg of a small bird, which is very tiny (and it's still not a hen's egg)!

(The Gemara does not resolve this particular kasha against Rabbi Elazar's interpretation of Leviticus 11:34, but turns to a different proof that the verse implies a hen's egg.)

Rabbi Abbahu himself said regarding the verse "of all the food which may be eaten מכל האכל אשר יאכל" (Leviticus 11:34), that this is food that you eat at one time and, by the rabbis' reckoning, the throat cannot handle more than (the volume of) a hen's egg (at one time).¹¹⁷

3. More on legal measurements from Scripture from Rabbi Elazar

Rabbi Elazar said: The one who eats חֶלֶב (by mistake) nowadays, it's necessary that he write down the measure (of exactly how much he ate), lest another Beit Din come and increase the measures.¹¹⁸

116. This popular proverb is mentioned by the rabbis in *Chagiga* 17a with regard to Sukkot.

There, the rabbis maintain that it's alright to compare Shavuot with the seven days of Passover, while it may be too much to compare it with the eight days of Sukkot. The idea is that the smaller amount is included in the larger and so it's a safe choice. One can, then, be sure of a little, but not as sure of a lot.

Rashi on *Chagiga* 17a: In any situation in which you find two choices -- one that you may seize is greater and one that you may seize is smaller -- it's good for you to seize the smaller, because even if you were entitled to seize the greater you surely would have the right to the lesser -- the lesser would have been within your rights, since the lesser is included in the greater. But if you were to seize the greater of the two when you were only entitled to seize the lesser, you would have to relinquish that which you seized improperly.

117. Rashi notes here that Rabbi Abbahu's proof cannot be refuted. Hence the Talmud now continues with a new discussion.

118. חֶלֶב is the abdominal fat of cattle, which it is forbidden to eat.

a) The Gemara clarifies this

What does this mean, "and increase the measures"? If we should say that this future law court would oblige the offender to make an offering for (eating) a small olive's worth (of chelev), do we not have a teaching in a baraita that says, "[When a ruler has sinned and has done something through ignorance against any one of the commandments of the Lord his God concerning things] which should not be done, and has incurred guilt; [or if his sin, which he has sinned, comes to his knowledge; he shall bring his offering . . . it is a sin offering]" (Lev. 4:22-23). We learn [from this that one] who repents when he learns of the sin brings a sacrifice for his unwitting transgression; but if he does not repent when he learns of the sin, he does not bring a sacrifice for his unwitting offense.¹¹⁹

b) The Gemara now offers a satisfactory explanation of Rabbi Elazar's statement

Rather, (what Rabbi Elazar is really saying is that) they (the new court in the future) might not make him liable for the offering unless it is a large olive's worth, (more than the current established measure, and therefore it's necessary to record how much he ate, in case he should come to a law court that would then determine that the measure he ate was less than an olive's worth and he would not be obligated for the offering).¹²⁰

c) Now the Gemara returns to the first interpretation of what Rabbi Elazar meant

And according to what we asked about his opinion at the beginning,

119. Rashi: This teaches us that if he knew that it was a sin, he cannot seek atonement through the sin offering; but if he acted inadvertently, he may seek atonement through the sin offering.

120. Rashi: This is what the Tanna is saying: The one who eats the equivalent of an average-sized olive should not just write down that he has been obligated for a sin offering but rather should write down "I ate an average olive's worth (of chelev)," in case he should come to a Beit Din [at some point in the future] that would exempt him from his offering and it be found that he brought *chullin* (unsanctified animals) to the Temple (which in itself is a transgression).

that they (the new law court) might make him liable for the offering if he ate a small olive's worth (of chelev), what does it mean then to say that "they would increase the measure"?

(And the Gemara responds):

Perhaps they (the new law court) will increase the number of offerings because of (a reduction in) the legal measures *(and thus the "increase" is not connected with the legal measures per se but rather the number of offerings that would have to be brought because of them).*

4. Another statement on Biblical legal measures, this time by R. Yochanan

Rabbi Yochanan said: The measures and the punishments are (included in the) halakhah *(i.e., the Oral Law)* **given to Moses at Sinai.**

a) The Gemara challenges this and indicates R. Yochanan could not have made such a statement

But surely the punishments are actually written down in the Torah!

b) The Gemara responds to this challenge with a reinterpretation of Yochanan

Rather, this is what (R. Yochanan) meant to say: Measures of punishments *(i.e., what will be meted out for each transgression)* **are (included in the Oral Law, the) halakhah given to Moses at Sinai. And a baraita is taught (that supports this interpretation): Measures of punishments are part of the (oral tradition, the) halakhah given to Moses at Sinai, and others say the Beit Din of Yabetz enacted them as a takkanah.**¹²¹

121. Rashi: Yabetz is Otniel Ben Kenaz (identified as a judge of Israel and Caleb's younger brother in Judges 3:9). Yabetz is mentioned in I Chronicles 4:9-10.

c) The Gemara raises a kasha to this reinterpretation
i) Kasha

(How it is possible to say this when) it is written "these are the mitzvot" -- that henceforth no prophet has permission to create something new (that is, one may neither add nor subtract) !

ii) Refutation of Kasha

Rather (understand the baraita this way): They (the Israelites) had forgotten (the Biblical law of the measures over generations) so they went and re-established them (and taught them to the masses through the Beit Din of Yabetz).

The Gemara now turns to the next statement in the Mishnah regarding the legal limit of liquid one is allowed to drink on Yom Kippur:

C. The Drinking Prohibition on Yom Kippur

"The one who drinks a mouthful (that is, a quantity to fill one's cheeks) is liable"

1. Yehuda's definition

a) Definition

Rav Yehuda said in the name of Shmuel: This is not an actual "mouthful" (that would fill both his cheeks). Rather, it is any amount of liquid that, if he were to remove it all to one side (of his mouth), it would appear that his cheeks were full (and thus he would be liable for one cheekful that made his face bulge noticeably enough that it looked like his whole mouth was full).

b) Gemara's Kasha to Yehuda's definition

i) Kasha

But have we not learned in this Mishnah: "his full cheeks מלא לוגמיו

"?!"

ii) Refutation of Kasha

I could say [that what the Mishnah really means is]: כמלא לוגמיו , "as though his cheeks were full."

c) Gemara's second objection

i) Objection

They object (based on a baraita, a Tannaitic source): *How much must a man drink (on Yom Kippur) in order to incur liability? Beit Shammai says: revi'it (a quarter log), but Beit Hillel says: The fullness of his cheeks. Rabbi Yehuda says in the name of Rabbi Eliezer: "Like the fullness of his cheeks." Rabbi Yehuda ben Beteira says: As much as one can drink at one time.*

(The Gemara now explains the second objection.) Is this (baraita) preferable to our Mishnah, which establishes (that the legal measure is) "enough that it appear" (to fill his cheeks)? Here, too (we can establish that Beit Hillel is saying the measure is) "enough that it appear" (to fill his cheeks.) If this is so, then it (Beit Hillel's position) would be the same as Rabbi Eliezer's position (who has said, "like the fullness of his cheeks. But since Eliezer's is given as an opposing opinion to that of Beit Hillel in the baraita, they cannot mean the same thing)!

ii) Gemara's response

There is a tenuous difference between them: "the fill of his cheeks."

(It's not really like this measure but rather a little less. To Beit Hillel, it's necessary that it be like the comfortable fill of his cheeks. and to Rabbi Eliezer, even if it is an awkward fill of his cheeks, he is liable.)

iii) Gemara raises another problem with this explanation

Rav Hoshaya raises a counter-argument: If this is so (that the intent of "like the fill of his cheeks" is the same as one cheekful), then this is one of those instances in which Beit Shammai's ruling is more lenient and Beit Hillel's

is more strict *(since a quarter-log is greater than a cheekful. But if this is so, why, then, was this machloket not included in the list of halakhot in Masechet Eduyot of the instances in which Beit Shammai is more lenient and Beit Hillel more strict) !?*

iv) Gemara's response to this objection

He (one of the Amoraim) said to him (Rav Hoshaya):

When this question *(of how much one must drink on Yom Kippur in order to be liable) was asked, (it was not asked of a normal person but rather) it was asked about Og, king of Bashan. And regarding him, Beit Shammai then would have been more strict (than Beit Hillel, because one cheekful for Og the king of Bashan certainly would have been more than a quarter-log).*¹²²

(Rav Hoshaya's question indicates that, far from being the objective measure that the Mishnah shows, this could be a subjective issue. How can that be? That's what Rabbi Zera now wants to know, and that's why he's challenging this statement, which gives the Gemara a chance to clarify it.)

d) Gemara challenges this explanation

i) Objection based on logic

Rabbi Zera points out a difficulty with this *(seeks to challenge or refute this explanation) : What is different about eating, in that the legal limit for each and every person is the same, a date's worth. So what's different about drinking, that each and every one should have his own (standard -- that is, his own cheekful)?*

122. Rashi: When this question was asked in the Beit Midrash -- the issue of how much one must drink in order to incur liability -- it was being asked about Og, the King of Bashan. That is to say: It was asked regarding a man who was like the Anakim [that is, a giant]. So, in this case, Beit Shammai's ruling would have been more stringent than the quarter-log liability [of Beit Hillel]. (Note: this is the reason, then, that this discussion is not listed in Eduyot: Beit Shammai is indeed being more stringent than Beit Hillel.)

ii) Gemara's response to the challenge

Abbaye responded to him [R. Zera]: The rabbis have established that the measure is a date's worth because with this much, a man's mind is put at ease, but less than this and his mind is not at ease. But with drinking it is each person's own measure that puts his mind at ease, while the standard for his fellow would not put his mind at ease.

e) Gemara objects again, indicating it is not logical

i) Gemara's second objection from logic

Rabbi Zera raises another challenge to this: But the whole entire world uses the date as the legal standard, and that means that Og, King of Bashan, also has a legal limit of a date's worth! *(If this is so, then surely there needs to be a distinction made in the food limits as well!)*

ii) Gemara responds to this objection from logic

Abbaye responds to him [R. Zera]: The rabbis established it because with this measure one's mind is put at ease, while with less than this, one's mind is not put at ease. However, for everyone else, this amount eases one's mind to a great extent, while for Og, King of Bashan, it eases his mind to a lesser degree *(But in any case, this measure is sufficient to ease one's mind and thus mitigates the affliction--and that means he still has violated the Yom Kippur law against eating).*

f) Still not satisfied, the Gemara challenges with another kasha

i) Gemara's third objection from logic

Rabbi Zera challenges: *(If this is true, that it has the effect of easing one's mind, then how can it be that)* **the legal amount of fatty meat is a date's worth, but also the legal amount of the sprouts of a grapevine are also a date's worth?**
(Surely, one would not be sated with the same volume of these two things!)

ii) Gemara's response to challenge

Abbaye says to him [Zera]: The rabbis have established it because with this measure one's mind is put at ease, while with less than this, one's mind is not put at ease. However, fatty meat eases one's mind to a greater extent and the shoots of a grapevine ease one's mind to a lesser extent.

g) Gemara raises a fourth objection from logic

i) Objection

Rava challenges this statement: But is it logical that one must eat an olive's worth (of prohibited food) within the amount of time needed to eat a half-loaf of bread (to incur liability at other times), while one also must eat a date's worth (of prohibited food) within the amount of time needed to eat half a loaf of bread (in order to incur liability on Yom Kippur)?

) This doesn't make sense to Rava because the amount of time to eat a date's worth of prohibited food on Yom Kippur -- since the date is larger than the olive -- should be greater than the time one needs to eat an olive's worth of prohibited food at other times. The law here allows a person to eat, on Yom Kippur, a larger amount in a proportionally smaller amount of time, which creates a leniency in the law of Yom Kippur!¹²³)

ii) Gemara refutes this challenge based on logic

Abbaye said to him: The rabbis have established this [time span] because with this amount a man's mind is at ease, but with more [time] than this a man's mind is not at ease.

123. Rashi: This is a rhetorical question: On Yom Kippur, the measure of food is the equivalent of a date, and it's also the measure of combining foods in the time appropriate for eating a half loaf of bread. But if he waited more than this (i.e., took longer than this to eat it), would he then not have combined them and thus be exempt from liability? And this statement, since the measure (of a date) is greater (than the measure of an olive) poses a problem, in that it would be more than the combining of his food. Now we have a leniency in exempting him (from Yom Kippur liability).

- h) Gemara raises a fifth objection from logic
- i) objection

Rava raises a challenge to this based on logic: Is it logical that the date's worth must be consumed in the time appropriate for a half loaf of bread, while a half of a half-loaf must also be consumed in the time appropriate for a half-loaf?¹²⁴ *(a reference to the amount of tamei food and the amount of time needed to eat it, in order to render the body ritually impure)*

- ii) Gemara responds to this objection

Rav Papa said to him: Leave aside the issue of the impurity of the inner body, because this is not a Toraitic law *(but rather was enacted by the rabbis).*

- iii) Gemara challenges again

Did Rav Papa really say this? But it is written, "[You shall not make yourselves abominable with any creeping thing that creeps,] neither shall you make yourselves unclean with them, that you should be defiled by them" (Lev. 11:43). **Said Rav Papa: From this we learn that the imparting of impurity to the inner body is indeed from the Torah.**

- iv) The Gemara responds to the challenge

No, the rule comes from the rabbis. The Scriptural verse cited here merely gives us an אסמכתא, an allusion.¹²⁵

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124. Rashi: A חצי פרס -- a half of a half-loaf of *tamei* food -- is the measure that renders *pasul* (ritually unfit) the inner body for the purpose of receiving the Terumah. And a half of a half-loaf is a bigger measure (than a date's worth), the equivalent of two egg's worth, according to the measures given in *Eruvin* 83a.
Rashi argues that since the "half of a half loaf" is larger, the time allotted for eating it should be proportionally longer. That's what Rava is saying here.
125. Rashi: The Scriptural verse itself does not tell us about ritual contamination through eating. A man cannot become impure through eating, except through an otherwise kosher bird made unfit through improper slaughtering.

(The Gemara now looks at the next section of the Mishnah)

D. The Combination of Foods for Liability

"All the foods [combined make up the equivalent of a date]."

1. The limits of this rule

a) Example #1

Rav Papa said: One who has eaten a thick piece of meat with salt, he has combined (foods). And even though (salt alone) does not constitute a food, since people eat (meat and salt together), they combine *(for purposes of the Yom Kippur restrictions).*

b) Example #2

i) Rule

(And similarly,) **Reish Lakish said: The brine that is put on top of vegetables combines [with the vegetables] to the equivalent of a date on Yom Hakippurim.**

ii) Inquiry by Gemara as to why we need this example

But this is too obvious! *(Why would it not be combined? It is a food, after all! So why is Reish Lakish saying it?)*

iii) Gemara responds

(Had he not made this statement,) **You might (erroneously) think: It (brine) is a liquid** *(and not a food and thus is not taken into account in the Yom Kippur food restrictions).* **This comes to teach us that any edible ingredient used to prepare food is itself a food** *(and thus falls under the Yom Kippur restrictions for all foods adding up to a date's worth).*

c) Example #3

Reish Lakish said: The one who eats a big meal (*that is, on Yom Kippur night, one who eats anything above the level of satiation, which he reached at the סעודה מפסקת*) **on Yom Kippur is exempt** (*from punishment -- meaning one who eats when he is already stuffed, one who eats to excess on the eve of Yom Kippur and immediately starts fasting*).¹²⁶

What's the reason for this? It is written (*not that one should not eat on Yom Kippur but rather*): **"Whatever person shall not be afflicted on this day [shall be cut off from his people]"** (Leviticus 23:29) -- **to the exclusion of one who does damage** (*to himself, because he takes no pleasure at all in his eating*).¹²⁷

(*To illustrate this, we have another example from the same exegesis:*)

Rabbi Yermiah said in the name of Reish Lakish: A layman who (*mistakenly*) **eats terumah** (*reserved for the priest*) **and eats to excess must pay the principal קרן but not the fine of one fifth הרומש**. (*that is to say, one who has done damage to himself by eating to excess pays for what he has damaged but doesn't pay the extra penalty for having "eaten" the priest's terumah. This is on account of the verse regarding the eating of the terumah:*) **"And if a man eat כי יאכל unwittingly of the holy thing, then he shall add the fifth part thereof to it, and shall give the holy thing to the priest."** (Leviticus 22:14) -- **exempting** (*from punishment*) **one who intentionally does damage** (*to himself*).

(*in another related example:*) **Rabbi Yermiah said in the name of Rabbi Yochanan: The layman who [p. 81a] chews כוסס¹²⁸ barleycorns of the terumah** (*which are not ground and are not baked*) **pays the principal but does not pay the one fifth penalty besides: "And if a man eat כי יאכל . . ."** -- **exempts one who does damage** (*to himself -- here by eating raw barley. That's not considered eating*).

126. Rashi: This refers to one who eats on the night of Yom Kippur to the point of being sated after he was already stuffed from the meal that preceded Yom Kippur.

127. Rashi: This refers to one who is suspended from any [punishment regarding] affliction by food. Rather he is a damager of the food and of himself.

128. Rashi: Anything he eats in something other than the normal, appropriate way is כוסס . Eating raw barley is not a normal, appropriate way to eat.

(And on a related subject:) Rabbi Shizbi said in the name of Rabbi

Yochanan: The layman who swallows תרומה¹²⁹ of the terumah and then vomits them up, and another (lay person) eats them -- the first one pays the principal and the one-fifth penalty, but the second one pays only their value as firewood to the first one (in that after the first one vomits them up, they are no longer fit food for human consumption but are only fit to be used for firewood. So as far as the second man is concerned, it is as if he is eating firewood. And since the first man has already made complete restitution to the priest, the second man pays the first only for the benefit he can get out of it -- meaning the use of it for firewood).

Conclusion: The rabbis here seek to define what the limits are to this liability on Yom Kippur. On the one hand, they clarify that salt and brine -- two items we would not normally identify as "foods" -- are indeed foods for the purposes of the Yom Kippur restrictions, because they are ordinarily used for seasoning.

On the other hand, they make a big exemption in the liability rule for the person who eats to such excess that the meal isn't really "eating" at all, if we define eating as a pleasurable activity. Such gluttony is already physically harmful, so he would be protected from the liabilities of Yom Kippur.

(The Gemara now continues looking at the final ruling of the Mishnah:)

E. The Non-Combination of Food and Drink on Yom Kippur

"But the food and the drink are not combined."

1. Authorship of this statement -- is it unanimous?

Who is the Tanna (who made this statement)? Rav Hisda said: It is taught (elsewhere) as being in dispute, and Rabbi Yehoshua is the author.¹³⁰ For thus we have learned in a Mishnah (on Meilah 17a): Rabbi Yehoshua stated as a כלל general rule: Any items whose length of transmission of ritual impurity

129. Schottenstein defines these as plums. Rashi indicates they are eaten abnormally by swallowing them whole, without chewing them first.

130. Rashi: It is taught elsewhere that the teaching of our Mishnah is not the opinion of all the sages but rather that of Rabbi Yehoshua.

and (legal) measure are equal, they combine.¹³¹ But any items whose length of transmission of ritual impurity (are identical) but not their legal measures¹³²; or if their legal measures (are identical) but not their length of transmission of ritual impurity¹³³; or if neither their lengths of transmission of ritual impurity nor their legal measures are identical, they do not combine.

2. Now the Gemara cites an opposing opinion

Rav Nachman said: You can say (*that our Mishnah here is actually in accordance with the ruling of*) **the sages** (*there -- those who disagree with R. Yehoshua and believe that even items with different legal measures combine to transmit tumah, and therefore food and drink on Yom Kippur would similarly combine*), **since up to here the rabbis have stated that the law applies only with regard to tumah, because the halakhic principle of tumah is (conceptually) one (and the same). But here, it's because one's mind is put at ease** (*that is, liability is incurred because one has consumed enough to put one's mind at rest*), **and this one's mind is not put at ease** (*the one who eats and drinks together but only partial measures of each*).

131. Rashi: For example, two half-olive's worth of human corpses or animal carcasses combine, or two half-lentil volumes from two unclean reptiles whose length of time for transmission of impurity is the same and their measures are the same -- in these cases the volumes combine for the legal measure needed to contaminate.

[Note: The issues here are how long the impurity from a *tamei* item clings to whatever comes in contact with it (טומאתו), and how much of a *tamei* item is needed to impart impurity (שיעורו). Rabbi Yehoshua has ruled elsewhere that two *tamei* items that transmit impurity that lasts the same length of time, and do so in the same legal measure, "combine with one another to complete the legal measure necessary to transmit the *tumah*" but that *tamei* items with different legal measures do not combine. His statement in our Mishnah with regard to eating and drinking on Yom Kippur reflects this ruling, that they do not combine. Other rabbis disagree and state that even items with different legal measures would combine to transmit *tumah*; thus, for them, food and drink on Yom Kippur would also combine to form the legal limit.]

132. Rashi: For example, an unclean reptile and an animal carcass. For both, the length of time for which they impart impurity could be mixed, but their legal measures for imparting ritual impurity are not the same. For the one (the animal carcass) it is an olive's worth and for the other (the reptile) it is a lentil's worth.

133. Rashi: For example, a human carcass and an animal carcass, both of which impart ritual impurity if they are the size of an olive; but a human carcass transmits *tumah* that lasts seven days, while the animal carcass transmit impurity that lasts only one day.

And similarly, Reish Lakish said: This opinion *(the Tanna Kamma statement of our Mishnah that food and drink do not combine on Yom Kippur)* **is reported elsewhere as being disputed, and Rabbi Yehoshua is the author** *(as Rav Hisda stated above)*. **As it is taught in another Mishnah: Rabbi Yehoshua taught this as a general principal, etc.** **And Rabbi Yochanan said** *(in accordance with the words of Rabbi Nachman, above)*: **You may even say that this Mishnah of ours is in accordance with the ruling of the rabbis** *(who disagree with R. Yehoshua)*, **for only to here, the rabbis have stated that there, the law applies only with regard to tumah. But here, because** *(the liability is incurred when one eats and drinks enough that)* **one's mind is put at ease, this one's mind** *(the mind of one who has eaten only a partial measure and drunk a partial measure)* **is not put at ease** *(so even the rabbis would agree he does not incur liability)*.

Conclusion: Were it not for the concept of putting one's mind at ease, it seems eating and drinking would combine, just as different foods do. Eating and drinking really are one and the same thing in most peoples' minds. The Gemara here is indicating that the Mishnah's anonymous ruling on this is by no means universally agreed upon, and that there are valid reasons for arguing the other way -- and for a more stringent rule. This, unlike previous sections in this Gemara that sought to limit the difficulty of the day's rules on afflicting oneself, the Gemara ends this section with an inference that some restrictions ought to be more difficult than the language of the Mishnah would indicate.

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MISHNAH

The one who ate and drank in one state of unconsciousness (*for example, one who forgot that today is Yom Kippur*) **is liable only for one sin offering.**¹³⁴ **If he ate and did work** [on Yom Kippur], **he is obligated for two sin offerings** (*because they are two different categories of sin*). **If he ate foods that were not fit to be food, or drank beverages that were not fit to be beverages -- such as drinking fish brine**¹³⁵ **or juice with fish hash in it -- he is exempt** [from having to make offerings].¹³⁶

The Gemara first investigates the Toraitic language on affliction that leads to these rules on eating and drinking on Yom Kippur.

GEMARA

I. The Language of Torah on Affliction and Warning

A. A Negative Commandment?

1) Reish Lakish's statement

Reish Lakish said: For what reason did Scripture not give an explicit warning regarding affliction (*that is, why did the Torah not express eating and drinking on Yom Kippur in the form of a clearly defined prohibition -- a negative commandment*)?

Because it's not possible to do that. [For example,] **How would it be written?**

Would the Torah say "He must not eat (on Yom Kippur)?" But "eating" means the equivalent of an olive's worth (*and on Yom Kippur, the legal limit is a date's*

134. Rashi: Because the prohibitions on eating and drinking are derived from the same Scriptural proof-text.

135. Note: In the previous section of text, the Gemara defined ציר, the brine that one might put on top of food, as a food itself and said it counts as a combined food for purposes of liability on Yom Kippur. Now ציר as is -- not as a sauce or dressing, apparently -- is defined as a beverage by the Mishnah -- and at that, one that does not even count toward the Yom Kippur limits, since it's not a proper drink.

136. The ב"ח (R. Yoel Sirkes, 17th-century Poland) reads the second part of the Mishnah this way: *If one drank beverages that were not fit to be beverages he is exempt if he drank fish brine.*

worth). If Scripture should write "You shall not be afflicted," we would infer **"Get up and eat!"** (And therefore, Scripture writes "The individual who does not afflict himself on this day" [Leviticus 23:29])

- 2) The Gemara raises a kasha
 - a) Kasha

Rav Hoshaya points out a difficulty with this argument, based on logic: So let Scripture write, **השמר בן לא תעונה** "Be on guard lest you are not afflicted!"

- b) The Gemara responds to the kasha

If this were so, there would be an overabundance of negative commandments (Because **השמר**, **בן**, and **לא** are all expressions of prohibitions, some would say we'd have three separate prohibitions about eating on Yom Kippur).

- 3) Gemara raises a second kasha
 - a) Kasha

Rav Beyvi bar Abbaye raises another difficulty based on logic: Let Scripture say, then, "Be on guard **השמר** with regard to the mitzvah of affliction!"

- b) Gemara's response to kasha

If this were so, "Be on guard **השמר**" written before a negative commandment would constitute a negative commandment. However "be on guard" regarding a positive commandment would be interpreted as a

positive commandment.¹³⁷

4) Gemara raises a third kasha

a) Kasha

Rav Ashi raises another difficulty based on logic: Let Scripture write, then, "Do not turn away from affliction!"

b) Gemara's response to kasha

This is indeed a difficulty קשיא *(It appears that it would, after all, have been possible for Scripture to have written this in language that carried an explicit negative).*

(Now the Gemara goes back to the main issue regarding the prohibitions of food and work on Yom Kippur and presents to us the Scriptural source of the "warning" about the afflictions. A long baraita follows.)

B. The Source of the "Warning"

1) baraita

*And a Tanna derives it (this warning about afflictions on Yom Kippur) from this Scriptural verse: "And you shall afflict your souls; no work shall you do" (Deut. 29:7). Now, one might mistakenly conclude (from reading just this verse) that there would be punishment for additional work done (if one does not add from the weekday onto the holy by refraining from work on Erev Yom Kippur while it is still day), so Scripture says "Any person who does work on that same day **בעצם היום הזה**"*

137. Rashi explains the problem with Rav Beyvi's suggestion: One could understand השמר to refer to a negative commandment, such as "Be on guard regarding the plague of *tsara'at*" (Deut. 24:8), meaning that one should not cut off the spot on the skin that shows the leprosy. But one could also understand השמר as referring to a positive commandment, as in "Be on guard that you should be afflicted." Thus there would be confusion, in any given situation in which השמר is used, as to whether it is a positive or a negative commandment -- that is, whether one is being warned to do something or to refrain from action. Different punishments would then ensue, based on whether it is a positive or a negative commandment.

(Lev. 23:30)¹³⁸ -- on that selfsame day, one is punished with kareit, but he is not punished with kareit for additional work (that is, work done on Erev Yom Kippur).¹³⁹

One might mistakenly think that, although one would not be punished by kareit for additional work done (that is, work done just prior to Yom Kippur), **one would be punished by kareit for additional afflictions** (that is, for not beginning afflictions on the 9th of Tishri, prior to Yom Kippur), **so Scripture teaches, "For any soul which is not afflicted on that very day shall be cut off" (Lev. 23:29) --** (if one does not afflict oneself) **that very self-same day, one is punished by kareit, but he is not punished by kareit for additional affliction** (failing to afflict oneself, such as eating in the period before Yom Kippur Toraitically begins).¹⁴⁰

One might mistakenly think that this person (who does work in the additional period, just before Yom Kippur begins) **would not be punished at all, but that he is nevertheless warned** (in a negative commandment in Scripture) **against doing work** (during that additional time period), **so Scripture says, "You shall do no work on**

138. Leviticus 23:26-32: "And the Lord spoke to Moses, saying, 'Also on the tenth day of this seventh month there shall be a day of atonement. It shall be a holy gathering to you, and you shall afflict your souls and offer an offering made by fire to the Lord. And you shall do no work on that very same day, for it is a day of atonement, to make atonement for you before the Lord your God. For whatever person shall not be afflicted on that same day, he shall be cut off from his people. And whatever person does any work on that same day, the same person will I destroy from among his people. You shall do no manner of work; it shall be a statute forever throughout your generations in all your dwellings. It shall be to you a sabbath of solemn rest, and you shall afflict your souls. On the ninth day of the month at evening, from evening to evening you shall celebrate your sabbath.' "

139. The additional time period referred to in the baraita is the 9th of Tishri, Erev Yom Kippur. Since the text mentions the 9th of Tishri, the implication is that one should be afflicting oneself on that day by beginning the fast and refraining from work, thus adding to the holy from the everyday. But no punishment is indicated for those who do not do so. Note that the Tanna states both the Deuteronomy verse and the Leviticus verses are needed for a proper understanding of the Torah's laws of Yom Kippur. Nothing is superfluous, as the Tanna proceeds to explain.

140. The ת"ב has a variant here: " *One might mistakenly assume that there would be a punishment of kareit for additional work done . . . [so Scripture teaches:] "For any work done on that selfsame day, I shall destroy that soul from among its people" -- meaning [only] on that selfsame day. . . . "And that soul shall be cut off from its people" -- meaning [only] on that selfsame day.*

that very day" (Lev. 23:28) -- About that self-same day he is warned (not to do work), but he is not warned (by Scripture) with regard to additional work (that is, work done during that period prior to Yom Kippur).

One might erroneously think that one not warned (by Scripture) about doing additional work (during the additional time period) would still be warned about additional affliction (during that additional time period). But we can show by way of logical inference (that this is not so): Just as with work that is traditionally prohibited, (not just on Yom Kippur but also) on Shabbatot and on Yamim Tovim, there is no Scriptural warning about adding to the sanctity of the day, then concerning afflictions -- for which there are not prohibitions on Shabbatot and Yom Tov -- then is it not logical that there would be no Scriptural warnings about them (in this period on Erev Yom Kippur)?

But a (Scriptural) warning about the afflictions of the day itself (the negative commandment against eating and drinking on Yom Kippur), we have not learned. From where do we derive it? (From this:) Let Scripture not state the punishment for work, for it could be learned from (a kal'vchomer comparison with) the (punishment for) affliction. Just as for (the mitzvah of) affliction, which does not apply on Shabbatot and Yamim Tovim, the punishment (for not afflicting oneself on Yom Kippur) is karet, then the (prohibition of) work, which does apply on Shabbatot and Yamim Tovim -- should there not, all the more so, be punishment by karet?

a) A kasha is raised

(But if this is so,) then why does Scripture state (explicitly that the punishment for work on Yom Kippur is karet)?

b) The objection is answered

So that it is free for interpretation (since it is superfluous and not needed for the plain sense of the passage), ***to compare and to deduce from it a gezerah shavah:*** ***Scripture states עונש with regard to affliction, and Scripture states עונש with regard to work. Just as work is not punished without warning, so too affliction is not punished without warning.*** (Thus, the afflictions of Yom Kippur are deduced through a gezerah shavah, a word analogy, on the karet punishment handed out for both work and failing to afflict oneself.)

(The Gemara will now challenge the presumption of the baraita, that Scripture's explicit statement of the karet punishment for work on Yom Kippur is superfluous, and that the punishment of work is actually derived in a kal v'chomer from the punishment regarding afflictions.)

2) Challenge #1

a) Challenge

איכא למיפדך -- There are grounds for refuting the kal v'chomer

analogy: What about the fact that the mitzvah regarding afflictions does not offer any release from the restrictions הותר מכללו (in that the mitzvot of affliction are incumbent upon all Israel)?¹⁴¹ **Can you say the same with regard to work, which offers release from restrictions** (in that it is permitted to do holy work in the Temple on Yom Kippur)?

(And because of this, it's not proven that the mitzvah of affliction is actually lighter קלה than the mitzvah of work. If that's the case -- if it can be disproven that the mitzvah affliction is the קל and the mitzvah of work is the חומר -- then the kal v'chomer analogy is without foundation. That means the Biblical statement about the karet punishment for work on Yom Kippur is not superfluous after all, and it is not free to be used in the gezerah shavah.

(So the Gemara now will try to find another foundational text for the gezerah shavah:)

¹⁴¹ הותר מכללו. indicates that some activities in this category are permitted. In this case, certain מלאכות are permitted in the Temple on Yom Kippur, such as offering the sacrifices required on that day. By contrast, there are no exceptions to the afflictions law.

b) Response to challenge #1

Rather (say): Let Scripture not state directly the punishment (by *kareit*) for affliction, since it teaches this through a *kal v'chomer* derived from (the *kareit* punishment regarding) work. (How?) -- Just as work, from which there may be release from the restrictions, is punishable by *kareit*, then affliction, which offers no release from its restrictions -- should it not, even more so, be punishable by *kareit*? And if this is so, why does Scripture explicitly state the *kareit* punishment for failing to afflict oneself on Yom Kippur? In order to leave it free for interpretation, a comparison by way of *gezerah shavah*: It is written עונש , "punishment," with regard to affliction, and it is written עונש , "punishment," with regard to work. Just as with work, Torah punished and warned (about not doing it), so too with regard to affliction, the Torah punished and warned (about failing to do it).

(The Gemara now challenges the basis for the kal v'chomer that makes this gezerah shavah possible:)

3. Challenge #2

a) Challenge

But איכא למיפרך -- it is possible to refute this *kal v'chomer* analogy (and indeed even to state the opposite): What about the fact that, with regard to (the prohibition on) work, it applies on Shabbatot and Yamim Tovim. Can you say that affliction does not apply on Shabbatot and Yamim Tovim?

(This undermines the argument that work is the קל and affliction is the חמור. If the kal v'chomer is refuted, then the statement is not superfluous and the gezerah shavah has no foundational text.)

(The Gemara concedes defeat on this point and offers a different gezerah shavah:)

b) Response

Ravina said: That Tanna (of the baraita above) actually derived his *gezerah shavah* based on the word analogy between עָצַם and עָצַם (thus equating affliction with work).¹⁴²

c) Challenge

(The Gemara now offers a challenge to Ravina's interpretation as well):

It's necessary that (one of those two uses of עָצַם) be free for interpretation (that is to say, that in the second place where the word appears, it is not necessary for the actual meaning of the text but only comes to teach the *gezerah shavah*), for if it is not superfluous and free for interpretation, then it is possible to refute this analogy just as we did previously.

d) Resolution

(The Gemara now resolves the problem)

Indeed, this Biblical passage is redundant and hence completely free for interpretation: Five times is it written in Scripture regarding (the prohibition of) work (on Yom Kippur): One serves as a warning against doing it during the daylight hours and one serves as a warning against doing it at night, and one is the (*kareit*) punishment for doing it during the day and one is the (*kareit*) punishment for doing it at night -- and one is then free for interpretation, for the development of a *gezerah shavah* about affliction

142. Leviticus 23 uses the phrase עָצַם הַיּוֹם הַזֶּה three times, twice with regard to the prohibition of work (verses 28 and 30) and once with regard to affliction (verse 29). As the baraita states, just as the *kareit* punishment for work on Yom Kippur is accompanied by a Toraitic warning, so too the *kareit* punishment for failing to afflict oneself is accompanied by a Toraitic warning.

from work, whether during the day or at night.¹⁴³

e) Variation on resolution

(The Gemara now gives us a Tannaitic variation of this resolution:)

The School of Rabbi Yishmael taught a baraita as follows: *It is written here "affliction" and it is written farther on "affliction."*¹⁴⁴ Just as farther on, Torah does not punish without warning, so too here, Torah does not punish without warning.

f) Second variation on resolution

(The Gemara now offers an Amoraic variation of this resolution)

Rav Acha bar Yaakov (third generation Amora) said: Let him derive (the Torah's warning about afflictions on Yom Kippur from this gezerah shavah:) שבת שבתון , from the Shabbat of Bereshit.¹⁴⁵ Just as farther on (with regard to the Sabbath laws) Scripture does not punish without warning, so too here (with regard to the afflictions of Yom Kippur) Scripture does not punish without warning.

143. Rashi: Four of the verses involve the לאוין [the prohibitions of work on Yom Kippur], and one states the punishment of *kareit*.

The five are:

Leviticus 16:29: *In the seventh month, on the tenth day of the month, you shall afflict your souls and do no work at all.*

Leviticus 23:28: *And you shall do no work on that very same day.*

Leviticus 23:31: *You shall do no manner of work.*

Numbers 29:7: *And you shall have on the tenth day of this seventh month a holy gathering, and you shall afflict your souls; you shall not do any work.*

Leviticus 23:30: *And whatever person does any work on that same day, the same person will I destroy from among his people.*

144. "Farther on" refers to Deuteronomy 22:24: The punishment for a man who rapes a betrothed woman is that he be stoned to death "because he afflicted [violated] his neighbor's wife" -- אשר ענה את אשת רעהו .

145. The phrase שבת שבתון is used to describe the Sabbath laws in Exodus 31:15 with the warning, "anyone who does work on the Sabbath day shall surely die." The same phrase is used to describe Yom Kippur in Leviticus 23:32, adding, "and you shall afflict yourselves." Verse 30 there gives us the warning, "and whatever person does any work on that same day, the same person will I destroy from among his people."

g) Third variation on resolution
(The Gemara now gives us a later Amoraic variation:)

Rav Papa (*fifth generation Babylonian Amora*) said [p. 81b]: Yom Kippur itself is called "Shabbat," as it is written, "*[It shall be a sabbath of solemn rest, and you shall afflict your souls, on the ninth day of the month at evening, from evening to evening] you shall celebrate your sabbath תשבתו שבתכם*" (Leviticus 23:32).

h) Gemara's comparison of these two different Amoraic explanations

It is perfectly reasonable that Rav Papa would not state his case according to the reasoning of Rav Acha bar Yaakov, since (*Rav Papa's explanation, that Yom Kippur itself is called Shabbat in these verses,*) is the superior explanation.¹⁴⁶ But Rav Acha bar Yaakov -- what reason does he have for not explaining, as Rav Papa did, that the warning for afflicting oneself on Yom Kippur is derived from the verse here, "*you shall celebrate your sabbath תשבתו שבתכם*" ? Because he needs that verse for interpretation, as explained in the following baraita:

"You shall afflict your souls, on the ninth of the month" (*Leviticus 23:32*). One might erroneously assume that fasting should begin with the ninth of Tishri. So the verse further says "in the evening." (*On the other hand,*) if (it only said) "in the evening," one might erroneously assume that the fast is to begin only from the time it becomes dark, so Scripture says "on the ninth [of the month]" (*and this teaches that one begins fasting during the day on the ninth of Tishri*).

i) An objection is raised

How can this be? (*How can there be this contradiction between these two verses, and how can we resolve it?*)

146. A verse that carries its own proof, as Rav Papa's does, is a superior proof-text.

ii) The objection is answered

One begins and starts this fast while it is still day. From here we learn that one adds from the profane onto the holy.

iii) But the answer is not complete

But (from this) I learn only about its arrival -- what about its conclusion? From what Scriptural source do I know that?

iv) The response is given

Scripture says "from evening to evening" (Lev. 23:32).

v) But the answer is still not complete

But from this I know only about (adding from the profane to the holy only on) Yom Kippur. What about the Yamim Tovim -- from what Scriptural source do I learn about them?

vi) The answer is given

Scripture says "תַּשְׁבֵּתוּ" -- "You shall celebrate [your sabbath]." (Lev. 23:32, cont'd). (So from this we learn that on Yom Tov, too, it is the established law to add from the everyday to the holy day.)

vii) A further question is raised

But from this I learn only about the Yamim Tovim. What about the Shabbatot -- from what Scriptural source do I learn about it?

viii) This question is answered as well

Scripture says שְׁבַתְכֶם "[you shall celebrate] your sabbath" (Lev. 23:32, cont'd).

ix) But this raises another question

How is this possible? (How is this done?)

x) Here is the Tanna's final response

In every place where Scripture says שבת (a day of rest for Israel) , one adds from the profane to the holy.

(end of baraita)

i) Gemara questions the original Tannaitic source

And the Tanna who taught that the *gezerah shavah* (about warnings about afflictions on Yom Kippur comes from a comparison of the uses of עצם and עצם -- what about the phrase בתשעה לחדש ? What does he do with that?

j) The Gemara response to the inquiry

He needs it for interpretation, as explained in the following baraita taught by Chiyya bar Rav of Diftai:

Chiyya bar Rav of Diftai teaches: "And you shall afflict your souls on the ninth [of the month] . . ." (Lev. 23:32). But is it really the ninth on which one fasts? Is it not on the tenth that one fasts? Rather, this verse comes to tell you: Anyone who eats or drinks on the ninth of the month (in preparation for fasting), Scripture accounts it to him as though he has fasted on the ninth and the tenth.

(The Gemara now proceeds with an investigation of the next phrase of the Mishnah)

II. The Exemption for Inedible Products

"If he ate foods that were not fit to be food [. . . he is exempt] (from having to make offerings)."

A. Rava's rulings

The Gemara offers two related rulings

1) Rava

Rava said: [If one ate] a cup full of peppers on Yom Kippur, he is

exempt.¹⁴⁷ [If one ate] a cup of זנגבילא on Yom Kippur, he is exempt.¹⁴⁸

2) Gemara's first challenge

a) Challenge

(The Gemara raises an objection to Rava's first statement, based on a Tannaitic source:)

Rabbi Meir would say: From the meaning of what is stated in the Torah

-- "[when you have come into the land and have planted all manner of tree for food,]

וערלתם ערלתו את פריו then you shall treat its fruit as uncircumcised

[forbidden] -- [it shall be uncircumcised (forbidden) to you for three years]"

(Leviticus 19:23) -- do I not know that this is a food tree? So why, then, does

Scripture have to explicitly state עץ מאכל -- food tree? (In other words, isn't this phrase in the verse superfluous? No-) Because it includes trees for which the taste of

the wood and the fruit are equal (that is to say, a tree which itself, and not its fruit alone,

is eaten) -- and behold, I say this is peppers. This teaches you that peppers, too,

are subject to the laws of ערלה.¹⁴⁹ (And, incidentally, this teaches you that) the Land of

Israel lacks for nothing, as it is written, "You shall lack for nothing it"

(Deut. 8:19).

(From this baraita we learn that, at any rate, peppers are indeed considered food, in contradiction to what Rava says. So how do we resolve this conflict?)

(The Gemara responds to this objection to Rav by saying that both he and Rabbi Meir are correct, in their own ways:)

b) Resolution of conflict

This is not a problem: One (Rabbi Meir) refers to peppers that are moist

147. Rashi: Rava is not thinking here of peppers that one would consider food. (They are, rather, spices, and thus do not come under the Yom Kippur penalty for eating, since "food" is that which satisfies one's cravings -- ישוב הדעת)

148. Jastrow describes this as an Arabian spice plant, probably ginger.

149. Rashi: Because they come from trees.

Orlah is the rule by which one may not eat from a new or grafted tree for the first three years of its growth.

and fresh (and therefore fit to be considered food, so the Yom Kippur obligations are in effect), **and the other** (Rav) **refers to peppers that are dried** (and therefore cannot be called "food" and are indeed exempt from Yom Kippur restrictions).

3. Gemara's second challenge to Rav

a) Challenge

The Gemara now challenges Rav's second ruling, that one who eats a cup of ginger is exempt

Ravina said to Mereimar: But Rav Nachman said: This preserved ginger¹⁵⁰ which comes from the land of the Hindus is permitted (as food without concern about the prohibition against eating food prepared by gentiles) **and we make a blessing over it -- "[Blessed are You, Adonai our God, Ruler of the Universe,] Creator of the fruit of the earth."**¹⁵¹
(If that's the case, then it is fit to be called food, and Ravina is correct and Rav is wrong!)

b) Gemara's resolution of the challenge

The Gemara responds so that they're both right:

This is not a difficulty. One (Ravina, citing Rav Nachman) **refers to ginger that is moist and fresh** (and thus fit to be called food, so it would count under Yom Kippur restrictions), **and the other** (Rav) **refers to ginger which is dried** (and thus is a spice, not a food, and is indeed exempt from Yom Kippur restrictions).

(The rabbis continue looking at what is fit or not fit to be called food.)

B. Further rulings on fitness of food

1) Tannaitic proof

Our rabbis taught in a baraita: One who (on Yom Kippur) **eats leaves of reeds, he is exempt** (from the obligation to make offerings, but one who eats) **the sprouts of a grapevine is liable.** (Thus, the leaves of reeds are unfit to be called food but the sprouts

150. Rashi: Made by mixing the spices with honey.

151. See Mishnah in Avodah Zarah 35b, which outlines the foods prepared by gentiles that are prohibited to Jews. Raw ginger does not, apparently, fit into this category.

of grapevines can be called food.)

2) Amoraic clarification

a) Machloket

These are the sprouts of a grapevine (*for which one is liable for offerings*):

Rabbi Yitzchak of Gidla'ah said: All that sprout from Rosh Hashanah to Yom Kippur (*for they are considered food*). **But Rav Kahana said: All thirty days** (*prior to Yom Kippur -- those that sprout at this time are considered food*).

b) Clarification

Gemara cites a Tannaitic source that favors R. Yitzchak's ruling over Rav Kahana's

A baraita taught similar to the words of Rabbi Yitzchak of Gidla'ah:
One who has eaten the leaves of reeds is exempt but one who has eaten the shoots of grapevines is liable. And these are the grapevine shoots (*for which one is liable*): ***All that sprout from Rosh Hashanah to Yom Kippur.***

(The Gemara now addresses the final ruling of this Mishnah)

III. Drinking Exemptions

"or [if one] drank beverages that were not fit to be beverages -- such as drinking fish brine or juice with fish hash in it -- he is exempt."

A. Talmudic Inference

(The Gemara comments that from the language of the Mishnah, it's possible to deduce and to learn that) **behold, (the one that drank) vinegar is liable. Whose opinion is represented by our Mishnah? That of Rabbi, as it is taught in a baraita: Rabbi says: vinegar restores the soul ישוב הדעת.** (*And therefore its law and liability would be the same as for a beverage because anything that is ישוב הדעת is considered food.*)

B. A Challenge to Judah haNasi

(It is related by the Gemara that) **Rav Gidal bar Menashe from Birei of Neresh interpreted: The halakhah is not according to Rabbi** *(and vinegar is not to be considered a beverage). (On Yom Kippur)* **of the following year, everyone went out and mixed and drank vinegar. Rav Gidal heard about it and became angry and said: One could say that I stated after the fact that if one drank this he would not be liable; however, at the beginning, to drink this -- did I say that was permissible? And further: Say that I said this regarding a little bit of vinegar; however, did I speak of a great quantity? Say that I said** *(there is no liability)* **with regard to pure vinegar. But did I ever say that there was no liability in drinking a vinegar mixture?**

Rav Gidal was noting only that our Mishnah does not state liability for drinking things that aren't really potable, such as vinegar. He was not condoning their consumption.

Summary: *This section of Mishnah and Gemara seeks to clarify the reasons for liabilities, should one forget and eat or drink on Yom Kippur. The issue in the first section is the language of the Torah itself -- the fact that the prohibition against eating on Yom Kippur is posed as a positive commandment ("You shall afflict yourselves") and not as a negative commandment. The Gemara asks why, and poses several alternative proposals for negative language. The Gemara admits the difficulty posed by the question. It leaves room for a resolution, though it doesn't come up with one.*

The Gemara also seeks, in this section, to clarify the reasons why tradition has observant Jews starting their fast on Erev Yom Kippur (and why it's good to do so), and why those who are not so machmir are not punished for being lenient on themselves.

Finally, the Gemara then seeks to clarify just what the boundaries are for edible foods or potable beverages, and how one distinguishes between something you shouldn't eat or drink on Yom Kippur from something that doesn't fall under the Yom Kippur guidelines. It appears that, to the rabbis, there is some elasticity in the prohibitions on food and drink. They just want to make sure no one takes them too far.

Page 82a -- Mishnah Section #3

MISHNAH

With regard to children, one does not impose affliction on them on Yom Hakippurim.¹⁵² But one trains them¹⁵³ a year prior or two years prior, in order to get them accustomed to the mitzvah.¹⁵⁴

GEMARA

I. Explanations of the requirements of children to fast

A. Kasha on the time requirement

1) Kasha

Now [that the Mishnah has told us] that we train the children two years prior, is it necessary to state that we train them one year prior?

(otherwise, this would seem to be superfluous language.)

2) Explanation

a) Description

Rav Chisda says: This is not a difficulty. This one ("one year prior") is talking about a sick child, and this one ("two years prior") is talking about a healthy child.

b) Elucidation

Rav Huna said: An eight-year-old child¹⁵⁵ or a nine-year-old child¹⁵⁶,

152.Rashi: We do not obligate them to refrain from eating.

153.Rashi: We train them for a few hours, before the year leading to puberty. Puberty comes at the age of thirteen for a girl, and fourteen for a boy.

154.Rashi: This means prior to two years leading to his puberty, and this means [we train him] for three years before puberty.

[Note: Rashi indicates that the Gemara will raise an objection to the Mishnah's language, asking why it needs to state that the children will be trained for the two years prior to puberty, when it also tells us that we train them for the three years prior to puberty.]

155.Rashi: For a healthy child who is already eight and is entering her ninth year. This applies to girls, as his (Rav Huna's) words will show -- (beginning) four years before puberty.

156.Rashi: This refers to a sick child who is already nine and nearing age ten; thus we have three years before her onset of puberty during which we train her to fast for a few hours.

we train her [to fast for a few] hours. A ten-year-old child¹⁵⁷ or an eleven-year-old child completes [the fast] under rabbinic law. A twelve-year-old child completes the fast under Toraitic law -- this applies in the case of a girl. (That is to say, when the text mentions the girl, she has reached the age of puberty and mitzvot in that she is twelve years old.)

And Rav Nachman said: A child of nine or ten, we train him [to fast for a few] hours; a child of eleven or twelve completes the fast under rabbinic law; a child of thirteen completes the fast under Toraitic law -- and this applies for a boy.¹⁵⁸

c) Dissenting opinion

But Rabbi Yochanan said: The completion [of the fast] is not a rabbinic requirement: With a child of ten or eleven, we train him [to fast for a few] hours, while a child of twelve completes the fast under Toraitic law.

d) The Gemara challenges Yochanan's opinion
i) Challenge

We have learned in our Mishnah: *We do not afflict the children on Yom Hakippurim, but we do train them for a year prior or two years prior.* This makes sense for [the rulings of] Rav Huna and Rav Nachman (if we understand it this way:) *a year prior or two years prior* -- a year prior, according to their words, and two years prior, according to their words (that is,

157.Rashi: For a healthy child who's already beyond age ten and is entering into her eleventh year, or, if the child is sick, at age eleven and entering into her twelfth year, she completes the fast under rabbinic law. If she is twelve and entering her thirteenth year, she completes the fast according to Toraitic law since she has hit the age of puberty and must fast, whether she is healthy or sick.

158.Rashi: Rav Nachman does not disagree with Rav Huna. Rather, one sage (Huna) is explaining the rules that apply to girls and the other sage (Nachman) is explaining the rules as they apply to boys.

according to Toraitic law and to rabbinic law, respectively).¹⁵⁹ **But for Rabbi Yochanan this (that is, the Mishnah itself) is a difficulty!**¹⁶⁰

ii) Resolution: The Gemara resolves Yochanan's difficulty by emending the Mishnah

Rabbi Yochanan would say to you: What does this mean, one year or two? It means we train them for a year or two close to their age of puberty.¹⁶¹

e) Gemara now challenges Huna and Nachman's view
i) Challenge

Come and hear proof from a baraita taught by Rabbah bar Shmuel¹⁶²:
We do not afflict children on Yom Hakippurim, but we do educate them for a year or two years nearing their age of puberty. This would make sense for Rabbi Yochanan, but it raises a difficulty for Rav Huna and for Rav Nachman (who teach that even a sick child begins training no fewer than three years before the

159.Rashi: Our Mishnah teaches that "we train them (to fast for a few) hours a year prior" -- this means that we train them for two years; "or two years prior" -- this means that we train them for three years. This makes sense for Rav Nachman and for Rav Huna, who maintain that completion of the fast is required under rabbinic law, even though they have stated that the education of a healthy child lasts for four years. To be able to resolve the difficulty in our entire Mishnah regarding the sick child, we say: "We train them (to fast for a few) hours for two years before completion of the fast is required under rabbinic law, which is three years before completion of the fast is required according to Toraitic law."

160.Rashi: This is a difficulty for Rabbi Yochanan because in his opinion, there is no rabbinic requirement at all for completion of the fast, as the Gemara explains the Mishnah according to Rav Huna and Rav Nachman. And that the first explanation is that for a sick child and the second for a well child, as Rav Chisda explains it -- also that is not acceptable, for that would mean a three-year training period for a well child and a two-year training period for a sick child. Rabbi Yochanan, though, says the training period is two years for a healthy child and one year for a sick child.

161.Rashi: Rabbi Yochanan would say to you: Do not learn the text as it appears, "a year prior" indicating two years, "or two years prior" indicating three years of training. Rather, say this: *We train her for a year leading up to puberty if she is sick, or for two years if she is healthy.*

162.Rashi: That is, come and hear proof that we're talking about one year or two years of training as Rabbi Yochanan has emended the Mishnah text, and not "a year prior or two years prior" as the Mishnah seems to read.

onset of puberty)!

ii) Response

Huna and Nachman would say to you: What is this education that is spoken of in the baraita? It is the completion of the fast.¹⁶³

iii) Objection to this re-interpretation of the baraita

But is education really completion of the fast? Are we not taught in a baraita: *What is this education? If he was accustomed to eating at the second hour, we feed him in the third hour; if he was accustomed to eating in the third hour, we feed him in the fourth hour.*

Thus, "education" cannot mean the same thing as "completing the fast." Education does indeed mean fasting for only part of the day. And if that's the case, and the above explanation of Rabbah bar Shmuel's baraita doesn't hold water, then the interpretations of Huna and Nachman are not valid.

Now the Gemara finds a way to endorse Nachman and Huna's interpretation:

iv) Final resolution

Rava Bar Ula said: There are two types of education.

(In other words, there's more than one way to understand the term "education" or "training." It could mean fasting for part of the day, but it could also mean fasting for the entire day.)

Conclusion: *The language of this Mishnah is terse and confusing. The phrase לפני שנה ולפני שנתיים is not clear. Moreover, the Mishnah gives us two time periods but does not explain how they apply, nor to whom they apply.*

The Amoraim apparently have a consensus that children must begin fasting at the age of puberty, when they take on the yoke of the mitzvot, and that they cannot be expected to fast for an entire day without some advance preparation.

In the end, though, the Gemara does not come to a firm understanding of the time frame or guidelines for how to teach children to fast on Yom Kippur. Since there is apparently more than one way to understand the concept of "education," there also seems to be great flexibility in the way children are trained for the day of fasting.

¹⁶³. If this "education" is indeed completion of the fast, then the baraita concurs with both Huna and Nachman, who say that healthy children fast all day two years prior to puberty, and sick children fast all day one year prior to puberty, under rabbinic law.

Middle page 82a -- Mishnah Section #4

Introduction: Up to now, the chapter has reviewed the requirements for afflictions on Yom Kippur, focusing on the requirement to fast. It is accepted that, generally, all men and women are required to fast from the time of puberty onward. But does that requirement extend to every Jew in every situation? That is the implied question answered by the next Mishnah, which introduces the issue of "pikuach nefesh" and the primacy of life and health.

MISHNAH

If a pregnant woman smells food¹⁶⁴, we feed her until her soul revives. In the case of a sick person, we feed him at the direction of experts.¹⁶⁵ If no experts are available, we feed him at his own direction until he says, "Enough!"

GEMARA

I. The Case of the Pregnant Woman

A. Tannaitic support for the rule

The rabbis taught in a baraita: *The pregnant woman who smelled holy meat or pork, we dip a reed into the meat juices for her and let her suck on it, and if she feels that her craving has been gratified, good. If not, we feed her the meat stock itself, and if her craving has thus been satisfied, good. But if not, we feed her the animal fat itself, since nothing takes precedence over pikuach nefesh (saving a life) except for [the prohibitions against] idolatry, illicit sexual relations, and the shedding of blood.*

(These three commandments are the only ones that may not be violated in the name of saving someone's life. Now the Gemara looks at these three exceptions to the rule and gives their Scriptural sources:)

164.Rashi: The embryo smells prepared dishes and he craves it, and if the mother does not eat, the two of them are put in danger.

165.Rashi: If two doctors say that he will be endangered if he does not eat.

1. Idolatry

"Idolatry" -- From what Scriptural source do we know about this exception? It is taught in a baraita: *Rabbi Eliezer says: It says in Scripture "with all your soul."*¹⁶⁶ *So why does it also say "with all your substance"? And if Scripture says, "with all your substance," then why does it need to say also "with all your soul"? If you have a man whose body is more precious to him than his money, it is for him that Scripture writes "with all your soul." But if you have a man whose money is more precious to him than his body, it is for him that Scripture writes "with all your substance."*¹⁶⁷

(That is to say, each person must prove his or her love of God by being willing to give up that which is most precious, whether it involve one's life or one's material wealth.)

2. Illicit Sexual Relations, Murder

"Illicit sexual relations and the shedding of blood" -- Where is the Scriptural proof for this exception to the rule? It is taught in a baraita:

Rabbi says: "[But if a man find a betrothed girl in the field and the man forces her and lays with her, then only the man that lays with her shall die, but to the girl you shall do nothing -- there is in the girl no sin worthy of death,] for as when a man rises up against his neighbor and slays him, even so is this matter" (Deut. 22:26).

But what connection is there? What do we learn about the defilement of a betrothed woman from the law of the murderer? (That is, the law of the betrothed woman is explained, but what's the chiddush that we learn by comparing it with the law of the murderer?) Rather, this (the law of the murderer) comes (at first glance) to teach (about

166. Deuteronomy 6:5: "You shall love Adonai your God with all your heart **בכל לבבך** and with all your soul **ובכל נפשך** and with all your substance **ובכל מאדך**." The question is whether the latter two mean the same thing, thus rendering the final one superfluous. The answer is no, and since it cannot be superfluous, it must refer to material possessions rather than something within the person.

167. Rashi: Let him state that which is most precious among these things; all the more so should one be willing to give up the one that is less precious to him.

the betrothed woman), but it was found to be the subject of a teaching as well: Just as with the betrothed woman, she may be saved at the cost of her pursuer's life (one is permitted to save the woman even if it means killing the man who is pursuing her), so too with the murderer (the intended victim may be saved at the cost of the pursuer's life). (And there is a second side to this teaching:) And just as with the murderer, he must allow himself to be killed so that he does not commit a transgression¹⁶⁸, so too regarding the betrothed woman, one must allow himself to be killed so that he does not commit the transgression (of adultery).¹⁶⁹

[p. 82b] And the the murderer himself -- from what Scriptural source do we learn (that he must be killed to avoid the transgression)? It is deduced from logic, as in the case of the one who came before Rava and said to him: The head of my village told me, "Kill so-and-so, and if you don't do it, I will kill you!" Rava said to him: Let yourself be killed, but don't you kill. What reason do you have to assume that your blood is redder? Perhaps the other man's blood is redder! (Because you cannot assume that your life is more valuable than his, it is logical that one cannot kill another to save oneself.)¹⁷⁰

168.Rashi: If they say to him: "Kill your fellow or you will be killed," he must allow himself to be killed so that he does not commit a sin.

169.Rashi: That is, if they say to him: "Commit adultery with the betrothed of your fellow or you will be killed," he must allow himself to be killed so as not to commit the transgression. But she (the betrothed woman) is under no *mitzvah* obligation to hand over her own life, because she is not really doing anything -- she is merely natural ground (that is, her role is passive), and the proof of this is in the story of Esther (who did not relinquish her life to avoid an illicit relationship with Ahashverosh).

See *Sanhedrin* 74b: "Esther was merely like natural ground -- that is, in submitting to the embraces of the heathen king, she did no act on her part."

170.Rashi: Rava's response is based on the verse "That a man shall live by them" (Leviticus 18:5) -- meaning, "and not die by them." According to this, a life of Israel is more precious to God than the mitzvot. The Holy One Blessed Be He said: "Annul the mitzvah that this one shall live." But if a Jew will die in either case, there is no longer a warrant for annulling a mitzvah (לא תרצח) .

B. A Related Report

(And the rabbis relate a story regarding the pregnant woman who smelled food:)

A certain pregnant woman smelled food *(on Yom Kippur and wished to eat it). They came before Rabbi* *(wanting to know what to do for her)* **and he said to them: Go and whisper to her that it is Yom Kippur. So they whispered to her, and she accepted the whisper** *(and her craving subsided).* **Rabbi cited the following Scriptural verse regarding this fetus: "*Before I formed you in the belly I knew you; and before you came out of the womb I sanctified you*" (Jeremiah 1:5). From her came forth Rabbi Yochanan.**

C. A Second Related Report

A(nother) certain pregnant woman smelled food *(on Yom Kippur and craved it). They came before Rabbi Chanina* *(asking what to do)* **and he said to them: Whisper to her** *(that it is Yom Kippur)* **-- but she did not accept the whisper** *(and her craving did not subside).* **Rabbi Chanina cited the following verse regarding this fetus: [p. 83a] "*The wicked are estranged from the womb; they err from birth, speaking lies*" (Psalm 58:4). From her came forth Shabbatai, hoarder of fruit.¹⁷¹**

II. The Case of the Patient

(The Gemara now proceeds with the next part of the Mishnah)

In the case of a sick person, we feed him at the direction of experts.

A. The First Ruling of Rabbi Yannai, a First-Generation Amora

1. Statement

Rabbi Yannai said: If the sick person says "I need [to eat]" and the doctor says "He doesn't need [to eat]," we listen to the sick person. What is the reason? *(As it is written,)* **"*The heart knows its own bitterness*" (Proverbs**

¹⁷¹ A baraita (*Bava Batra* 90b) refers to Shabbatai, who bought up fruit, hoarded it, and then sold it on the market at inflated prices. The rabbis teach that this is not permitted.

14:10). *(The patient knows the extent of his pain better than anyone else, and the doctor cannot refute it.)*

2. The Gemara raises a kasha to this statement

a) Kasha

But that's too simple! *(Of course person knows himself better than anyone else!)*

b) Response

But what is it that you might have said *(without this statement)?* **That the doctor knows better** *(whether or not the patient needs to eat, and if the doctor says no, the patient won't be fed).* **So this** *(statement by R. Yannai)* **comes to tell us** *[otherwise].*

B. The second ruling by R. Yannai

1) Statement

If the doctor says "He needs to eat," but the patient says, "I don't need to eat," we listen to the doctor. What's the reason? Because stupor has seized him *(so that he does not feel the lack of food).*

2) Challenge by the Gemara

a) Challenge

Our Mishnah teaches: "A sick person, we feed him on the advice of experts." We infer from this: **On the advice of experts -- yes; but on the patient's own advice -- no. On the advice of experts -- yes; but on the advice of one expert -- no!**

b) Gemara responds by reinterpreting the Mishnah

With what situation are we involved here? *(With a special situation in which) the patient says "I do not need to eat."*

c) The Gemara challenges this re-interpretation

Then let us feed him on the advice of one expert! *(After all, Rabbi Yannai said in the second part of his statement that in this situation we should listen to the doctor. So why does the Mishnah say we need more than one?)*

d) The Gemara responds with a qualification to the Mishnah

It *(the requirement for two doctors)* **is necessary only when there is another** *(a doctor)* **besides him** *(the patient)* **who says he does not need to eat. In this case, "we feed him on the advice of experts"** *(that is, two doctors who both rule that he does indeed need to eat).*

(In this case, we would require two other doctors to say he needs to eat, over-ruling both the patient and the original doctor, so that we can feed the patient. This is different from the case in which the patient says no but the one doctor says yes, in which case we follow the advice of the one doctor. This is how the text reconciles Rabbi Yannai's statement that only one expert is needed with the Mishnah, which says we need two.)

e) The Gemara objects to this statement as well

(If that's true, then) **this is obvious!** *(For is it not then)* **a case of ספק נפשות**, in which there is doubt as to whether or not there is danger to life? And in such a case, one acts with leniency.

f) The Gemara responds with another qualification

It *(the requirement for two doctors)* **is necessary only when there are two other experts besides the patient who says he does not need to eat. And even though Rav Safra said, "Two is like a hundred and a hundred is like two"** *(that is, two or more witnesses comprise appropriate testimony), these words* *(of Rav Safra's)* **come to inform us only about the matter of testimony. But with regard to assessments, we follow the majority opinion. But these words come only to inform us regarding monetary assessments. However, here, we have a case**

where there is doubt about danger to human life. *(We don't follow the majority opinion here, we follow the more lenient one, since it's a case of ספק נפשות. So even though the patient and two doctors say he doesn't need to eat, if two other doctors say he does need to eat, then it's necessary that he be fed).*

g) The Gemara raises a Kasha

(The Gemara raises a kasha to this statement, challenging the assumption that we're talking here about a patient who does not want to be fed:)

i) Kasha

But doesn't the end of our Mishnah state, "If no experts are available, we feed him at his own direction"? This implies that the first part of the Mishnah also deals with a situation in which the patient says, "I need to eat!"

ii) Resolution

(The Gemara resolves the dispute by rewriting the text:)

There are words missing from our Mishnah text. Here's the way it should really read: *To what circumstances do these words* (requiring בקיאי *apply? To a situation in which the patient says, "I do not need to eat!" But in a situation in which the patient says, "I need to eat," and there are not two experts present but only one -- and this one says "He does not need to eat" -- we feed the patient at his own direction.*

Mar bar Rav Ashi said: In every situation in which the patient says, "I need to eat," even if there be a hundred who say, "He does not need to eat," we listen to the patient's opinion, as it is written, "*The heart knows its own bitterness*" (Proverbs 14:10).

- h) The Gemara raises Kasha #2
- i) Kasha

Our Mishnah says: "*If there are no experts, we feed him at his own direction.*" (At first glance, it's possible to understand from this:) **The reason is that there are no experts. But behold, if there are experts, we do not** (*listen to him but rather we listen to the experts*)!

ii) Refutation and Final Resolution

(The Gemara refutes this challenge by again rewriting the Mishnah, to accord with Mar bar Rav Ashi:)

This is what the text should say:

To what situation does this refer? To one who says, "I do not need to eat." But in a situation where the patient says "I do need to eat" and there are no experts at all, we feed him at his own direction, for, as it is written, "The heart knows its own bitterness."

Conclusion: If the patient says no, but even one doctor says yes, we feed the patient. But if the patient says yes, according to Mar bar Rav Ashi, no number of so-called experts can refute him. Thus, the Talmud leans toward a lenient interpretation of the Mishnah, thus reinforcing the principle that pikuach nefesh takes precedence over the laws of the Yom Kippur fast.

Likewise, the pregnant woman is given nourishment if her body (that is, actually, if the fetus) craves it; however, the Talmud looks to restore her spirits in a way that violates the fast-day laws as little as possible, incrementally increasing the intake of nourishment only when less drastic measures do not have any effect.

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Middle page 83a -- Mishnah Section #5

We now continue looking at the importance of pikuach nefesh, the saving of life. The incidents noted here involve Shabbat; the analogy is made to Yom Kippur because both days involve restrictions on activity such as those listed here.

MISHNAH

One who is seized by *bulmos*¹⁷², we feed him even ritually impure things, until his eyesight is restored. One who is bitten by a mad dog, we do not feed him from the lobe of the dog's liver, though Rabbi Matya ben Charash permits it.¹⁷³ Rabbi Matya ben Charash further says: The one who feels pain in his throat, we give him medicine orally on Shabbat, because this is a case of **ספק נפשות, a case of possible danger to life, and any case of **ספק נפשות** over-rides the prohibitions of Shabbat.**

One on whom debris falls and it is uncertain whether he is under there or not, uncertain whether he is alive or dead, uncertain whether he is a Cuthite¹⁷⁴ or a Jew, we must clear away the rubbish that covers him. If we discover he is alive, we must dig him out; if he is dead, we leave him there.

GEMARA

I. Treatment of *Bulmos*

A. Elaboration on permission to treat

1. Tannaitic rule

Our rabbis taught in a baraita: *How do we know that his vision has been restored? When he is able to distinguish between good and bad (food).*

172. *Bulmos* is defined by Jastrow as ravenous hunger, or faintness from fasting. Rashi says that it is a life-threatening situation, one symptom of which is weakness of vision. Restoration of sight, says Rashi, is a sign that the person has recovered.

173. Rashi: Even though doctors customarily use this treatment, it is not a valid cure that would cause us to lift the prohibition on ritually impure meat (since dog's meat is not kosher). Rabbi Matya is of the opinion that it is a valid cure and so should be permitted.

174. כותי is the designation for Samaritans. In editions of the Talmud published under censorship conditions, it is used as a replacement for עכו"ם, גוי, נכרי, and the like, to designate gentiles or idolators.

2. Gemara's clarification of the baraita

Abbaye explains: With regard to its taste.¹⁷⁵ *(Because even someone suffering from bulmos knows how to recognize the appearance of food.)*

B. A second Tannaitic rule

Our rabbis taught in a baraita: If one is seized by bulmos *(and thus we have an obligation to feed him until his eyesight is restored), we feed him the least objectionable forbidden foods.*¹⁷⁶ *(For example:)* **If טבל and נבילה are available, we feed him נבילה**¹⁷⁷ ; **if only טבל and שביעית are available, we feed him שביעית.**¹⁷⁸

C. The Gemara provides a third example

1. Tannaitic example

(Now the Gemara gives us another situation not covered by this particular baraita:)

The choice between טבל and תרומה¹⁷⁹ **is disputed by the Tannaim in the following baraita: We feed him טבל and we do not feed him תרומה. But Ben Taima says: We feed him תרומה and not טבל.**

175. Rashi: One who knows how to distinguish between good-tasting food and bad-tasting food. Although the food is given until sight is restored, vision is not the means by which one judges the patient's health. Meiri explains that at night, when it's dark, even healthy people cannot visually distinguish good food from bad.

176. Rashi: If we have no permitted foods available with which to take care of his needs, but we do have a variety of forbidden foods available, we feed him the food among them that carries the least severe prohibition.

177. טבל is produce from which the tithe has not yet been separated; נבילה is carrion, especially an animal not slaughtered according to ritual rules. The carrion falls under the category of לא תעשה, but the טבל is prohibited under punishment of death by the heavenly court; therefore, one would serve the patient the carrion first, since this carries the lesser penalty.

178. The שביעית is the produce of the *shemittah* year, the seventh year on which the farmland of Eretz Yisrael must remain fallow (See Leviticus 25:1-7). According to Rashi, after some time, the produce that grows naturally in the fields during this year is to be disposed of. Since this disposition is in essence a positive Toraitic commandment -- while the טבל is subject to punishment under a negative commandment -- the restrictions on *shemittah* produce are less harsh and thus one would feed the שביעית to the *bulmos* patient first.

179. *Terumah* is the portion that must be separated from one's produce and given to the priest, and only members of the priestly families are entitled to eat it.

2. Gemara's qualification of the dispute of the Tannaim:

Rabbah said: Where it is possible to feed him from the חולין¹⁸⁰ everyone agrees that there is no dispute that we make the *tevel* fit by separating out the tithes (and then we feed him from what remains, even on Shabbat, when it is forbidden to separate out the *terumah*). Where is there disagreement? In a situation where it is not possible to feed him from the *chullin*. One master holds that eating the **טבל carries a more severe punishment, and the other sage holds that the **תרומה** carries the greater punishment. (What is their reasoning?) One (Ben Teima) argues that *tevel* carries a greater punishment (because it is prohibited to everyone before the separation for the tithes has been made) but *terumah* is fit for a priest (and so does not carry a general prohibition in any form). The other sage (the Tanna Kamma) says that the prohibition regarding *terumah* is greater (because it is automatically not permitted to anyone outside the priestly lineage), but with *tevel*, it is possible to render it fit (and therefore, in his opinion, *tevel* carries the less stringent prohibition).**

a) The Gemara raises a question

(The Gemara now tackles Rabbah's statement that in a situation where the patient's needs can be satisfied by separating out the tithes and giving him the *chullin*, everyone agrees that we don't need to feed him from the *tevel* or from the *terumah*.) **[p. 83b]**

"Where it's possible to feed him from the *chullin* . . . " -- but that's obvious! (It's obvious that if it's possible to prepare the produce by separating out the tithes and then feeding him from the *chullin* that's left, we should do it. So why does Rabbah need to state this?)

180. חולין is the ordinary food that people may eat because the tithes have already been sorted out from it.

b) The Gemara responds

(Rabbah's statement) is necessary with regard to Shabbat. (Since it is prohibited to separate out terumah and ma'aser tithes on Shabbat, and we'd be feeding him something that's supposed to be only for the priestly class, one might assume that we can't tend to this patient on Shabbat unless Rabbah told us.)

c) The Gemara raises a second kasha to Rabbah

But with regard to Shabbat, too, it is obvious! *(For the prohibition against separating out the tithes on Shabbat is) only (a prohibition against) moving or carrying, which is a rabbinic prohibition (and indeed the punishment is less harsh less than that for eating unprepared לֶחֶם, which is a Biblical prohibition, so of course you would do it!)*

d) The Gemara responds to the kasha

What are we dealing with here? *(Produce grown in) a common earthen vessel that is not perforated -- (with this type of produce, the obligation to separate out the terumah doesn't come from Torah but rather only) from the Rabbis (yet even here, we separate the terumah).*

(Now, returning to the issue, we would say now that even with regard to rabbinic prohibitions:) **One sage holds that eating the *tevel* would involve a harsher punishment, and one sage holds that the *terumah* would involve a harsher punishment.**

3. The Gemara offers an alternative understanding to Rabbah, suggesting not all Tannaim agree with his ruling.

Let us say that this involves a dispute among Tannaim, as it is taught in a baraita: One who was bitten by a snake (and he is in danger), we call for him a doctor from one place to another (even on Shabbat), and we tear open for him

the hen (if we rely on its flesh for healing)¹⁸¹, and we cut leeks and we feed them to him without taking out the tithe, according to Rabbi. But Rabbi Elazar son of Shimon says: No, we do not feed him (from these) until he tithes from them. So let's say that (the one who said that it's necessary to divide out the terumah even on Shabbat) is Rabbi Elazar son of Shimon and not Rabbi.

4. The Gemara responds to the challenge to Rabbah

(The Gemara responds that both Elazar and Rabbi might agree with Rabbah on this point:)

You can say that even Rabbi (would agree). Up until now, Rabbi has said nothing about tithes except regarding the tithe of vegetables, which is rabbinic. But with regard to the tithe of grain -- the separation requirement for which is Toraitic -- even Rabbi would agree (that one should separate out the tithes even on Shabbat rather than let him eat the tevel), for if one permits him to eat from unseparated produce from an unperforated earthen vessel (which is prohibited by the rabbis), he may come to eat produce from a perforated earthen vessel (which is prohibited by Scripture).

The argument here is that even Rabbi, who according to the final baraita, did not tithe in that case involving vegetables, would agree that in our case involving grain it would be better to separate out the tithes. Separating out the tithes on Shabbat in order to have food for the patient is only a rabbinical prohibition. On the other hand, eating tevel from grain is a Biblical prohibition unless it's grown in an unperforated pot. Rather than taking the chance on people confusing one type of grain for the other and violating the Torah, Rabbi might agree with Rabbah that it's better just to tithe all grains before the food is prepared.

D. The Gemara offers another solution to the problem of bulmos

Our rabbis taught in a baraita: If a person is seized by bulmos, we feed him honey and all kinds of sweets, for the honey and the variety of sweet foods will restore sight to the eyes of a man. And even though there's no proof of this,

¹⁸¹.Rashi: Placing the flesh of the hen on the wound is considered an appropriate medical treatment.

there is an allusion to it in the following passage: "See, I pray you, how my eyes have brightened because I tasted a little of this honey" (Jonathan, in I Samuel 14:29).

1. The Gemara questions the wording of the baraita

But why does the baraita say "even though there is no proof of this"?

(This quotation would seem to be strong proof, indeed!)

2. The Gemara responds to the question

Because there Jonathan was not seized by *bulmos*. *(Rather, he was just really hungry, so it's not entirely comparable to a situation of bulmos.)*

3. The Gemara now comments on the content of the baraita

Abbaye said: They did not teach *(that sweets restore the eyesight of a person suffering from bulmos)* **except after eating. But before eating, they make a person hungrier, as it is written, "They found an Egyptian in the field, and they took him to David, and they gave him bread and he ate, and they made him drink water. And they gave him a cake of pressed figs and two clusters of raisins. And when he had eaten, his spirit was restored to him, for he had not eaten bread nor had he drunk water for three days and three nights" (I Samuel 30:11-12).** *(We learn from this that the sweets were given to him at the end of the meal and not at the beginning.)*

E. The Gemara offers a series of home remedies for bulmos

1. First remedy

Rav Nachman said in the name of Shmuel: If one is seized by *bulmos*, we feed him the tail with honey *(because the combination of the fatty meat with the honey is more beneficial to the patient).*

2. Second remedy

Rav Huna son of Rav Yehoshua said: Also pure choice flour with honey.

3. Third remedy

Rav Papa said: Even barley flour with honey.

F. The Gemara offers a series of rabbinic stories about bouts with bulmos

1. Story #1

Rav Yochanan said: One time, I was seized with *bulmos* and I ran to the east side of a fig tree (and found ripe dates there and ate them), and fulfilled through myself "*Wisdom gives life to those who have it*" (Kohelet 7:12), for as Rav Yosef taught in a baraita: *The one who wishes to taste the taste of the date, let him turn to its east side, as it is written, "For the precious fruits brought forth by the sun"* (Deut. 33:14).

2. Story #2

Rabbi Yehuda and Rabbi Yossi were going along the road when Rabbi Yehuda was seized with *bulmos*. He took by force the food of a shepherd and he ate it. Rabbi Yossi said to him: "You took by force from the shepherd!" When they arrived at the city, an attack of *bulmos* seized Rabbi Yossi. They (*the people of the city*) surrounded him with portions of meat and with plates (*of sweets*). Rabbi Yehuda said to him: "I took by force from the shepherd, but you took by force from the entire city!"

3. Story #3, not regarding bulmos but related to these same Tannaim:

Further: Rabbi Meir and Rabbi Yehuda and Rabbi Yossi were going along the road. Rabbi Meir would carefully examine the name (*of prospective hosts, learning from their names about their characters*); neither Rabbi Yehuda nor Rabbi Yossi would check their names. When they came to a certain place,

they would request a night's lodging, and it was given to them. They asked an innkeeper, "What is your name?" He said: Kidur כִּדּוּר. He said: Learn from this that he is an evil man, as it is written, "*For they are a generation of perversity*" (Deut. 32:20).

Rabbi Yehuda and Rabbi Yossi entrusted their money bags to him; Rabbi Meir did not entrust his money bag to him.¹⁸² Instead, he went and placed it alongside the grave of his host's father. He *(the host's father)* appeared to him *(the host)* in a dream *(saying)*: Come and take the money bag that is resting at the head of that very man *(that is, of my head)*. The next day, the host said to the sages: This is what appeared to me in my dream! They said to him: The dream of Leil Shabbat has no substance.¹⁸³ *(Nevertheless,)* Rabbi Meir went and guarded *(his money bag)* all day long and then brought it back.

The sages said to the host: Return our money bags. But he replied: This never happened. Rabbi Meir said to them: Why did you not check the name? They said to him: Why did you not tell us, Master? Meir said to them: I did indeed say to be fearful about this; but actually establishing him as evil -- did I ever say that? *(Would it have been possible for me to state for certain that this man was evil? So what did the two sages do?)* They seized him and brought him into a store and saw lentils on his upper lip *(indicating that he had eaten lentils that day)*. They went and presented this as a sign to his wife *(that she return to them their money bags, which she did)*. They took their money bags, and he went and killed his wife *(in a fit of anger over what she had done)*. This is what is taught in a

182.Rashi: It was Erev Shabbat and they entrusted their money to him [for safekeeping on the Sabbath].

183.Rashi: When a man is resting on Shabbat, his mind wanders and he sees dreams. Meir's intention was to drive the dream away from his mind so that he not go and take the money bag.

baraita: *The first washing fed pork; the last washing killed someone.*¹⁸⁴

In the end, they too would check the name of the prospective host. When they came to a certain house belonging to one called Balah, they wouldn't go in. They said: Learn from this that he is an evil man, as it is written, "*Then I said to her who was worn out לבלה in adulteries, will they now still commit harlotries with her, and she with them?*" (Ezekiel 23:43) -- like "*After I have grown old בלתי, shall I have pleasure*" (Genesis 18:12). That is to say, לבלה נאופים means: One is aged through adulteries.

II. The Mad Dog Attack

(The Gemara now continues with the next part of the Mishnah:)

"One who is bitten by a mad dog, we do not feed him from the lobe of the dog's liver, though Rabbi Matya ben Charash permits it."

A. Identifying the mad dog

Our rabbis taught in a baraita: *Five things are said about a mad dog: His mouth is open and his slobber drips, and his ears flop, and his tail rests on its legs, and it walks along the sides of the roads. And there are those who say he barks, too, but his voice is not audible.*

1. Identifying the cause of dog madness

How does this come about?

a) Rav said: Women engaged in sorcery play with it.

b) But Shmuel said: An evil spirit rests upon it.

184. "The first washing fed pork" -- There once was an innkeeper whose custom it was to serve pork to gentiles and kosher meat to Jews, and he distinguished between Jews and non-Jews by seeing whether or not they washed their hands before eating. One time a Jew came in and ate without first washing his hands, so he served him pork.

"The last washing killed someone" -- As in this story, for if the innkeeper had washed his mouth after eating, no one would have known that he had eaten lentils.

2. Identifying the significance of Rav and Shmuel's dispute

a) Question

What's the difference between them?

b) Gemara's response

There is a difference [p. 84a] (with regard to) killing it with something thrown.¹⁸⁵

c) Gemara's clarification

It is taught in a baraita in accordance with Shmuel: *When one kills (the mad dog), one must kill it only with something thrown. One who rubs against it is endangered; one who is bitten by it will die.*

3. Gemara's analysis of the baraita

a) First citation

***One who rubs against it is endangering himself* -- What is his remedy? Let him take off his clothes and run.**

(The Gemara relates a story to this effect:)

Rav Huna son of Rav Yehoshua was rubbed by one of them on the street. He took off his clothes and ran. He said: I by myself have fulfilled "*Wisdom gives life to those who have it*" (Kohelet 7:12).

b) Second citation

***One who is bitten by it will die* -- What is his remedy? Abbaye said: Let him bring the hide of a male hyena, and let him write upon it: "I -- So-and-so, son of So-and-so --bring the hide of this male hyena and write to you: Kanti Kanti Kelirus. And some say *(that it's necessary to write)*: "Kandi**

¹⁸⁵.Rashi: Shmuel says that an evil spirit rests upon it. Therefore, one should not come close to it to kill it with one's hands but rather send forth an arrow or knife to kill it.

Kandi Keloros Yah Yah Lord of Hosts, Amen Amen Selah. " And let him remove his clothes and bury them in the cemetery for twelve months. Then he should remove them and burn them in an oven and scatter their ashes at a cross-roads. And during that twelve months of the year, when he drinks water, let him drink only through a copper straw so that he won't see a reflection of the demon¹⁸⁶ in the water and become endangered, as in the story of Abba bar Marta -- this is Abba bar Maniyumi -- whose mother made him a straw of gold *(for this purpose)*.

(The Gemara continues with the next section of the Mishnah:)

III. Treatment of illness on Shabbat

"Rabbi Matya ben Charash further says: The one who feels pain in his throat¹⁸⁷, we give him medicine between his lips on Shabbat, [because this is a case of ספק נפשות , a case of possible danger to life, and any such case over-rides the prohibitions of Shabbat]."

A. Yochanan's story

Rabbi Yochanan suffered from scurvy. He went to a certain noblewoman *(a gentile woman known for healing)*, and she made for him something to heal him on Thursday and on Erev Shabbat *(Friday)*. He said to her: " On Shabbat, what should I do?" She said to him: "You won't need anything." *(He asked her:)* "But what if I do need something -- what should I do?" She said to him: "Swear to me you will not reveal *(my treatment)*." *(He said to her:)* "I swear to the God of Israel I will not reveal it!" *(After she told him,)* he went out and expounded upon it in a public lesson.

186.Rashi: The demon that jumped from the mad dog onto him, endangering him.

187.The Gemara will interpret this as meaning the man suffers from צפידנא , or scurvy.

1. The Gemara is appalled by Yochanan's behavior

But he swore to her!

2. The Gemara responds to this criticism

*(He worded his oath thusly:) "To the God of Israel I will not reveal it", but implying: To His *people* Israel I will reveal it.*

3. The Gemara raises a kasha regarding Yochanan's behavior

But *(at any rate,)* **there is a desecration of God's name!** *(That is, the very idea that a great man like Rabbi Yochanan would invalidate his own oath.)*

4. The Gemara responds to the kasha

He revealed to her from the beginning *(after swearing the oath, immediately he said to her that this oath would not prevent him from making her secret public to the masses).*

5. The Gemara wants to know what the treatment was

So what did she do *(what was this medication that she made)* **for him?**

a) Rav Acha bar Rav Ami said: Water with leaven, olive oil, and salt.

b) Rav Yeimar said: Just leaven itself, olive oil, and salt.

c) Rav Ashi said: The fat of the wing of a goose.

d) Abbaye said: I made all of these, but none of them healed me until a certain caravan merchant told me: Bring the stones of olives that did not grow by a third and burn them in a fire on a new rake, and attach them onto a row of his molars. I did this and I was cured.

B. The causes of scurvy

1. Question

From what does this illness come?

2. Answer

From eating very hot wheat bread and from the left-overs of fish prepared in oil.

C. The symptoms of scurvy

1. Question

And what are the symptoms of this illness?

2. Answer

When he puts something in his teeth and blood comes forth from the row (of teeth).

D. Back to Yochanan's treatment of his scurvy

Rabbi Yochanan suffered from scurvy, and he did this on Shabbat and he was cured.

1. Question: Now we get to the real issue of how this affects Shabbat observance

And Rabbi Yochanan -- how did he do this? *(How could he violate the Sabbath laws to heal himself on Shabbat from something that only affects the teeth?)*

2. The Gemara responds

Rabbi Nachman bar Yitzchak said: Scurvy is different, since it starts (out as a disease present only) in the mouth but ends in the bowels.

3. The Gemara now challenges Rabbi Yochanan on his actions on Shabbat

Rav Chiyya bar Abba said to Rabbi Yochanan: With whose opinion do you concur? Apparently that of Rabbi Matya ben Charash¹⁸⁸, who said: The one who feels pain in his mouth is to be treated with medicine on Shabbat.

¹⁸⁸. Rabbi Matya's opinion, as a דעת יחיד, would be overturned in favor of that of the sages, and you're agreeing with him?!

4. Yochanan responds to the challenge

Rabbi Yochanan said to Rabbi Chiyya bar Abba: Rather I say that in this case specifically (that of treating on the Sabbath a man with scurvy) the sages would agree with Rabbi Matya. They would not agree with him only in the other case (that of the man bitten by a mad dog).

(If this is so, regarding medicine on Shabbat the sages would agree with the opinion of Rabbi Matya ben Charash).

5. The Gemara comes to the support of Rabbi Yochanan

Let us say that the following baraita supports Rabbi Yochanan's opinion: One who is seized with a case of jaundice, we feed him donkey meat. One who is bitten by a mad dog, we feed him from the lobe of the liver of this dog. And one who feels pain in his mouth, we treat him with medicine on Shabbat -- the words of Rabbi Matya ben Charash. But the sages say: These בְּאֵילֹ are not legitimate treatments.

a) The Gemara questions the baraita's wording and intention

(When the sages say) בְּאֵילֹ , "these," what do they mean to exclude? Do they not mean to exclude medicine? (That is, they don't agree with the first two treatments, but the sages would agree with the third one, that one provides medicine on Shabbat for a case of scurvy.)

b) The Gemara responds

No, the rabbis mean to exclude blood-letting (on the Sabbath) for a case of asphyxia.¹⁸⁹ (And that means the rabbis disagree with Matya on all three in the baraita, including treatment of scurvy on Shabbat. That means Rabbi Yochanan still has a problem.)

189. Rashi: The rabbis dispute Rabbi Matya on all three of the treatments he permits in this baraita. They agree with him on a teaching described elsewhere.

(The Gemara now tries to bolster this view:)

And this is indeed logical, for it is taught in a baraita: *Three things did Rabbi Yishmael son of Rabbi Yossi say that he heard in the name of Rabbi Matya ben Charash: Blood-letting on Shabbat in a case of asphyxia; and one who is bitten by a mad dog, we feed him from the lobe of the liver of this dog; and one who suffers pain in his mouth, we provide him with medicine on Shabbat. But the sages say: These things have no therapeutic value.*

When the sages say, "these things, "what do they mean to exclude? Do they not refer to the last two remedies and mean to exclude the first? (*That is, don't they reject Matya on the second and third rulings but accept that blood-letting for asphyxia on Shabbat is acceptable?*)

c) The Gemara challenges this response

No, they refer to the first two rulings and exclude the third. (*That is, they do not accept Matya's first two rulings, but they agree with him that it's acceptable to provide medicine to a scurvy patient on Shabbat, as Rabbi Yochanan, the scurvy patient, contended all along.*)

Now that the Gemara has come to this conclusion, it offers further proof to bolster the contention that the sages agree with Rabbi Matya that it is permissible to provide medicine to a scurvy patient on Shabbat:

d) The Gemara now offers proof to bolster this view in support of Matya and Yochanan

[p. 84b]

Come and hear that Rabbah bar Shmuel taught in a baraita: *A pregnant woman who smells food, we feed her until her soul is restored. And one who is bitten by a mad dog, we feed him the lobe of the liver of that dog. And one who suffers pain in his mouth, we give him medicine even on Shabbat*

*-- the words of Rabbi Elazar ben Yossi, who taught it in the name of Rabbi Matya ben Charash. But the sages say: We agree with this ruling **לפי**, but not with the other.*

When the sages say **לפי** , with which ruling are they agreeing? If we were to say that it refers to the pregnant woman, isn't that obvious? With regard to the pregnant woman, is there anyone who would say that we would not feed her? Rather no -- it refers to medicines. Learn from this *(that the sages agree with Rabbi Matya that one should provide a scurvy patient with medicine on Shabbat).*

e) The Gemara offers further proof of this position

Rabbi Ashi says: Our Mishnah supports what was just proposed *(because it says): "And Rabbi Matya ben Charash **further** says: The one who feels pain in his mouth, we give him medicine on Shabbat" -- and the rabbis do not dispute this point. For if it were so that the rabbis did dispute it, then the Mishnah would have combined them* *(the two teachings of Rabbi Matya, and taught them as one, with the sages disputing it at the end. But since it's not written that way, it is rather the case that the sages only dispute the ruling of Matya regarding the mad dog).*
Learn from this *(that about this halakhah regarding medicine, there is no dispute among the sages. It is indeed a situation that takes precedence over the laws and restrictions of Shabbat)!*

(The Gemara now continues looking at the next section of Mishnah:)

IV. The Definition of נפשות

"Because this is a case of נפשות , a case of possible danger to life."

A. Investigating the language of the Mishnah

1. The Gemara asks:

Why does the text need to tell me additionally that "any case of safek nefashot over-rides the prohibitions of Shabbat"?

(That is, isn't this second clause superfluous? Don't we already know this?)

2. The Gemara responds:

Rav Yehuda said in the name of Rav: We're not talking about case of possible danger to life on this Shabbat alone, but even about possible danger to life on another Shabbat.¹⁹⁰

3. The Gemara inquires:

How do you mean?

4. The Gemara offers an example of this situation

For example, the doctors determine that a patient requires treatment for eight days, and the first of those days is Shabbat. What is it that you would have supposed *(without this statement in the Mishnah)?* **That one should wait until night-time** *(motzai Shabbat), so that we not desecrate two Shabbatot on account of him. So this comes to teach us* *(that we should violate the Shabbat provisions immediately on this Shabbat since it is a case of possible endangerment of life).*

5. The Gemara now offers support of this position:

It is also taught in a baraita thus: We heat water for a sick person on Shabbat, whether it is for him to drink or to strengthen him *(by washing with it, if it beneficial to him to bathe).* **But not on this Shabbat alone are they speaking** *(with regard to violating the Sabbath prohibitions)* **but rather another Shabbat as well. And we do not say: Let's wait to do this** *(until after Shabbat) and perhaps he'll get*

¹⁹⁰Rashi: Acting when his life may be in danger on this Shabbat would be obvious to us. Rather, we're dealing also with a situation in which, if we do not act on his behalf today, it is possible that he may die on a future Shabbat.

better. Rather, we heat water for him immediately, because a possible endangerment of life over-rides the prohibitions of Shabbat -- and not just possible endangerment on this Shabbat but rather even on another Shabbat. And we do not do these things through Gentiles or through Cuthites but rather through Jewish adults.¹⁹¹ And we do not say: Let these things be done either on the initiative of women or on the initiative of Cuthites, though they can combine with another opinion.¹⁹²

6. The Gemara offers a related baraita:
a) baraita text

Our rabbis taught in a baraita: We practice pikuach nefesh on Shabbat, and one who is zealous about this is praiseworthy. And he need not get permission from the beit din. How is this so? A man who sees a child fall into the sea, he spreads out a net and lifts him up. And if he is quick to do this, behold, he is praiseworthy, and he need not get permission of the beit din.

(And the Gemara interjects:)

Even if he incidentally pulls up fish in the net as well (which is an activity prohibited on the Sabbath).

(The Gemara now continues with the baraita:)

If a man sees that a child has fallen into a pit, he may tear loose some earth from around the pit and lift the child out. And if he is quick to do this he is praiseworthy, and he need not get permission first from the beit din.

(And the Gemara interjects:)

191. The גר"א (Rabbi Eliahu, the Vilna Gaon) believes the text should be emended as follows: "And we do not do these things through Gentiles or through minors but rather through Jewish adults."

192. The woman and the Cuthite do not have the expertise to say whether or not a man is so sick that we would desecrate the Sabbath to treat him. But their opinions may be combined with another, so that if there is a divergence of opinions, it's possible to combine their opinions with another in order to reach a decision.

Even though he is making a step *(which is an activity prohibited on the Sabbath).*

(The Gemara now continues with the baraita:)

If a man should see that a door closed and locked in front of a child (and the child became fearful and started crying), he may break down the door and get the child out. If he is quick to do it, behold, he is praiseworthy, and he need not get prior permission from the beit din.

(And the Gemara interjects:)

Even though his intention was to smash the door into pieces *(which he can then use for his own purposes).*

(The Gemara now continues with the baraita:)

We may extinguish or cut off a fire on Shabbat.¹⁹³ And if it is done quickly, behold it is praiseworthy, and it is not necessary to get permission first from the beit din.

(And the Gemara interjects:)

Even though he subdues the flame *(and produces a coal fire that can be utilized after Shabbat. This is a prohibited activity).*

The Gemara is one step ahead of us, assuming that the reader will ask why the baraita needed to provide us with each of these examples. Isn't this superfluous? No, as the Gemara now explains:

b) baraita explanation

It was necessary for the baraita to teach us *(each of these examples, because each of them contains a chiddush).*

If it had taught us only the case of the child falling into the sea, there would have been those who said: With the sea, certainly, it would be

193. Rashi: If the fire is endangering life. We may block the fire with vessels of metal or earthenware filled with water.

necessary for him to act quickly because in the meantime, the child could be gone *(so it makes sense that he wouldn't have to get advance permission)*. **But with regard to the pit, in which he is sitting,** *(one might think that he cannot act without permission because we would have the opportunity to seek permission), so the text needs to tell us that it is necessary.*

If the baraita had taught us just about the pit, *(one might have concluded that it was permitted to act quickly)* **because the child was afraid** *(that he would never get out)*. **But with regard to the locked door, it would be possible** *(to say that) one should sit on the other side of the door and console the child with nuts* *(and keep him busy until Shabbat is over), so the text has to spell out that, also in this case, one may act with expediency.*

c) The Gemara asks for clarification on one point:

(The baraita also says that) **"we extinguish or block a fire" -- why does it need to tell me this?** *(That is, what is the chiddush in this example?)*

d) The Gemara responds:

Because it applies even if the fire is in another courtyard.¹⁹⁴

B. A distinctive category: ספק נפשות and majority rule

1. Amoraic statement

Rav Yosef said in the name of Rav Yehuda, who taught in the name of Shmuel: We do not follow the majority in a case of *pikuach nefesh* *(as one would with other laws).*¹⁹⁵

194. Rashi: The fire is in this courtyard and the people are in another courtyard, but they are sick, or they are children [and thus cannot be moved quickly out of the path of the fire].

195. Rashi: Whether it's a possible life-threatening situation for a Gentile or for a Jew, we tend to him, even in a case where the majority threatened are Gentiles.

2. The Gemara seeks clarification

How so? Of what is the text speaking here? Say that we have nine Jews and one Cuthite among them¹⁹⁶ -- a majority of them are Jews. And even if it were half Jews and half Cuthites, this is a case of ספק נפשות להקל -- that is, in a case of possible threat to life we would rule leniently. (Thus we already know to work to preserve life and don't need Shmuel's ruling. There must be something more to it, as the Gemara now explains.)

3. The Gemara clarifies

Rather, (we need Shmuel's ruling in) a case in which there are nine Cuthites and only one Jew.

4. The Gemara objects

a) Nature of objection

But in this case, too, it would be obvious! The number is fixed, set in place, and the general rule states that where the number is in place, we treat it as a fifty-fifty chance (that he is a Jew). (Thus, even in a situation in which the Gentiles make up the majority, since the Jew is in his regular place of residence there, this is considered a matter of a fifty-fifty chance. So we still don't need Shmuel's ruling)

b) The Gemara now modifies its response to show in what specific circumstance we need Shmuel's ruling

Shmuel's ruling is needed only in a case where they left their own courtyard and went to another courtyard. What might you have erroneously thought (without Shmuel's ruling)? That (the following rule applies): Whoever separates is separated from the majority. Therefore Shmuel's ruling comes

196.Rashi: The debris fell on one of them, and it wasn't known if it fell on a Jew or a Gentile.

to teach us that we do not follow the majority in a case of *pikuach nefesh*.¹⁹⁷

5. The Gemara objects to this conclusion

a) Objection

Is that so? Did Rav Assi not say in the name of Rav Yochanan: If there are nine Cuthites and one Jew their own courtyard, we dig out the victim, but in another courtyard, we do not dig them out!

b) The Gemara responds to this challenge

This is not a difficulty *(and there is no lack of continuity between the two halakhot)*. **In one case** *(that is, Shmuel's ruling applies in a case in which)* **they were all separated** *(from the original courtyard); and in one case* *(that is, Yochanan's ruling applies in a case where)* **only a few of them were separated** *(from their own courtyard)*.

Thus, where all the men have moved together and the debris collapsed on one of them, we still are sure that there's a Jew among them somewhere, so the "fixed" rule applies according to Shmuel. But in a situation in which not all the men have moved and the debris only falls on some of them, we don't know that the Jew was in that group, so Yochanan's ruling applies.

6. The Gemara now offers another challenge

a) Objection

But did Shmuel really say in the first place *(that we do not follow the rule of the majority in a case of pikuach nefesh)? For was it not taught in a Mishnah* *(regarding a city in which Jews and Cuthites live together): If he found in that city a cast-off child, if the majority of the population are Cuthites, he is considered to be a Cuthite, and if the majority are Jews, the child is considered to be a*

197. Rashi: If the one Jew and nine Cuthites left the "fixed" domain of their own courtyard and went to another, where the debris fell on top of one of them, at any rate we would say that anyone who is separated has separated from the majority according to statute. But here we would not say this, even though they were all separated from their fixed place.
[Note: Anyone outside of his "fixed" place is generally subject to the law regarding the majority. Without Shmuel's ruling, we might have thought this was the prevailing law in our case and thus would not have tried to dig out the victim since the majority were non-Jews.]

Jew. If the population is half and half, he is considered to be a Jew.¹⁹⁸

And Rav responded: This Mishnah teaches us only about sustaining his life but not about ascribing lineage to him. (*We're only talking here about treating him as a Jew for the sake of saving his life. We don't say that he is indeed a Jew, and with regard to the laws of marriage, behold, he is still regarded as גֵּר so the rules of the ger apply.*) **[p. 85a] But Shmuel (disagreed and) said (that he is treated as a Jew with regard to) moving a heap of rubble from on top of him!**¹⁹⁹

Here's the dilemma: On the one hand, we have Shmuel saying that in cases of pikuach nefesh, we do not follow the rule regarding the majority. Now, Shmuel says that a cast-off child is treated as a Jew in a situation where the majority of the city's inhabitants are Jews. In the first situation, we desecrate the Sabbath even if the majority is not Jewish; but in the second case, we desecrate the Sabbath because the child is presumed to be part of the Jewish majority. What's going on here?

b) Resolution

When Shmuel's statement (*the second one, about desecrating the Sabbath for the abandoned child*) **was made, it was made with regard to the first part of the Mishnah** (*which states*): ***If the majority are Cuthites, he is considered to be a Cuthite.*** **Shmuel said: But in a situation of pikuach nefesh** (*saving a life, on the Sabbath*), **this does not hold.**²⁰⁰

7. This leads to another question for the Gemara, which now proceeds to define each phrase in this section of the Mishnah

198. From *Machshirin* 2:7, in *Seder Tohorot*. The Gemara does not include here and does not take up for discussion the final line of the Mishnah, which states: *R. Yehudah says: We must consider who form the majority of those who abandon their children.*

The implication is that this would be the non-Jews.

199. Rashi: Shmuel says that this applies if the majority of the population is Jewish. But if it is half and half, it does not apply, and all the more so if the majority are Cuthites.

200. Rashi: Shmuel says that even if the majority are Cuthites, we rescue him [even if it means desecrating the Sabbath].

- a) First phrase
 - i) Question

So the Mishnah's statement that *If the majority are Cuthites, he is considered to be a Cuthite -- to what law does it refer?* (That is, under what conditions, then, is he treated like a Cuthite?)

- ii) The Gemara responds

Rav Papa said: It refers to the law permitting us to feed him **נבלות**.²⁰¹

- b) Second phrase
 - i) Question

And the Mishnah's next statement, *If the majority are Jews, he is considered to be a Jew -- to what law does this refer?*

- ii) Response

That we are required to return to him a possession he has lost.²⁰²

- c) Third phrase
 - i) Question

The Mishnah's final statement, *If the population is half and half, he is considered to be a Jew -- to what law does this refer?*

201. **נבלות** are unclean animals, those that not been ritually slaughtered to make them **כשר** for Jews to eat. The Mishnah indicates that if the majority in the city are Cuthites, then for the purpose of providing sustenance for the child, he is treated as a Cuthite and thus may be given *neveilot* to eat.

Rashi notes that this applies only until the child is grown into an adult and converts to Judaism.

202. Scripture states (Deuteronomy 22:1-3): "You shall not see your brother's ox or his sheep go astray and hide yourself from them; you shall surely bring them back to your brother. And if your brother is not near to you, or if he is not known to you, you shall bring it to your own house and it shall be with you until your brother comes seeking it, and you shall restore it to him. And likewise shall you do with his donkey, and likewise shall you do with his garment, and likewise shall you do with every lost item that belongs to your brother, which he lost and which you found. You may not hide from it."

The implication is that this applies to Jews only and not to Gentiles. So in a city where the majority are Jews, the person who lost the object is presumed to be a Jew, and thus you must follow this commandment.

ii) Response

Reish Lakish said: It refers to the law of damages.²⁰³

iii) Gemara seeks clarification

And how exactly does this law apply?

iv) Gemara clarifies

If we use the example that our ox (the ox of a Jew) gores his ox (and we're talking here about a situation in which we'd be obligated to pay him restitution) -- let him bring proof (that he is a Jew) and let him take his restitution!

(But if he has not yet gone before the beit din to convert to Judaism, we cannot consider him a Jew for the purpose of requiring the other ox owner to pay restitution. That means that, by default, in a city where the population is half Jew and half Gentile, the claimant is considered to be a Gentile until he can prove otherwise. But the Mishnah says that we treat him as a Jew! So this example we've put forth is not covered by our Mishnah. To what specific circumstance, then, does the Mishnah apply?)

v) The Gemara's conclusion about the Mishnah

It is operative only in a case in which his ox gores our ox. He pays half the damages (which he'd have to pay if he were a Jew). As for the other half (that which a Gentile would have to pay to a Jew if his ox injures the Jew's ox, he does not give it to him. Instead), he says to him (to the claimant): Bring proof that I am not a Jew and then you can take your money!

(The Mishnah thus addresses an incident in a city where half the population is Jewish and half is Gentile. If someone's ox gores the ox of a person known to be Jewish, the first person is treated like a Jew unless the claimant can prove otherwise. Since a Jew would have to pay at least half damages [a case in which the ox was tam, not known to be dangerous], that's what he pays.)

203. Rashi: If an ox of a Jew gores an ox of a Cuthite, the Jew is exempt from paying damages. If the ox of a Cuthite gores the ox of a Jew, whether *tam* [not known to be dangerous] or *muad* [known to be dangerous], he must pay full damages. And if the ox of a Jew gores the ox of another Jew, if he is *tam* he must pay half damages and if he is *muad* he must pay full damages. (See the Mishnah on *Bava Kamma* 37b.)

V. The Examples of נפשות נפשות

(The Gemara now begins its look at the second half of our Mishnah:)

A. Circumstances

"One on whom debris falls and it is uncertain whether he is under there or not, uncertain whether he is alive or dead, uncertain whether he is a Cuthite or a Jew, we must clear away the rubbish that covers him. If we discover he is alive, we must dig him out; if he is dead, we leave him there."

1. The Gemara asks

What does the Mishnah mean? *(That is, why does the Mishnah bring us three different examples to explain the reason that we rescue the person even if there is doubt?)*

2. The Gemara explains

The Mishnah is formulating this text according to the **לא מיבעיא** ("not only") construction.²⁰⁴ That is: *Not only* in a case in which there is doubt as to whether he is there or not -- and if he is there he is certainly alive -- do we attempt to rescue him; *but also* even in a case where there is doubt whether he is alive or dead, we attempt to rescue him. And *not only* in a case in which there is doubt if he is alive or dead -- where we know he is a Jew -- *(do we rescue him,)* *but also* even in a case where it's in doubt whether he is a Cuthite or a Jew, we attempt to rescue him.

B. Situational response, part one

"If we find him alive, we attempt to rescue him."

204. The construction of **לא מיבעיא** . . . **לא** is used to tell us: "Not only . . . but." Not only in the obvious case does this principle apply, but even in this more problematic case does the same principle apply.

1. The Gemara asks

If we find him alive, of course we rescue him! Isn't that obvious? (*Isn't that simply the law of pikuach nefesh?*)

2. The Gemara explains

This law is needed only (*to teach that we still try to save him even if*) **he will be alive for only an hour more.** (*That is, if it is clear that his death is imminent and we can prolong his life for only a short time, even in this situation do we desecrate the Sabbath by attempting to dig him out.*)

C. Situational response, part two

"If he is dead, we leave him there." (*That is, until after the Sabbath*)

1. The Gemara asks

Isn't this also obvious? (*If he's dead, why should we clear out the debris? Why would we think that we should?*)

2. The Gemara explains

This law is necessary only according to Rabbi Yehuda ben Lakish, who is mentioned in the following baraita: *We do not rescue a dead person from a fire. But Rabbi Yehuda ben Lakish says: I have heard that we do indeed rescue a dead person from a fire.*

(The assumption is that if ben Lakish thought we should rescue a body from a fire, he'd also think that we should rescue a dead body from underneath a pile of debris. So the Mishnah has to tell us specifically that this is not the case, and that ben Lakish would not equate the two situations. He would, then, agree with our Mishnah.)

3. The Gemara now clarifies Yehuda ben Lakish's ruling

Now even Rabbi Yehuda ben Lakish said this only (*in the case of a fire*), **on account of the fact that a man is agitated over his death** (*that is, the death of a*

relative, and fears lest the corpse burn up in the fire). **If we do not permit him** (to remove the corpse), **he will come and extinguish the fire** (which violates a Shabbat prohibition that the rabbis treat as Biblical). **But here** (in our case of a pile of rubble), **if we do not give him permission** (to remove the corpse), **what can he do** (that would cause him to violate a Biblical Sabbath prohibition)?

D. The extent of the rescue

1. Tannaitic ruling

Our rabbis taught in a baraita: Until what point does one check (that is, how far does one dig to find out if the man buried under rubble is alive or not)? To his nostrils, though some say: To his heart. (We dig down until we expose his nostrils, and if there is no sign of life in his nostrils -- that is, if he is not breathing -- then he is dead. But others say one digs down far enough to check his heartbeat for signs of life.) **If one checks and finds that those above him are dead, he cannot simply say, "Those underneath must be dead as well"** (and discontinue the search for life. The baraita interjects a real-life situation to emphasize this last point:)

It once happened that they found that those above were dead but those trapped underneath them were alive.

2. Amoraic interpretation

a) Connection

(The Gemara now investigates the nature of the machloket in this baraita:)

Can we say that this dispute among the Tannaim is similar to the Tannaitic dispute offered in the following baraita?: From where is the embryo formed? From his head, as it is written, "From my mother's womb you cut me out יָרָא" (Psalm 71:6), and it is written, "Cut יָרָא off your hair and cast it away" (Jeremiah 7:29).²⁰⁵ Abba Shaul said: From the navel (from the site of the

²⁰⁵ The Tanna here is offering a *gezerah shavah* on the verb "to cut" to show that it is from the head that an embryo develops.

umbilical cord is a fetus developed) and it sends out its roots in all directions (until it takes on the form of a human being).

The Gemara does not spell out the parallel between the two baraitot, but here it is: The Tanna Kamma of our first baraita says that one must check down to his nostrils, to see if he is breathing, for a sign of life. Thus, he must think that life springs from the head. In this regard, the Tanna Kamma of the second baraita is in agreement with him. The second opinion in the first baraita is that one checks down to the heart -- that is, digging down to the middle of the body to see if there is a heartbeat. Abba Shaul, in the second baraita, also thinks that life springs from the middle of the body. This is the parallel the Gemara sees in these two baraitot.

b) Gemara rejects this connection

You could really argue, though, that Abba Shaul *(also agrees that one checks the nostrils for signs of life).* **Up until now, Abba Shaul has spoken only regarding the issue of formation of life, that everything is created from its middle. But with regard to the issue of *pikuach nefesh*, even Abba Shaul would agree that the essence of life is in his nose, as it is written, "*all in whose nostrils was the breath of life*" (Parashat Noach, Genesis 7:22).**

c) Gemara now clarifies the situation to narrow the dispute

Rav Papa said: The dispute *(of whether one checks the heart or the nose for signs of life)* **is relevant only in a situation where you're digging from the bottom of the body to the top. (That is, if you find the legs first and you dig up from there, do you stop at the heart or at the head?) But if you are digging from the top of the body to its bottom, once you have checked the nostrils it is not necessary to go farther, as it is written, "*all in whose nostrils were the breath of life.*"**

(All would agree that it is breathing that indicates the existence of life in a body, so if you've checked the nostrils, you need not dig further. In this way do the rabbis provide a limitation on the digging process -- which is, after all, a violation of the Sabbath under normal circumstances.)

(With all of this, the rabbis have yet to take the issue of ספק נפשות and show that the concept that saving a life takes precedence over the Sabbath is Biblical in origin. They now attempt to do just that:)

E. Biblical proof that the saving of live over-rides the prohibitions of the Sabbath.

1. Baraita: Tannaitic proof-texting

It happened once that Rabbi Yishmael and Rabbi Akiva and Rabbi Elazar ben Azaria were walking along the road, and Levi the Sadar and Rabbi Yishmael, son of Rabbi Elazar ben Azaria, were walking behind them. A question was asked before them: From what Scriptural source do we know that pikuach nefesh over-rides the Sabbath?

a) Rabbi Yishmael responded and said (quoting Scripture): "If a thief be found while tunnelling in and be struck and die, no blood shall be shed on his account" (Shemot 22:1). Now since there is doubt **קפ"ו** whether this thief came to take money or to take a life; (and since we know that) the shedding of blood pollutes the land and causes the Shechina to depart from Israel, (and with all this, nevertheless) a homeowner is permitted to save himself (to shed blood because he is endangered) even at the cost of the thief's life -- then all the more so a case of pikuach nefesh would over-ride the Sabbath.

(Yishmael's point: If the terrible sin of shedding of blood is set aside in order to save someone's life, then all the more so should the prohibitions of Shabbat be set aside in order to save someone's life. The parallel of the baraita to our case is that it is a situation of ספק נפשות because the homeowner may or may not be in mortal danger.)

(The baraita continues:)

b) Rabbi Akiva responded and said (quoting Scripture): "If a man comes intentionally upon his neighbor to kill him with guile, then take him from beside my altar to die" (Shemot 21:14). (The text specifies) "From beside

my altar," and not "from atop my altar."²⁰⁶

(The Gemara clarifies Akiva's statement:)

Rabbi bar bar Chana said in the name of Rabbi Yochanan: This comes to teach us only regarding putting someone to death *(that one can remove a priest from beside the altar, but not on top of it -- that is, before but not during the Temple service -- to bring him to trial for murder).* **[p. 85b] But in order to preserve life, one can take him even from "atop my altar"**²⁰⁷ *(for instance, to take him to court to give positive testimony for a capital defendant).*

(The baraita continues with Akiva:)

Now, since there is doubt at this point about the substantiveness of his testimony, and since we know that Temple worship over-rides the Shabbat prohibitions, all the more so should a case of pikuach nefesh over-ride the Sabbath.

(Akiva's point: If the Temple worship service, which is so important that it takes precedence over Shabbat prohibitions, can be interrupted in order to possibly -- but not certainly -- save someone's life, then all the more so should the Sabbath prohibitions themselves be interrupted to possibly -- but not certainly -- save someone's life. Again this is a parallel case of ספק נפשות.)

(Yishmael and Akiva have had their say on this issue. Now it's Rabbi Elazar's turn, as the baraita continues:)

c) Rabbi Elazar responded and said: Now, since milah, which involves *(an improvement to)* **only one of the two hundred and forty-eight parts of the human body, over-rides the Sabbath, then all the more so** *(the preservation of)*

206. Rashi: If the man is a priest who has come to perform his service in the Temple [we take him away to stand trial if he has not yet begun the service; that is, if he is still "beside" the altar]. But if he has already begun the service [that is, if he is "atop" the altar] we do not interrupt him to bring him to trial; rather we allow him to finish his service.

207. Rashi: For example, one may pull him from atop the altar [during Temple worship] if he knows favorable testimony for an individual who is on trial in a capital case before the *bett din*.

the entire body should take precedence over the Sabbath prohibitions. ²⁰⁸

(We've now heard from the three sages from the beginning of the story. Now the baraita includes the views of other sages:)

d) Rabbi Yossi ben Rabbi Yehuda says (quoting Scripture): "You shall keep my Sabbaths" (Shemot 31:13). One might erroneously assume looking at this verse that it means all (that is, one must keep the Sabbath in all cases). So Scripture says **ךָ, "But you shall keep my Sabbaths," to distinguish it (that is, to limit the scope of the mitzvah).** ²⁰⁹

e) Rabbi Yochanan ben Yosef says (quoting Scripture): "For it is holy to you" (Shemot 31:14, continuation of above). (This means:) It has been given into your hands, you have not been given over to its (the Sabbath's) hands. (That is, you are in control, not the Sabbath, so you have the power to over-ride the Sabbath laws.)

f) Rabbi Shimon ben Menasia says (quoting Scripture): "The children of Israel shall keep the Sabbath [to observe the Sabbath throughout their generations as an everlasting covenant]" (Shemot 31:16). Torah says: **Profane one Sabbath because of him in order that he may keep many Sabbaths.**

(The Gemara adds one more opinion on what the Scriptural proof is that pikuach nefesh over-rides the Sabbath:)

g) Rabbi Yehuda said in the name of Shmuel: If I had been there (among those sages), I myself would have said that my opinion is better (that is, my proof-text is better than theirs, for as Scripture says): "[You shall therefore keep my statutes and my judgments, by which a man who follows them] shall live" (Lev. 18:5) -- that he should live by them and not die by them (that is, that a person be able, in every

208. Rashi: *Milah*, which improves one of the body's parts, over-rides the Sabbath, since we are obligated, under threat of *kareit*, to do it at its proper time. So teaches the Tosefta in tractate *Shabbat*.

209. The terms **ךָ** and **קָךְ** are often used by Scripture, according to the rabbis, to limit the application of a verse, while **את** and **גַּם** are used to be inclusive or expansive.

situation, to be free from worry that he will come into the hands of death through performance of the mitzvot).

2. Amoraic response to proof-texting

Rava said: All of these proofs offered here have a refutation, except for that of Shmuel, which cannot be refuted.

3. Now the Gemara shows how the others can be refuted

a) Refuting Yishmael

Yishmael's proof can be refuted, because perhaps it is possible to claim that *(the reason one may kill a thief caught burrowing into your house)* **is in accord with the explanation of Rava, who said: What is the reason the Torah gives permission to kill a thief caught burrowing into your house? The presumption is that a man will not hold himself back when he sees that his money is being taken from him, and this thief knows that the man will rise up to oppose him, and the thief says to himself from the very beginning: If he rises up to oppose me, I will kill him. And the Torah says: One who is coming to kill you, anticipate and kill him.**

We thus find proof for a case in which one's life is definitely in jeopardy. But a case in which danger to life is in doubt -- from what Scriptural source do we know that it is permissible to transgress the Sabbath on its account?

(Rava has thus turned Yishmael's supposed proof-text for ספק נפשות into ודאי נפשות, which means that it is no longer valid for our situation. His final question is rhetorical, because Yishmael, in fact, offers no proof for a case of ספק נפשות.)

b) Refuting Akiva

Rabbi Akiva's proof also can be refuted, because perhaps Torah permits interruption of the Temple service only in accordance with the view of Abbaye. Abbaye said: We hand him over to a pair of sages who will learn whether his words are substantive.²¹⁰

We thus find proof in a case where life is definitely in jeopardy. But for a case in which the threat to life is doubtful -- from what Scriptural source do we know we can interrupt the Temple service?

(Again, Rava has turned this from a case of פפד to ינד). Once the priest is interviewed, there would be no doubt whether he can save the life of the person on trial, or not. He would be asked to interrupt his service only if he definitely can save the person's life.)

c) Rava's conclusion

Indeed, for all of them we find proof for cases of definite threat to

²¹⁰Rashi quotes the Mishnah on *Sanhedrin* 42b, regarding the man condemned to death in a capital case being taken out for execution: "And even if he himself says, 'I have something to plead in my own favor,' he is brought back, even four or five times, providing, however, that there is substance to his assertion.."

Rashi continues: Abbaye says that they hand him over to a pair of scholars who accompany him to the execution site, and if he says "I have some proof to offer in my own defense," they listen to his words to see if there is substance in them or not. And here, too, regarding the priest who is offering the service, it is possible to say that they do this.

life, but for doubtful cases -- where does Scripture teach this to us?²¹¹ But Shmuel's source -- truly there is no refutation this.²¹² Ravina said (and some say it was Rav Nachman bar Yitzchak): **One hot pepper is better than a whole basketful of pumpkins** (*for it has a sharper flavor than the others, just as Shmuel is sharper than his Tannaitic predecessors.*).

Conclusion: As with the previous Mishnah-Gemara section, this one too deals with possible threat to life. Although it does not deal specifically with the situation of illness or injury on Yom Kippur, the clear implication is that laws of Shabbat, on which restrictions also apply to one's behavior, would serve as the example for Yom Kippur as well. Even possible threat to life, ספק נפשות is taken very seriously -- so seriously that this section on the Shabbat laws was included for added emphasis -- and it is the responsibility of the community to ensure that every effort is made to preserve life and safety. On the

211. The other sages have used the following proofs:

Milah on the Sabbath;

The profanation of one Sabbath for the sake of future Sabbaths;

The use of the word *אין* to limit Sabbath rules.

Rashi deals with the last two of these proofs. With regard to *אין חלק*, Rashi says that it is possible to say that this proof, which one Tanna uses to place limitations on Sabbath rules, could apply to certain life-threatening situations but not doubtful ones. Similarly, the profanation of one Sabbath for the sake of future Sabbaths might apply only in a case in which it is certain, not doubtful, that he will be able to keep many future Sabbaths because of our actions.

As for the *milah* issue, this is dealt with in the Tosefta, *Shabbat* 16:13:

"Rabbi Yossi says: From what Scriptural source do we know that the saving of life over-rides the prohibitions of Shabbat? As it is written (Shemot 31:13), 'My Sabbaths you shall keep.' Now, one might mistakenly think from this text that it means to restrict circumcision, worship and the saving of life. So Scripture adds the word 'Indeed' [אין is, according to the rabbis, a word of limitation]. . . Rabbi Elazar says: Milah over-rides the Sabbath for what reason? Because we are obligated to do it at its proper time under penalty of kareit. This is a kal v'chomer situation: Just as the saving of one limb over-rides the Sabbath, it makes sense that the preservation of all limbs should over-ride the Sabbath. They said to him: Just as you are working from a situation that is ודאי and not ספק, so too here the situation is ודאי and not ספק."

The sages teach here in the Tosefta that the circumcision must be carried out on the eighth day, even on Shabbat, under penalty of *kareit* -- but only if we are absolutely certain that Shabbat is indeed the eighth day of the baby's life. There is no ספק involved here. Therefore, it cannot be used as *a priori* proof that ספק נפשות also over-rides the Sabbath. Note that Rabbi Yossi used the same proof-text from Exodus here in the context of the Sabbath and *milah* that he used in our baraita in Yoma, and both times his proof has been refuted.

212. Rashi: A man should perform the mitzvot so that he will live in them with certainty and will not, through his performance of the mitzvot, come *even to the possibility* of death. Therefore, we desecrate the Sabbath for even that *possibility* -- even if there is doubt as to whether or not we can save the person's life.

Sabbath, that may mean violating the laws of movement, handling objects, even building things. On Yom Kippur, that may mean not following the general rules of fasting.

Thus far in the chapter, we have seen how the Gemara states the seemingly rigid rules about the five afflictions of Yom Kippur and then proceeds to tick off the list of "yes, but" exceptions to the rules, in order to encourage the people to observe Yom Kippur by making the restrictions strict but not dangerously or onerously so.

The chapter until now has dealt exclusively with the bodily aspects of Yom Kippur, the prohibitions on eating and drinking, bathing, anointing, the wearing of shoes, and sexual intercourse. These afflictions, as we have seen, are midrashically shown to have Biblical origins, although the Biblical text itself states simply, "you shall afflict yourselves."

Now the rabbis move out of the domain of the body and into the domain of the spirit. The purpose of these afflictions of the body is to provide a purification of the soul, an opportunity for a Jew to perform teshuvah -- to remove himself from sin and make amends for past transgression. The Mishnah describes the avenue for teshuvah in ritual terms -- that is, in terms of the sacrificial offerings one must bring to the Temple (in an ideal world) in order to repent. But the Gemara goes well beyond the Mishnah in its description of, and endorsement of, the concept of teshuvah as a process of the heart and soul.

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Middle page 85b -- Mishnah Section #6

MISHNAH

The חטאת²¹³ offering and the אשם ודאי²¹⁴ offering atone (for these sins).
 Death and Yom Hakippurim -- these atone (for sin together) with *teshuvah*.²¹⁵
Teshuvah (by itself) atones for minor transgressions: for violations of
 positive commandments, and for violations of negative commandments. But
 for more serious transgressions, (*teshuvah*) hangs in the balance until Yom
 Hakippurim comes and atones.

The one who says: I will sin and I will atone; I will sin and I will
 atone -- he will be afforded no opportunity to do *teshuvah*. (For the one who
 says:) "I will sin and Yom Hakippurim will atone," Yom Hakippurim does
 not atone.

213. The חטאת as "sin offering" is first referred to in Scripture in Shemot 29:14 and 29:36, in the description of the service of inauguration of Aaron and his sons as High Priests. Leviticus 4:1-21 further explains that it is a sin offering given for an unintentional sin.

214. The אשם, or guilt offering, differs from the sin offering in that the transgressor is aware of what he is doing but is unaware at the time of the offense that it is a transgression of a negative commandment. The laws of the אשם come from Leviticus chapters 5 and 7, from which the Mishnah (*Zevachim* 54b) derives and identifies six guilt offerings that fall into two categories. One is the אשם תלוי, brought if one is in doubt that he has committed a sin (See Lev. 5:17-19). The other five would fall into our mishnah's אשם ודאי category, when one is certain the act has been committed:

אשם גזילות -- For the offense of illegally appropriating private property. (See Lev. 5:20-26)

אשם מעילות -- For the offense of misappropriating sacred property. (See Lev. 5:15)

אשם שפחה חרופה -- For the offense of having sex with a slave woman betrothed to another man. (See Lev. 19:20-22)

אשם נזיר -- For the offense of a nazirite who is made impure through contact with a human corpse. (See Numbers 6:9)

אשם מצורע -- Brought by a leper when he comes to be purified. (See Lev. 14:12)

Rashi will take note of the fact that only the אשם ודאי is mentioned in our Mishnah. He points out that the Gemara will raise an objection to the language of the our Mishnah, questioning why the אשם תלוי is not listed here as well.

215. Rashi: Needless to say, he must have *teshuvah*, because if he felt no regret, he could not have brought the offering.

For transgressions between a person and God, Yom Hakippurim atones. But for transgressions between a man and his fellow, Yom Hakippurim does not atone until he has procured pardon from his fellow.

Rabbi Elazar ben Azaria expounded: "*From all of your sins before God you shall be made pure*" (Leviticus 16:30) -- (That is:) For transgressions between man and God, Yom Hakippurim atones, but for transgressions between a man and his fellow, Yom Hakippurim does not atone until he has procured pardon from his fellow.

Rabbi Akiva said: How fortunate are you, O Israel. Before whom have you been made pure? Who purifies you? Your father who is in heaven, as it is written, "*Then I shall sprinkle clean water on you and you shall be clean*" (Ezekiel 36:25), and it is written, "*The hope מְקוֹה of Israel is Adonai*" (Jeremiah 17:13) -- Just as the ritual waters מְקוֹה cleanse your sins, so too the Holy One Blessed Be He cleanses Israel.

GEMARA

I. The Place of the Offerings in Atonement

(The Mishnah states that the asham vadai, offered if one is sure he committed a particular offense, provides atonement. Now the rabbis wonder:)

A. The Asham offering

1. A possible oversight?

The asham vadai offering -- yes (this atones). But the asham talui -- no?

(The Rabbis want to know why the asham talui, offered if one is not sure he committed a particular offense, is not listed here.) **Isn't atonement written about in connection with it?**²¹⁶ *(So why doesn't the Mishnah say here that it too atones?)*

²¹⁶Leviticus 5:18 states: "*The Kohen shall provide him atonement וַיִּכְפֹּר עָלָיו הַכֹּהֵן for act that he committed unintentionally and he did not know, and it shall be forgiven him.*" Rashi notes that this refers to the asham talui.

2. The Gemara gives two possible explanations

a) Solution #1

Those (the chatat and the asham vadai) provide complete atonement. But the asham talui does not provide complete atonement.²¹⁷

b) Solution #2

Or you could also give a different response: With those, there is nothing else that can provide the atonement they provide, while with the asham talui, there is something else that can provide the atonement it provides. As it is related in a Mishnah (Keritot 25a): *Those who are obligated to bring sin offerings or definite guilt offerings and Yom Hakippurim has passed, they are still obligated to bring the offerings after Yom Hakippurim. But those who are obligated to bring possible guilt offerings are exempt from bringing them* (after Yom Kippur has passed).

The Mishnah quoted here indicates that Yom Kippur itself makes atonement in place of the possible guilt offering. But with the sin offerings and the definite guilt offerings, there's no substitution. Even if Yom Kippur comes and one repents, one is still responsible for these two offerings.

(The Gemara now examines the next law of the Mishnah:)

II. The Role of Teshuvah and Its Relationship to Yom Kippur

A. Death and Yom Hakippurim atone with teshuvah.

1. Response

a) Statement

With teshuvah, yes. By themselves, no.

b) Problem: A seeming discrepancy

We might say that this is not in accord with the view of Rabbi, for it is taught in a baraita: *Rabbi says regarding all of the sins in the Torah,*

²¹⁷Rashi: Rather it holds it in abeyance until it is made known to him that he really did commit a sin, and then he must bring a sin offering

The Gemara discusses this explanation at length in *Keritot* 26b.

whether one has made teshuvah or whether one has not made teshuvah, Yom Hakippurim atones, except for the sins of removing the yoke of heaven²¹⁸ and perverting the laws of Torah (by acting irreverently and interpreting Torah the opposite of the way it is taught)²¹⁹ and one who violates the covenant of the flesh (that is, berit milah). (Regarding these three sins only,) if one made teshuvah (and repented), Yom Hakippurim atones; but if one did not make teshuvah (and did not repent), Yom Hakippurim does not atone.

c) Solution: Gemara reinterprets our Mishnah

You could really say that (*our Mishnah does accord with the view of* **Rabbi** (*and this is how we would understand it*): **Teshuvah** requires Yom Hakippurim (*in order to complete the expiation*), **but Yom Hakippurim does not require teshuvah** (*but would instead atone even without teshuvah*).²²⁰

This interpretation turns our Mishnah around. Instead of understanding the first part of it to say that Yom Kippur atones only with teshuvah, what it now says is that teshuvah is only the first step, and that Yom Kippur is still needed to complete the atonement. It is actually Yom Kippur, and not teshuvah, that is the final determining factor, which would accord with the view of Rabbi in the baraita listed above.

(The Gemara now looks at the next law in the Mishnah:)

B. **Teshuvah atones for minor transgressions: for violations of positive commandments, and for violations of negative commandments.**

1. Problem with wording of text

a) Problem

Now, for violations of negative commandments (*which are more serious and punishable by lashes*), **teshuvah atones, but for violations of positive**

218.Rashi: One who denies the Holy One Blessed Be He.

219.Rashi: He interprets the Torah in a disgraceful manner, such as Menashe, who expounded on aggadot in a way that reproached Moses for writing things like "Timna was a concubine," etc.

220.Rabbi Hananel suggests that the Mishnah itself says this when it notes "Teshuvah by itself atones for minor transgressions."

commandments (*which are lesser offenses*), **was it really necessary** (*for the text to say that teshuvah atones*)?

This is a kal v'chomer argument on the part of the Gemara. It notes that the Mishnah tells us that teshuvah effects atonement for violating a negative commandment, which carries the more serious punishment. We should be able to conclude logically that all the more so would teshuvah effect atonement for violation of a positive commandment, which carries the less serious penalty. So why did the text need to tell us that?

b). Gemara's solution to wording problem: Re-interpret the Mishnah

Rav Yehuda [the Amora] said: This is what the Mishnah is really saying: For transgressions against positive commandments and for transgressions against negative commandments which can be transformed by a positive commandment (*does teshuvah by itself atone, but not for a true, full-fledged negative commandment*).²²¹

c) Gemara points out a contradiction

But what about the transgression of a full-fledged negative commandment? Does *teshuvah* not atone for this also? Note the contradiction (*between this assertion of Rav Yehuda the Amora and the Tannaitic rule in the following baraita [from Shevuot 39a]: **These are the minor transgressions** (for which teshuvah alone is enough to atone): **Positive commandments, and negative commandments except for *לשון הרע* [p. 86a] -- "You shall not take the name of the Lord your God in vain" (Shemot 20:7).***

The baraita indicates that there is only one negative commandment that is not expiated by atonement alone, and this one, as Rashi indicates, is not included because the text goes on to say that "God will not absolve one who would take God's name in vain." So who's right, Yehuda the Amora or the baraita?

221. Rav Yehudah says the text is referring to a negative commandment, the transgression of which can be mitigated by doing a subsequent positive commandment. For example: Violation of the negative commandment "Thou shalt not rob" (Lev. 19:13) can be mitigated by the positive commandment "He shall make restitution" (Lev. 5:23).

d) The Gemara now resolves the contradiction

*(The way to understand the law is this: those negative commandments not expiated by teshuvah alone include) **לא תשא** and all other transgressions like it. (That is to say, all entirely negative commandments whose violation leads to punishment by human hands -- i.e., lashes. According to the Gemara, this brings the baraita in line with Yehuda.)*

e) The Gemara brings a text that offers another objection

Come and hear: Rabbi Yehuda [the Tanna] says: For all transgressions of lesser severity than **לא תשא, teshuvah effects atonement. But for transgressions of greater severity than **לא תשא** (and including this transgression), teshuvah hangs in the balance until Yom Hakippurim atones.**

f) The Gemara deflects the objection

*(You can't prove anything from this baraita because one could say that Rabbi Yehuda [the Tanna] means) **לא תשא** and all other transgressions like it! (This would put Yehuda the Tanna in line with Rav Yehuda the Amora as well as the previous baraita.)*

(The Gemara offers yet another baraita as an objection:)

Come and hear (the following baraita): Since teshuvah is mentioned in connection with Horeb (Shemot 34:7), ונקח, "And God will forgive,"²²² one might erroneously conclude that **לא תשא -- "You shall not take the name of the Lord your God in vain" -- is included in this forgiveness. So Scripture also**

²²².Exodus 34:7 is part of the declamation by Moses of the attributes of God:

נצח חסד לא־לפים נשא עון ופשע וחטאה ונקח לא ונקח פקד ו עון אבות על-בנים ועל-בני בנים על-שלישים ועל-רבעים:

"[The Lord, the Lord, mighty, merciful and gracious, long-suffering and abundant in love and truth,] keeping faith with thousands, forgiving iniquity, and transgression, and sin, but who will by no means clear the guilty (literally, He will forgive, he will not forgive); punishing the iniquity of the fathers on the children, and on the children's children, to the third and to the fourth generation."

The Gemara will deal with this seeming contradiction in the Biblical text of "God will forgive, He will not forgive."

*says **לֹא יִקְנֶה**, "God will not forgive" (Shemot 20:7, 34:7)²²³. And one might have erroneously concluded that those who violate the rest of the negative commandments are treated the same way (that they are not forgiven based on repentance alone). So Scripture adds **אֶת שְׁמוֹ**, "His name" (Shemot 20:7). It is the one who takes God's name in vain who is not absolved (by teshuvah alone). But those who transgress the other negative commandments are absolved (by teshuvah alone).*

The Gemara gives us a verbal analogy as its proof. Since **לֹא יִקְנֶה** is present both in Shemot 20:7, which deals specifically with taking God's name in vain, and in Shemot 34:7, which lists God's attributes in a seemingly contradictory way ["He will forgive, He will not forgive"], the Gemara teaches us that 20:7 sheds light on the meaning of 34:7. The **לֹא יִקְנֶה** in 34:7 refers to the specific transgression of taking the Lord's name in vain. The **יִקְנֶה** teaches that God absolves for all other negative-commandment transgressions through teshuvah alone. This is in contradiction to the assertion by Yehuda the Amora.

(The Gemara is still determined to prove the original assertion by Rav Yehuda the Amora. Rather than trying to continue this line of discussion, it offers another baraita to raise doubt about the validity of the other side's argument:)

2. The Gemara's second look at teshuvah

This issue is a matter of dispute by the Tannaim, as we see in the following baraita: *For what does teshuvah alone atone? For transgressions of positive commandments and for transgressions of negative commandments that are mitigated by the subsequent doing of a positive commandment. And for what transgressions does teshuvah hang in the balance and then Yom Hakippurim come to make expiation? For those transgressions punishable by karet or by a death sentence of the beit din, and for a full-fledged negative commandment (that is, one punishable by lashes).*

223.Exodus 20:7 reads:

לֹא תִשָּׂא אֶת-שֵׁם-יְהוָה אֱלֹהֶיךָ לְשׁוֹן כִּי לֹא יִקְנֶה יְהוָה אֶת אֲשֶׁר-יִשָּׂא אֶת-שְׁמוֹ לְשׁוֹן :

"You shall not take the name of the Lord your God in vain, for God does not absolve the one who takes his name in vain."

This teaches us that there is a distinction between a negative commandment punishable by lashes and one not punishable by lashes. If this is so, the Tannaim's dispute comes down to whether a transgression of a negative commandment whose punishment is at human hands can be mitigated through teshuvah alone. This baraita says no, the previous baraita says yes. The issue is not resolved. Thus, Rav Yehuda the Amora can legitimately deduce his point from the Mishnah.

(The Gemara now revisits the baraita quoted above that gave us the verbal analogy, which attempted to prove that only for taking the name of God in vain did teshuvah alone not atone.)

3. Scriptural proof for efficacy of teshuvah: What circumstances?

The Master said: *Since teshuvah is mentioned in connection with Horeb (Shemot 34:7), וַיִּקַּח, "And God will forgive" . . .*

a) The Gemara asks:

How do we know that the Scriptural verse here is talking about teshuvah?

b) The Gemara responds:

It is taught in a baraita: Rabbi Elazar says: *It is impossible to say "וַיִּקַּח" ("God will forgive," Shemot 34:7) is applicable to all transgressions, for behold Scripture also says לֹא יִקַּח ("God will not forgive," Shemot 34:7). And it is impossible to say that לֹא יִקַּח is applicable to all transgressions, since Scripture also says "וַיִּקַּח". How are we to understand these seemingly contradictory verses, then? God absolves those who return in repentance but He does not absolve those who do not return in repentance.*

4. Rabbi Yishmael's Scriptural evidence on teshuvah categories

a) The story

Rabbi Matya ben Charash asked Rabbi Elazar ben Azariah in Rome: Have you heard of the four divisions of atonement as expounded by Rabbi Yishmael? Rabbi Elazar responded to him: There are three (*teshuvah is not one*

of the actual categories), and *teshuvah* is required with each and every one of them. (Now Elazar explains Yishmael's divisions of transgression and atonement).

i) *One who transgresses a positive commandment and then repents, he does not move from that spot until he has been forgiven, as it is written, "Return שׁוּבוּ, O wayward children [and I will heal your waywardness]" (Jeremiah 3:22).*²²⁴

ii) *One who transgresses a negative commandment and then performs teshuvah, teshuvah hangs in the balance and Yom Hakippurim comes to atone, as it is written, "For on this day He will atone for you . . . from all of your sins" (Leviticus 16:30).*²²⁵

iii) *One who transgresses a commandment punishable by karet or by the death sentence of the beit din, and who then makes teshuvah, teshuvah and Yom Hakippurim suspend the sentence, and suffering purges the sin, as it is written, "I will punish their transgression with the rod and their iniquity with strokes" (Psalm 89:33).*

However, one who has profaned the name of God -- for him, teshuvah has no power to suspend the sentence, nor will Yom Hakippurim bring atonement, nor will suffering purge the sin. Rather, all of these merely suspend the sentence (temporarily) and only death actually purges the sin, as it is written, "And it was revealed in my ears by the Lord of Hosts: Surely this iniquity shall not be forgiven until you die, says the Lord God of hosts" (Isaiah 22:14).

224.Rashi: *Return* -- and immediately I will heal, indicating that there are transgressions for which *teshuvah* alone effects atonement.

225.Rashi: Thus we see there are sins for which Yom Kippur is required to effect atonement.

Note that we now have three different explanations as to how one must atone for the transgression of an entirely negative commandment punishable by lashes.

1. The Horeb baraita teaches that teshuvah atones for all of these transgressions except taking God's name in vain.

2. Our Mishnah, as interpreted by Rav Yehuda the Amora, teaches that teshuvah atones only for the negative transgressions that can be mitigated by doing a positive commandment. Other than these, Yom Kippur is also needed.

3. Now we have Rabbi Yishmael's teaching that teshuvah alone is not sufficient for the transgression of any negative commandments, and Yom Kippur is also required for all of them.

(The Gemara now explores one aspect of Yishmael's reported teaching)

b) The Gemara seeks clarification

i) Question

How are we to understand the phrase "profane the name of God"(as mentioned above)? **Rav said: If someone like me** (an important individual) **were to take meat from the butcher and not pay him for it immediately** (giving the butcher the impression he would take the meat and not pay him at all -- that would be desecration of the Holy Name).²²⁶

ii) Response

Abbaye said:The words of Rav teach us only about a place in which the merchants do not go around demanding payment (by the purchaser).²²⁷ **But in a place where the merchants do go out demanding payment, we would not learn that this** (failing to bring payment to a merchant) **is a desecration of the Holy Name** (because everyone understands it's the merchant's responsibility to go demand payment).

c) The Gemara relates rabbinic stories on this matter

Ravina said: Mata Machasia (Ravina's home town, near Sura) **is a town in which the merchants did go out demanding payments.**

226. Rashi: If I were to be late in paying him, he would say that I was a thief, and he would learn from me to treat thievery lightly.

227. Rashi: A place where it is not the way of the butcher to go and collect debts owed to him, but rather the purchaser brings the payment to his house.

Abbaye, when he would buy meat from two partners, would give one zuz to one and one zuz to the other (*in order that each of them know and everyone see that he made good on his debt*),²²⁸ **and then he would bring them both together and effect an accounting.**²²⁹

Rabbi Yochanan said: A person such as myself going four cubits without (*studying*) **Torah or** (*wearing*) **tefillin** (*would be a desecration of the Holy name*).²³⁰

Yitzchak of the academy of Rabbi Yannai said: Anyone whose friends are ashamed by listening to him (*that is, his words embarrass them, this would constitute desecration of the Holy Name*)²³¹ .

Rav Nachman bar Yitzchak said: For example, if people say: May his Master (*that is, God*) **forgive that man** (*for a sin that he has committed -- the one who is the subject of the talk has committed desecration of the Holy Name*).

Abbaye said: As it is taught in a baraita:

"And you shall love Adonai your God" (Deut. 6:5): The Name of heaven shall become beloved through you -- that you should read and learn and serve Torah scholars, and that your daily conduct toward others be gentle. What should others say of such a man? "How fortunate is his father who taught him Torah! How fortunate is his teacher, who taught him Torah!" Woe to those who do not study Torah. So-and-so, who studies Torah, see how pleasant are his ways, how sweet his deeds. Of him, Scripture writes, "And he said to me: You are my servant, Israel, through you shall I be glorified!"

228.Rashi: Lest one man not know that he had paid his partner [and thus suspect him of thievery], which would constitute desecration of the Holy Name. [Thus Abbaye made sure he put payment into the hand of each of the two partners.]

229.Rashi: Then he would return and they would give him an amount of meat that corresponded to what he had paid.

230.Rashi: That is, not everyone knows that I have become too weak to study, and they might learn from my example the worthlessness of Talmud Torah.

231.Rashi: Or that they are embarrassed by his bad reputation.

(Isaiah 49:3).

But a person who reads and studies and serves Torah scholars but whose daily activity is not conducted honestly and whose speech with his fellows is not pleasant -- what do others say about him? Woe to so-and-so, who studies Torah. Woe to his father who taught him Torah! Woe to his teacher, who taught him Torah! He who studies Torah, see how disgraceful are his deeds and how repulsive are his ways. And about him, Scripture says: "[they profaned My holy name] in that men said of them: These are the people of God and they have gone out of his land" (Ezekiel 36:20).²³²

5. The Gemara shares rabbinic sayings on the value of *teshuvah*

a). Saying #1

i) Saying

Rabbi Chama bar Chanina said: Great is repentance, for it brings healing to the world, as it is written, "[O Israel, return *שובה* to Adonai your God, for you have stumbled in your iniquity . . .] I will heal their waywardness; I will love them freely" (Hosea 14:5).

(But the Gemara raises a problem from a related text:)

ii) Problem

Rabbi Chama bar Chanina found an apparent contradiction: It is written (in Jeremiah 3:14): "Return, O wayward children, *שובו בנים שובבים* says Adonai" -- from the beginning you were wayward²³³ -- and then (Jeremiah 3:22) Scripture says "Return, O wayward children, and I will heal

232.Rashi: Scripture calls this "desecration of the Holy Name": When an important person commits a sin and Divine Retribution comes upon him for it, and everyone says: Of what use was his piety and wisdom to him? Evil comes upon them, as it is written, "*And they profaned My Holy name.*" In what way did they profane God's name? In that the Gentiles among whom they were exiled said of them: See the people whose God could not save them from exile! Thus we find that the Heavenly Name has been desecrated and God's glory diminished.

233.Rashi: When you made *teshuvah* it was accounted to you as though the sin resulted from the foolishness and waywardness of youth [and this early sin is forgotten].

your waywardness"!²³⁴

(The Gemara now resolves this apparent contradiction in the Biblically explained cause of Israel's transgressions against God:)

iii) Solution

There is no difficulty. Here *(in the first text, where the sin is completely erased), the text is talking about repentance out of love for God, and here* *(in the second text, in which some taint of the sin remains), the text is talking about repentance out of fear of God.*

iv) Second problem

Rav Yehuda found an apparent contradiction: Scripture says (in Jeremiah 3:22): "Return O wayward children and I will heal your waywardness," and Scripture also says (Jer. 3:14b): "For I have become master over you and I shall take you one from a city and two from a family."

(So the question is: Is God a father to children or a master to servants? And how are we to approach God in teshuvah?)

(The Gemara resolves this apparent contradiction by saying, really, both:)

v) Gemara's solution

This is not a difficulty. Here one repents out of love or out of fear *(of a parent)* **and here one repents out of suffering** *(at the hands of a master).*

b) Saying #2 about Repentance

Rabbi Levi said: Great is repentance, for it reaches the Divine Throne, as it is written, "Return, Israel, to YH Adonai your God" (Hosea 14:2). *(From this we learn that through teshuvah, Israel can return YH God Himself.)*

²³⁴.Rashi: We learn from this that from now on the person is treated as having had a disease or blemish which has been healed but some of which always remains with the person.

[p. 86b]

c) Saying #3 about Repentance

Rabbi Yochanan said: Great is repentance, for it over-rides a negative commandment of the Torah. As it is written, "It was said: If a man should send his wife away and she leaves his side and goes to another man, can he return to her again *הֲיָשׁוּב אֵלֶיהָ עוֹד*? Would that land not be greatly polluted? You have played the harlot with many lovers -- yet *וְשׁוּב* return to me, O Israel!" (Jeremiah 3:1).²³⁵

d) Saying #4 about Repentance

Rabbi Yonatan said: Great is repentance, for it brings the redemption closer, as it is written, "But to Zion shall come a redeemer, and for those who have turned from transgression *וְלִשְׁבִי פֶשַׁע* among Jacob" (Isaiah 59:20). What is the explanation for the phrase, *But to Zion shall come a redeemer*?" That on account of those who have turned from transgression among Jacob (will the redeemer come). (That is, Rabbi Yochanan understands the way that begins this phrase to show a causative relationship -- A happens when and because B happens.)

e) Saying #5 about Repentance

i) Saying

Reish Lakish said: Great is repentance, for through it, intentional transgressions become as though they were by mistake, as it is written, "Return, O Israel, to Adonai your God, for you have stumbled in your iniquity"

²³⁵. Rashi indicates that the actual negative commandment comes in Deuteronomy 24:4. In a situation in which a wife has been given a divorce, sent out of the house, and become another man's wife, if either she is divorced by the second husband or he dies, "then her former husband, who sent her away, may not take her again to be his wife, after she is defiled; for that is an abomination before the Lord."

Here we have the often-used metaphor of the marriage to describe the relationship between God and Israel. Since God indicates in Jeremiah 3:1 that Israel, however faithless, is permitted to return to God, this overrides the prohibition found in Deut. 24.

(Hosea 14:2). This "iniquity" -- was it not committed intentionally? Yet Scripture calls it a "stumble"!

(The Gemara points to an apparent contradiction in this text:)

ii) Challenge

Is that so? *(That is, did Reish Lakish really say that repentance transforms intentional sins into sins committed by accident?)* **Did not Reish Lakish say: Great is repentance, for through it intentional transgressions become like merits, as it is written, "In turning from his wickedness and doing justice and righteousness, the wicked man shall live on account of them" (Ezekiel 33:19)?** *(That is, that all of his deeds shall be accounted as praiseworthy.)*

iii) Gemara's response

This is not a difficulty. Here one is repenting out of love *(and thus the evil deeds become like merits), and here one is repenting out of fear* *(and thus one's sins are treated like they were mere mistakes).*

f) Saying #6 about Repentance

Rav Shmuel bar Nachmani said in the name of Rabbi Yonatan: Great is repentance, for it lengthens the years of a man, as it is written, "In turning from one's evil deeds, an evil man . . . shall live . . . " (Ezekiel 33:19).

Rabbi Yitzchak the Aramean said: In the West *(Eretz Yisrael), they teach in the name of Rava bar Mari: Come and see that the nature of flesh and blood* *(humankind)* **is not like the nature of the Holy One Blessed Be He. The character of flesh and blood is that a person will vex his fellow with words -- and there is doubt as to whether he will be appeased by him or not. And if you should say that he is appeased by them -- it is doubtful as to whether he**

will be appeased through words or not. But with the Holy One Blessed Be He, if a man should commit a grave sin in secret, God is appeased by the man through words, as it is written, "*Take with you your words and return to Adonai*" (Hosea 14:3). And not only that, but He accounts it to him for good, as the verse further states, "*And accept good.*" And not only that, but Scripture accounts it to him as though he had offered up cows, as the verse further states, "*So we shall let our lips compensate for the sacrificial cows.*" And lest you say that these are cows that one is obligated to bring, Scripture teaches, "*I will heal their waywardness; I will love them freely אוהבם נדבה*" (Hosea 14:5).²³⁶

g) Saying #7 about Repentance

It is taught in a baraita: *Rabbi Meir would say: Great is teshuvah, for on account of one individual who has made teshuvah, the entire world is forgiven, as it is written, "I will heal their waywardness; I will love them freely, for my anger is turned away from him" (Hosea 14:5). The text does not say "from them" but rather "from him."*

The baraita takes note of an apparent inconsistency in the text: God will love them אוהבם [the collective Israel, or perhaps more universally, the world] as a result of forgiving him נמנו [an individual]. The rabbis understand this, not as an inconsistency at all, but rather as a lesson that one person's sincere repentance has a universal impact.

6. The Nature of the Penitent Person

a) Question

What is an example of a *ba'al teshuvah*? (*That is, how are we to understand what a completely penitent person is?*)

²³⁶The נדבה was the free-will offering, while the חובה was the obligatory offering. The Hosea text and its use of this phrase teaches that God treats the prayers of sincere repentance as free-will offerings, made from the heart. The offering of the lips is equal in stature to the offering of a sacrificial animal on the altar at the Mikdash, which is considered by the rabbis to be an ideal and the highest form of *avodah* available to humans.

b) Initial answer

Rav Yehuda said: For example, one who has the opportunity to commit a sin once and twice and he is saved from it, as Rav Yehuda observed: *(This refers to an opportunity for the man to sin)* "With the same woman, at the same time, in the same place."

c) The Gemara raises a problem

i) Problem

Rav Yehuda said: Rav raised an objection, pointing out an apparent contradiction in the text. It is written, "*How fortunate is the man whose transgression is forgiven, whose sin is covered over* **כְּסִי חַטָּאָה**" (Psalm 32:1), and it is written, "*One who covers up his sins* **מַכְסֶה** *shall not succeed*" (Proverbs 28:13).

(The connection is made by Yehuda because the same verb is used in both, seemingly with different results)

ii) The Gemara responds to the challenge

This is not a difficulty. In one case, the text is referring to a sin that is widely known, and in the other case, the text is referring to a sin that is not widely known.

(That is, in the case of the Proverbs text, we're dealing with a sin that is widely known, so it's appropriate for a man to also publicize his repentance from that sin. In the case of the Psalm text praising a man whose sin is covered up, since the sin has not been widely publicized, it would not be appropriate to publicize the repentance.)

iii) The Gemara offers a second resolution of this apparent difficulty

Rav Zutra bar Tuvia said in the name of Rav Nachman: Here, we're dealing with transgressions between man and his fellow *(for which one should publicize repentance from the sin, hence the Proverbs text)*, while here we are dealing

with sins between man and God (*so the repentance need not be made public, hence the Psalm text*).

7. The Limits of Forgiveness

(*The Gemara now seeks to put a limitation on forgiveness:*)

a) Tannaitic Statement

It is taught in a baraita: Rabbi Yossi bar Yehuda says: A man who commits a sin, the first time he is forgiven; the second time he is forgiven; the third time he is forgiven; but the fourth time he is not forgiven, as it is written, "Thus says Adonai: for three transgressions of Israel I will turn away its punishment, but for the fourth I will not turn away its punishment" (Amos 2:6). And it is written, "Thus does God do all these things twice or three times with a man, [to bring back his soul from the pit]" (Job 33:29).

(*The Gemara now has a question about the baraita:*)

b) Question

Why does the text say ואומר ? (*That is, why does Rabbi Yossi find it necessary to bring a second proof-text, when the first one seems to fulfill the need?*)

c) Gemara's response

If you should say that these words only apply communally but not to an individual (*as you might erroneously think if you only saw the first verse*), **come and hear** (*the second verse*): **"Thus does God do all of these things twice or three times with a man."** (*We learn from this that God accepts the repentance of an individual.*) **From then on, he is not forgiven, as it is written, "For three transgressions of Israel, but for the fourth I will not turn away its punishment לא אשיבנו" .**

The idea here seems to be equating the direct object of אָשִׁיבֵנוּ to the individual. As מִמֶּנּוּ means "from him," אָשִׁיבֵנוּ would infer "I will not turn punishment from him" -- that is, from the individual. The first verse thus informs what the second confirms -- that the individual's repentance is what is at stake here. This discussion, then, comes to support the idea noted above, that an individual's repentance has corporate impact.

8. Confession of Sin

(The Gemara here takes up the idea of confession of sin:)

a) Tannaitic Statement on Confession

i) Statement

Our rabbis taught in a baraita: Sins for which one has confessed on this Yom Kippur, he need not confess on another Yom Kippur. But if he has repeated them, then it is necessary for him to confess them (again) on another Yom Kippur. But if he has not repeated them and still comes back and confesses them, Scripture says of this person: "Like a dog returns to his own vomit, so a fool returns to his folly" (Proverbs 26:11). But Rabbi Eliezer ben Yaakov says: All the more so is this man praiseworthy, as it is written, "For I acknowledge my transgressions and my sin is ever before me" (Psalm 51:5).

(The Gemara raises a problem based on the machloket in this baraita:)

ii) Textual problem

But then who do I establish as the one who is "like a dog who returns to his own vomit"?

ii) The Gemara explains

We can do this based on the view of Rav Huna, for Rav Huna said: If a man should commit a sin and then repeat it, it becomes permitted to him.

iv) But the Gemara objects to this characterization

Do not let it enter your mind that it becomes permitted to him!

Rather say that it appears to him *as if* it is permitted.

- b) On specifying the sin during the confession
i) Statement

And it is necessary to specify the sin, as it is written, "*Oh, this people has sinned a great sin, in that they have made a god of gold*" (Shemot 32:31).

These are the words of Rabbi Yehuda ben Bava. But Rabbi Akiva said: "*How fortunate is the one whose transgression is forgiven, whose sin is covered*"

(Psalm 32:1). (In other words, it is not necessary to specify the sin.)

(Gemara raises a difficulty:)

- ii) Kasha

Then how do we reconcile what Moses said? -- "*For they have made for themselves a god of gold*"?

- iii) Gemara responds

We can understand it in light of the reasoning of Rabbi Yannai. For Rabbi Yannai said: Moshe said before the Holy One Blessed Be He: Master of the Universe, the silver and gold that you multiplied for Israel until they said, "Enough!" -- this caused them to make a god of gold. (If this is so, then, "*They made for themselves a god of gold*" does not specify the sin at all -- this is not the way we understand the "vav" at the beginning of the verb -- but rather explains that they had an excuse for it.)

- c) Confession of sin in the Biblical tradition

Two good leaders stood before Israel: Moses and David. Moses said: Let my sin be written, as it is said, "[God said to Moses and to Aaron,] *Because you did not believe in me, to sanctify me [in the eyes of the children of Israel, therefore you shall not bring this congregation into the land which I have given them]*" (Numbers

20:12). *(In this case God specified that the punishment was for the sin at Meribah, when they struck the rock, rather than call on it to give forth water.) David said: Do not let my sin be written, as it is said, "How fortunate is the man whose transgression is forgiven, whose sin is covered" (Psalm 32:1, see above).*

(It is written:) This story of Moses and David, to what may it be compared? To two women who were flogged before the beit din. One had been defiled (by harlotry) and one had eaten unripe figs from the sabbatical year. The one who had eaten the prohibited figs said to them: Please make known for what reason this one (meaning herself) is being flogged, so that they might not say: What this one is being flogged for, the other is being flogged for (namely, harlotry). They brought out unripe figs from the sabbatical year and tied them around her neck, and then they made an announcement in front of her and said: With regard to forbidden figs of the sabbatical year was this one flogged! (So said Moses, so that people not make the mistake about him that his sin was like the sin of his generation; he requested that God make public just what his sin was, so that people would know it wasn't a more grievous sin than that.)

We expose the hypocrites (those who pass themselves off as righteous) on account of desecration of the Holy Name, as it is written, "Again, when a righteous man turns from his righteousness and commits iniquity, [and I lay a stumbling block before him, he shall die]" (Ezekiel 3:20). The repentance of the confirmed sinners prevents Divine retribution, even though a decree of Divine retribution has been sealed upon them.

The security of the wicked, its end is a snare, and authority buries its master; naked one enters into it and naked one departs from it. Oh would that leaving it would be like going into it (that is, without sin).

(The Gemara interrupts the baraita to relate a series of stories:)

Rav, when he would leave to adjudicate legal cases, would customarily say this (about himself): Of his own will is he going out to his death *(for if he makes a mistake in his ruling he is condemned to death by the hands of heaven)*. **The needs of his household he is not taking care of** *(since he does not accept a fee for his services)* **and he goes to his house empty-handed. Would that his return would be the same as his departure** *(without sin or transgression)*.

(The Gemara relates a similar story:)

Rava, when he would leave to adjudicate cases, would say (of himself): **[p. 87a] Of his own will is he going to his death; and the needs of his household he is not taking care of in that he returns home empty-handed. Would that his return would be the same as his departure! And when he would see a line of men following after him (to give him honor), he would say: "Though His Excellency mount up to the heavens and his head reach the clouds, yet he shall perish forever like his own dung, and those who see him shall say, Where is he?" (Job 20:6-7).** *(That is to say, a man who achieves greatness often finds that this greatness eventually comes to an end.)*

(The Gemara relates a third story:)

Rav Zutra, when (his students) would carry him on their shoulders on Shabbat *(to give a public drasha)*, **would say (so as not to get too haughty): "For riches are not forever; and does the crown endure to all generations?" (Proverbs 27:25).**

(Now we return to the baraita:)

"It is not good to favor the person of the wicked" (Proverbs 18:5a).

It is not good for the wicked that they are shown favor in this world. It is

not good for Ahab that he was shown favor in this world, as it is written, "יע" Because he humbles himself before me I will not bring the evil in his days [but in his son's days will I bring the evil upon his house]" (I Kings 21:29).

" . . . to incline against the righteous in justice" (Proverbs 18:5b).

It is good for the righteous that they not be shown favor in this world. It is good for Moses that he was not shown favor in this world, as it is written, ")ע" Because you did not believe in me, to sanctify me" (Numbers 20:12). If you had believed in me, then the time for you to depart from this world would not have arrived.

How fortunate are the righteous. It is not enough that they are meritorious themselves but that they cause their children and their children's children to have merit, to the end of all generations. For many sons did Aaron have who deserved to be burned like Nadav and Avihu, as it is written, "[He was angry with Elazar and with Ithamar, the sons of Aaron,] those who were left" (Leviticus 10:16). The merit of their father remained for them.

But woe to the wicked! It is not enough that they make themselves liable for punishment (on account of sin) but they also make their children and their children's children liable, to the end of all generations. Many sons did Canaan have who deserved to receive ordination, like Tavi, the servant of Rabban Gamaliel (who was known for his wisdom), but the liability of their father caused them (to become servants).

(And further:)

Anyone who leads the masses to righteousness, he is not given the opportunity to sin; and anyone who leads the masses to sin, he is given almost no opportunity for repentance.

(Now the baraita examines this last statement:)

"Anyone who leads the masses to righteousness, he is not given the opportunity to sin" -- what is the reason for this? In order that he not be in Gehinnom while his disciples are in Gan Eden, as it is written, "For you will not abandon my soul to Sheol, nor will you cause your pious one to see the pit" (Psalm 16:10). (That is, God causes sin to stay away from him so that he not fall into its clutches.)

"And anyone who leads the masses to sin, he is given almost no opportunity for repentance." (What is the reason?) In order that he not be in Gan Eden while his disciples are in Gehinnom, as it is written, "A man who is burdened with the blood of any person shall flee to the pit; let none support him" (Proverbs 28:17). (That is, no one will prevent him from falling into the pit of Gehinnom).

Conclusion: We have seen previously that an individual must take responsibility for his or her own transgression and perform teshuvah. But the tradition indicates that that may not be enough -- that the sin and the repentance must be public. Why? First, so that the public know the nature of the sin; secondly, so that the public not follow the same path to sin. Thus, not only is an individual responsible for his or her own sin, he also must accept responsibility if others sin on account of his example, or if his progeny are tainted by his sin.

The rabbis here seem to reject the notion that God does not visit the sins of the parents upon the future generations, or at least they ignore it for pedagogical reasons. Here, Canaan's children, however meritorious they may be by themselves, will never rise above the position of servant to Israel -- all tracing back to the curse put on the descendants of Ham because Ham saw the nakedness of his father, Noah. By contrast, all of Aaron's sons apparently deserved the same fate as Nadav and Avihu, who were burned alive for offering alien fire to God. But because of the merit of Aaron (despite his sin of making the Golden Calf), only two were killed and two were left alive.

The text seems to teach us that there is something about sin that becomes ingrained, not just in an individual's personality but in his very genetic makeup -- a DNA flaw, if you will -- so that the taint of sin is passed down from one generation to another. It is a strong warning to those who do not care about themselves falling into the clutches of sin -- or even causing their communities to do the same.

(The Gemara now returns to the next phrase of the Mishnah:)

C. The one who says: I will sin and I will atone; I will sin and I will atone -- he will be afforded no opportunity to do teshuvah.

1. The Gemara asks

Why does the text need to tell me this -- "I will sin and I will atone, I will sin and I will atone" -- twice?

2. The Gemara answers

We can understand this in accordance with what Rav Huna said in the name of Rav. Rav Huna said in the name of Rav: If a man has committed a transgression and then he repeats it, it becomes permissible to him.

Can it enter your mind that it would become permissible to him?

Rather say: It becomes to him *as though* it were permitted.

The Gemara used this before, in referring to the story about the dog's vomit. Here, it would seem, is its real place, as a commentary by Rav on the Mishnah, to understand why the Mishnah uses this phrase twice. The explanation is that, in a situation in which someone commits the same sin twice, it becomes an acceptable act to him. For the one who sins and then repents of it, it is difficult enough for him to maintain his distance from sin. How much more so if the act is repeated.

(The Gemara now continues with the next line of the Mishnah:)

D. The one who says, "I will sin and Yom Hakippurim will atone" -- Yom Hakippurim does not atone.

1. The Gemara asks

Can we say that the Mishnah is not in accordance with the opinion of Rabbi? For it is taught in a baraita: *Rabbi says: For all Toraitic transgressions, whether one has made teshuvah or not, Yom Hakippurim atones.*

2. The Gemara responds in a way that reconciles these two statements

You could actually say that even Rabbi would agree that (*sins committed*) on account of (*Yom Kippur*) are different.²³⁷

That is, if someone commits a transgression purposefully, on the assumption and keeping in his mind that he'll be cleansed of it on Yom Kippur anyway -- even Rabbi would agree in this case that Yom Kippur would not atone for it, so that's what the Mishnah is really talking about.

This is a way of compromising on both statements, to reconcile one with the other. Since Rabbi wrote the Mishnah, it cannot contradict another statement attributed to him.

(The Gemara now continues with the next line of the Mishnah:)

E. For transgressions between a person and God, Yom Hakippurim atones. But for transgressions between a man and his fellow, Yom Hakippurim does not atone until he has procured pardon from his fellow.

1. Apparent contradiction in sins between man and man
 - a) Challenge

Rav Yosef bar Chavu pointed out a contradiction to Rabbi Abbahu:

"For transgressions between a person and his fellow, Yom Hakippurim does not atone." But is it not written, "If one man should sin against another, God shall "judge" him ופללו אלהים, [but if he sins against God, what man shall judge him]" (I Samuel 2:25)?²³⁸ (*We learn from this that on account of the man's prayers to God, God forgives him.*)

237. Rashi: Because he committed the sin relying on Yom Kippur to atone for it, Yom Kippur does not atone [and even Rabbi would agree in this situation].

238. Rashi: Let it enter your mind (let you consider that) ופללו is the language of prayer and conciliation -- that is, the Holy One, Blessed Be He, intercedes for him and makes reconciliation with him and forgives him.

b) Gemara, through Abbahu, responds to Yosef's challenge

Who is "Elohim" here? The judge! *(That is, what is this verse referring to, when it uses the word "elohim"? Not God, but human judges.)*

c) The Gemara challenges this interpretation

If so, what would I say about the end of the verse -- "And if it is against God that he sins, what man may judge him?" -- *(that is, if the first part of the verse speaks of sins between one man and another, then how would we understand the second part?)*

d) Gemara responds by backtracking on its earlier claim that *Elohim* means human judges but reinterpreting the text

Here is what the text is really saying: "If a man should sin against another man and he forgives ופלו him, then God will forgive him. And if the man should sin against God, what is it that will effect forgiveness with Him? Repentance and good deeds."

2. Rabbinic stories on sins between man and man

a) Story #1 on appeasement

Rabbi Yitzchak said: Anyone who vexes his fellow, even with words, must appease him, as it is written, "My son, if you are a guarantor for your neighbor, if you have stuck out the palms of your hands for a stranger, if you have become snared with the words of your mouth, caught by the utterances of your mouth -- then do this, my son, and save yourself: When you come into the hand of your neighbor, abase yourself and accept the sovereignty of your neighbor" (Proverbs 6:1-3). *(And this is how we understand these verses:) If you have money in your hand (which you are obligated to give him), open the palm of your hand (and give him the money for which you are obligated to him). And if not (if it is not money that you owe but rather with your words that you have sinned against him), gather*

many friends around him (*that is, send for many people who will act as your emissaries and seek forgiveness from him on your behalf*).

b) Story #2 on appeasement

Rav Hisda said: It is necessary to appease him (*the one who has been insulted*) **with three lines of three people, as it is written, "יָשׁוּב -- assemble a row of men and say, I have sinned יָשׁוּב and what is right I have perverted, and it has not availed me" (Job 33:27).**²³⁹

c) Story #3 on appeasement

Rav Yossi bar Chanina said: Anyone who seeks forgiveness from his fellow, he should not have to ask him more than three times, as it is written, "[Thus shall you say to Joseph:] O please, forgive, please [the iniquity of your brothers and their sin for they did evil to you] and now please forgive" (Genesis 50:17). (*The phrases נָא, נָא, נָא make up three times the brothers sought Joseph's forgiveness, and then he broke down and forgave them.*) **And if** (*the man who has been humiliated*) **dies, (then the offender should) assemble ten men at his grave and say, "I have sinned against the Lord God of Israel and against So-and-so I have done grave harm."**

d) Story #4 on appeasement

Rabbi Abba had an issue (*a point of contention*) **with Rabbi Jeremiah. Rabbi Jeremiah went and sat in Rabbi Abba's doorway** (*in order to ask him for forgiveness*). **When (Rabbi Abba's) maid went to throw out the (waste) water** (*from*

²³⁹.The word יָשׁוּב here is related to the word שׁוּרָה , or line.

Rashi on "in three rows": Three times you must try to appease him through three men each time, as it is written, יָשׁוּב , from the word for "line." And no line can be composed of fewer than three people.

"I have sinned" -- this is the first time. "And what was right have I perverted" -- this is the second time. "And it has not availed me" -- this is the third time.

the house), a spurt of water splattered on his head. He said *(of himself)*: **They have made me like a garbage heap. And he recited to himself: "He lifts the needy out of the ash heap" (Psalm 113:7). Rabbi Abba heard and went out to greet him and said to him: Now I must go and appease you *(for this embarrassment)*, for it is written, "Abase yourself and accept the sovereignty of your neighbor" (Proverbs 6:1-3 -- see above).**

e) Story #5 on appeasement

Rabbi Zera, when he would have a grievance against somebody *(who had caused him embarrassment)*, would pass by repeatedly in front of him and make himself accessible *(to the offender)* in order to allow him to come out and express what was in his heart *(that is, to appease him)*. *(Rabbi Zera was concerned about making it easy for the offender to come and seek forgiveness so Zera could pardon him.)*

f) Story #6 on appeasement

Rav had a grievance against a certain butcher, who did not come before him *(to seek forgiveness)*. On the day before Yom Kippur *(Rav)* said: I will go to him to effect an appeasement. Rav Huna *(his student)* met up with him and said: Where is *(my)* master going? He replied: To effect an appeasement with So-and-so. Huna said: Abba is going to kill a man! *(Rav)* went and stood before the man, who sat breaking the head of an animal's head. He lifted his eyes and saw him *(Rav)*. He said to him: You are Abba! Go away, I have no issue with you! *(He did not in any way want to speak with him about this.)* At the same time that he was breaking the animal's head, a bone shot out, hit him in the throat, and killed him.

g) Story #7 on appeasement

i) Story

Rav was reading from Scripture²⁴⁰ in front of Rabbi *(when he began to attend the academy)* **when Rabbi Chiyya** *(the uncle and teacher of Rav)* **came in . Rav returned to the beginning of the reading. Bar Kappara came in -- and again he returned to the beginning of the reading. Rabbi Shimon ben Rabbi came in -- and again he went back to the beginning of the reading. Rabbi Chanina bar Chama came in. [Rav] said *(to himself): So many times we must go back and do this? He did not return* *(to the beginning).* **Rabbi Chanina was incensed** *(that Rav would think so much less of him than of the other sages).* **Rav went to him every year for thirteen years on Erev Yom Kippur** *(to try and appease him)* **but he would not be appeased.****

ii) Challenge

How could [Rav] do this? Has Rav Yossi bar Chanina not said: Anyone who seeks forgiveness from his fellow should not have to seek it more than three times!

iii) Response

Rav is a different case *(because he is pious and would want to go beyond the letter of the law).*

iv) Challenge #2

And Rabbi Chanina -- how could he do this? *(How could he not forgive Rav after he had sought forgiveness so many times?)* **Has not Rava said: Anyone who foregoes his measure** *(of retribution by forgiving one who has wronged him), (the Heavens)* **will forego retribution against him for all his sins.**

v) The Gemara ponders this and comes up with an explanation for Chanina's behavior

240.Rashi: A section from the Prophets or the Writings.

Rather, Rav Chanina dreamed a dream (about Rav) in which Rav was hung from a palm tree. And we have learned through our tradition that anyone about whom it is dreamt that he is hanging from a palm tree will become the head of the academy. (Chanina) said (to himself): Learn from this that Rav is bound to become the head of the academy. I will therefore not be appeased, in order to that (Rav) go and study Torah in Bavel.²⁴¹

F. The Timing of the Mitzvah of Confession

1) Tannaitic statement

(In the Tosefta) our Rabbis taught in a baraita: The mitzvah of confession on Yom Hakippurim comes at the approach of nightfall.²⁴² But the sages said: One must offer confession before one eats and drinks (the evening meal before the fast of Yom Kippur begins), lest one's mind become unbalanced at the meal (from too much food and drink). And even though he has confessed before eating and drinking, he must still offer confession (again) after he eats and drinks, in case something disgraceful happens (that is, something sinful) at the meal. And even though he has confessed at Arvit (in the evening service), he must also confess at Shacharit (in the morning service of Yom Kippur day). And even though he has confessed at Shacharit, he must confess at Musaf. And even though he has confessed at Musaf, he must confess at Mincha. And even though he has confessed at Mincha, he must confess at Neilah.

2. Question of clarification by Gemara

241. Rashi: Rabbi Chanina was, at that time, the head of the academy in Eretz Yisrael. When he dreamed this dream about Rav, he was afraid he would die, because the tenure of one *rosh yeshivah* was not permitted to cross the next. So Chanina said: If I postpone this appeasement, he will flee to Bavel and there he will be the head of the academy and I will not die because of him.

242. Rashi: After eating, when one has accepted upon himself [the obligations of] Yom Hakippurim.

And how is this confession וְיָדוּב recited?

3. Gemara responds

The individual recites it after his private recitation of the Tefillah, and then the *shaliach tsibur* (prayer leader) recites it in the middle blessing (the *kedushat hayom*) of the public repetition of the Tefillah.

3. Gemara digs deeper

And what does he say (that is, what is the *musach*, the text content, of this confession)?

4. Gemara responds with a collection of the rabbis' personal vidui confessional prayers

a) Rav said (the confession should begin with phrase): "You know the secrets of the world . . ."

b) Shmuel said (it should begin with the phrase): "From the depths of the heart . . ."

c) Levi said: "And in Your Torah it is written, saying . . ."

d) Rabbi Yochanan said: "Master of the Universe . . ."

e) Rabbi Yehuda said: "For our sins are greater than one can count, and our transgressions too numerous to reckon."

f) Rav Hamenunah said: "My God, before I was even formed, I was not worthy; now that I have been formed, it is as if I had not been formed. I am (merely) dust when I am alive -- all the more so in my death. Behold I am before you, like a vessel full of shame and disgrace. May it be Your will that I not sin, and the sins which I have already committed, may they be cleansed in Your mercy, but through my suffering."

5. Gemara comments on the last prayer

And this (*the last confessional prayer mentioned*) **is exactly the same as the vidui that Rava recited all year round, and that Rav Hamenuna Zuta recited on Yom Kippur.**

6. Clarification: Gemara explains that these personal prayers of confession are not obligatory, but that there is an obligatory formula that must be recited

Mar Zutra said: It is only necessary to recite these formulas if we have not recited "But we have sinned אַבְל אֲנַחְנוּ חֲטֵאוּנוּ."²⁴³ **But if one has recited "But we have sinned" -- then no more is necessary** (*for this is the essence of the vidui*). **For thus said Bar Hamudei: I stood before Shmuel while he was seated, and when the shaliach tsibur arrived** (*at that point in the service*) **and said, "But we have sinned," he stood up. Bar Hamudei said: Learn from this that this is the essence of the confession** (*that these words are the essence of the vidui and for this reason one must stand in order to accentuate their importance*).

This is the first time that the congregational worship service has been mentioned with regard to Yom Kippur, and it is noteworthy, I think, because it marks a minor -- and transient -- shift in emphasis, from the individual to the corporate confession.

Up until now, this entire chapter has dealt with individual responsibilities for self-affliction and for teshuvah. Even the preceding paragraphs gave us examples of personal, private prayers by individual rabbis. But this appears to be the first and last time the text focuses on the communal aspect of Yom Kippur (though indeed it is up to each individual in the congregation to be present for the recitation by the shaliach tsibur), for we now return to the discussion of individual responsibility as the Gemara shifts its focus to Neilah, the concluding service on Yom Kippur.

243. The reference here is to the phrase "אַבְל אֲנַחְנוּ חֲטֵאוּנוּ. חֲטֵאוּנוּ עֵינֵינוּ פָּשָׁעֵנוּ" -- *Rather, do we confess: we have gone astray. We have gone astray, we have sinned, we have transgressed.* This is the final phrase of the opening declaration of the vidui portion of the Yom Kippur services.

III. The Neilah Service -- a Chatimah for Masechet Yoma

A. Nature of Neilah

1. Tannaitic Statement

We learn there²⁴⁴ in the Mishnah: *For three occasions during the year do the priests raise their palms four times a day, at Shacharit, at Musaf, at Mincha, and at Neilat Sh'arim* (lit. the closing of the gates), and these are the three occasions: *On fast days, on ma'amadot, and on Yom Hakippurim.*

2. Gemara seeks clarification

What is "Neilat Sh'arim"?

3. The Gemara responds with a makhloket

Rav said: It is an additional recitation of the Tefillah.

Shmuel said: (It is not a full Tefillah but rather only a vidui, a confession, which begins with the phrase,) "*What are we? What are our lives?*"²⁴⁵

4. Gemara objects

a) Objection

244.Ta'anit 26a:

MISHNAH. *On three occasions of the year -- on fast days, on ma'amadot, and on the Day of Atonement -- do the Priests lift up their hands to bless [the people] four times during the day; namely, at the Shacharit [service], at Musaf, at Minchah, and at the closing of the gates [Neilah].*

The following are the [details concerning] the ma'amadot: Because it is said, "Command the Children of Israel [and say to them]: My food which is presented unto Me" (Numbers 28:2). Now, how can a man's offering be brought [on the altar] and he not be present? Therefore, the earlier prophets (Samuel and David) instituted twenty-four mishmarot [divisions of lay people as well as of Priests and Levites], and each mishmar was represented [at the Temple] in Jerusalem by its own ma'amad of Priests, Levites and Israelites. When the time came for the mishmar to go up [to Jerusalem], the Priests and the Levites went up to Jerusalem, while the Israelites of that mishmar assembled in their cities and read [from the Law] the story of Creation (Bereshit, chapter 1). The men of the [Israelite] ma'amad fasted on four days of that week, from Monday to Thursday; they did not fast on Friday out of respect for the Sabbath, nor on Sunday in order not to change over [without a break] from the rest and delight [of the Sabbath] to weariness and fasting and so [perhaps] die.

245.Rashi: One recites this but does not offer a full Amidah.

The Gemara raises a difficulty to Shmuel's interpretation, based on the following baraita:

On the eve of Yom Hakippurim²⁴⁶, one prays seven (the seven benedictions of the festival Amidah) and offers a confession; at Shacharit, one prays the seven and offers a confession; at Musaf, one prays the seven and offers a confession; at Mincha, one prays the seven and offers a confession; at Neilah, one prays the seven and offers a confession.

This would seem to support Rav's argument that Neilah is an additional Amidah recitation and undermine Shmuel's argument that it consists only of a vidui. The Gemara notes, however, that this baraita does not put forth a universally accepted model of Neilah as an additional Amidah

b) Qualification of objection

There is a dispute among the Tannaim about this, however. As it is related in a baraita:

On Yom Hakippurim, with the coming of nightfall (which ends Yom Kippur), one prays the seven (blessings of the Amidah) and offers a confession and concludes with a blessing involving confession -- these are the words of Rabbi Meir. But the sages say: One prays the seven blessings of the Amidah, and if one wishes to conclude it with a statement of confession, one may do so.²⁴⁷

246. The word אור here is interpreted by the rabbis to mean evening. This baraita appears in Pesachim 3a.

247. Rashi: This is stated in the Tosefta:

We do not conclude [the Kedushat Hayom on Yom Kippur] with [the customary phrase], "The One who sanctifies Israel," but rather with the phrase, "The God, the One who Forgives." But the sages say: In any situation in which one is obligated to recite seven blessings [in the Amidah], also in the remainder of the tefillot, if one wishes to end with words of confession, one may do so.

Following is how I received the tradition, though this is not how it is described by the Tosefta. This is how I have the text:

But the sages say that one prays the seven and if one wishes to conclude with words of confession, one may do so. And we hold that this is learned involving Neilah. In any event, at Neilah, one prays the seven and concludes with confession. -- But this contradicts Shmuel! -- It is indeed a contradiction.

(The Gemara notes that this still doesn't help Shmuel:)

c) Re-raise the objection

(If this is so) then this is (also) a contradiction to Shmuel (because everyone in this baraita agrees that one recites a full Amidah at Neilah)!

d) Gemara's conclusion

This is indeed a contradiction *(and we must set aside Shmuel's words).*

e) Gemara offers more support for Rav against Shmuel

Ulla bar Rav came down before Rava *(that is, he served as shaliach tsibur in front of Rava, who was there in the beit hak'nesset during Yom Kippur).* **He opened** *(his recitation of the middle blessing of the Tefillah, the Kedushat Hayom, at Neilah)* **with, "You have chosen us," and concluded it with, "What are we? What are our lives?"** **And Rava praised him** *(for reciting the vidui, as the prayer leader, within the Amidah).* **Rav Huna, son of Rav Natan, said: And an individual recites it after his Tefillah.** *(That is, during the silent Amidah, the individual worshiper recites the vidui at the end of the Amidah; during the shaliach tsibur's repetition, the shatz will recite it in Kedushat Hayom.)*

B. The liturgical status of Neilah

1) Statement

Rav said: The Neilah prayer exempts one from reciting Arvit *(that is, since Neilah is recited after Mincha, it is considered as if one has prayed the evening service as well).* **Rav is consistent here with his own opinion, when he said that Neilah is an additional recitation of the Amidah, and if one prays it, no more is necessary** *(that is, one need not pray Arvit).*

(The Gemara has a problem with this, because it is inconsistent with what we already know about Rav's teaching on the subject:)

2) Challenge #1

a) Challenge

Did Rav really say that? For Rav has said: The halakhah is according to the words of the one who said: the *Arvit* recitation of the Amidah is optional! *(And if it's optional, how can Rav say that Neilah exempts the worshiper from reciting evening prayers? That doesn't make sense, because one would be exempt from Arvit even without Neilah!)*

b) The Gemara responds

No, Rav was speaking to the words of one who holds that Arvit is obligatory *(that is, this person says that Arvit is obligatory, but if one recites Neilah after Mincha on Yom Kippur, one has fulfilled the obligation and need not recite Arvit).*

3) The Gemara raises a second objection

a) Challenge

The Gemara raises an objection to this from a baraita:²⁴⁸

On the eve of Yom Hakippurim, one prays seven *(the seven benedictions of the festival Amidah)* ***and offers a confession; at Shacharit, one prays the seven and offers a confession; at Musaf, one prays the seven and offers a confession; [at Mincha, one prays the seven and offers a confession]; at Neilah, one prays the seven and offers a confession. At Arvit, one prays the seven as an embodiment***

²⁴⁸. This baraita from *Pesachim* 3a was used above but not in its complete form. The Gemara now brings all of it to show that *Arvit* and *Neilah* cannot be equated.

of the eighteen.²⁴⁹ (That is, at Arvit following Yom Kippur, one recites the first three benedictions and the last three, but the one in the middle is a shortened substitution for the thirteen daily intermediate benedictions, not a festival liturgy.) **Rabbi Chanina son of Gamaliel, taught in his ancestors' names: One prays the entire Shemoneh Esreh** (the weekday Amidah, at the conclusion of Yom Kippur) [p. 88a] **because it is necessary to say Havdalah in the intermediate benediction, חונן הדעת, "Who has graciously endowed us with understanding."**²⁵⁰

b) Response of Gemara

There is a dispute among the Tannaim on this issue²⁵¹, for it has been taught in a baraita:

All who are obligated to ritually immerse themselves may do so according to their custom on Yom Hakippurim (without fear of violating the ban on washing). **The niddah** (the woman who is ritually impure because of menstrual blood) **and the yoledet** (the woman who is ritually impure because she has just given birth) **may immerse themselves according to their custom on the night of Yom Hakippurim** (because their requirement is to do so at night). **The man who has had a seminal emission**²⁵² (whom the sages have decreed may immerse himself so that he is

249. Rashi: One recites the first three blessings and the last three blessings as they are fixed, and one recites the *havineinu* in the middle, which condenses the meanings of the middle thirteen blessings. This is the *tefillah ketzarah* which has been created for travelers, and at the conclusion of Yom Kippur, it is permissible to use it in some troublesome circumstances.

250. Rabbi Chanina's reference is to the first of the thirteen intermediate benedictions of the weekday Amidah, the blessing for knowledge and discernment. This is the place where Havdalah is recited at the conclusion of festivals and of Shabbat. Since Havdalah must be recited at the end of Yom Kippur, a full weekday Amidah is required. And since a full weekday Amidah is required, Arvit must be recited and cannot be replaced by Neilah.

251. Rashi: The issue of whether or not the recitation of Neilah exempts the worshiper from also having to recite Arvit.

252. Rashi cites *Bava Kamma* 82a, where the Gemara notes that Ezra decreed *tevilah* as a requirement for any man who has had a seminal emission. The requirements of this *tevilah* are discussed at length by the Gemara in *Berachot* 22b. The man who has had a seminal emission is considered ritually unclean and may not study Torah or pray until he immerses himself.

*permitted to pray) may immerse himself any time up until the time of Mincha (so that he can pray Mincha). But Rabbi Yossi says he may do so any time throughout the entire day.*²⁵³

c) Gemara's challenge to baraita

Note the contradiction between this baraita and another (taken from Shabbat 121a):

The zav and the zavah (one afflicted with gonorrhea), the metzorah and the metzora'at (a male leper and a female leper), he who has sexual intercourse with a niddah (and is thus defiled by her since this is forbidden), and he who is defiled through a corpse, (perform) their tevilah is by day (on the seventh day of from their defilement, even on Yom Kippur). A niddah and woman in confinement (perform) their tevilah is at night (even on Yom Kippur). A ba'al kerī (one who has had a seminal emission) must proceed with tevilah at any time of the day. R. Yossi says: (If the emission occurred) From Minchah and beyond, he cannot perform tevilah.

(Note the contradiction: The first baraita has R. Yossi saying that the ba'al kerī has all day to immerse, but the second baraita says no, if the emission took place from the time of the Mincha prayers onward, he cannot immerse during the day on Yom Kippur for the sake of saying the Neilah.)

253. Rashi: [The Tanna Kamma says that] if the seminal emission occurs before this time [of Mincha] he may perform the ritual immersion in order that he may pray the Mincha prayers. But if he experiences the emission from the time of Mincha onward, he is not permitted to immerse; rather, they make him wait until it gets dark and then he may immerse. For it is the opinion of the rabbis that the Neilah Amidah is done at night, and in their opinion it exempts the worshiper from saying Arvit. Thus they agree with the ruling of Rav. [In other words, he cannot immerse for the sake of saying Neilah, because it's a night-time prayer anyway, so he should wait to immerse until it gets dark, when the prohibitions of Yom Kippur, including the ban on washing, no longer apply.]

But Rabbi Yossi is of the opinion that Neilah does not exempt the worshiper from reciting Arvit; thus he rules that at any time during the day, the man may ritually immerse. And even if he experiences the emission after the Mincha prayers, he may immerse himself during the day on Yom Kippur in order to be able to offer the Amidah at Neilah. Indeed, he is of the opinion that Neilah does not take place at night, so in his opinion it cannot exempt one from reciting Arvit. [In other words, Neilah is recited before it gets dark, so the man may immerse for the sake of being able to offer Neilah, since he can't substitute Neilah for Arvit, or vice versa.]

(The Gemara's response reconciles two apparently conflicting Tannaitic statements:)

d) Gemara's response

This is not a difficulty. This one (*the second baraita*) **deals with the *ba'al keri* who has already recited Neilah** (*and thus it is not necessary for him to immerse during Yom Kippur*) **and this one** (*the first baraita*) **deals with a man who has not yet recited** (*Neilah, and thus he must immerse to be able to recite it*).²⁵⁴

e) Gemara raises another kasha

But if he's already recited the Neilah, then what's the reasoning of the sages? (*That is, why would they, in this second baraita, allow the man to immerse at any time of the day on Yom Kippur, even after Neilah? Why say he can immerse if it's not necessary for his Yom Kippur prayers?*)

f) Gemara responds to this kasha

This is the reasoning of the rabbis: *Tevilah*, performed at its appropriate time, is a mitzvah.²⁵⁵

g) Gemara raises yet another kasha, based on a Tannaitic source

But are we to infer from this that Rabbi Yossi does *not* consider it a mitzvah (*to perform tevilah at the appropriate time*)? **Has it not been taught in a baraita (from *Shabbat* 120b):**

If one has the Divine Name written on his skin, he must not bathe nor anoint himself nor stand in an unclean place. If he must perform an obligatory

254. Note that for this logic to work, the text that the Gemara has must differ slightly from what we have. In our text of the baraita from Tractate *Shabbat*, Rabbi Yossi is quoted as saying אין יכול לטבול -- that he *cannot* perform the immersion, not that he *need not necessarily* perform the immersion.

255. Rashi: And this appropriate time is during the day, as Scripture says, "*It shall be, when evening approaches* לפנות ערב, *he shall bathe himself in water, and when the sun is down he shall come into camp again*" (Deut. 23:12).

tevilah, he must wind a reed about it (to prevent the Holy Name from being erased) **and descend and perform tevilah. But Rabbi Yossi said: He may descend and perform tevilah in the ordinary way, provided that he does not rub** (it intentionally with his hands to erase it.)

And we have established that whether tevilah at its appointed, appropriate time is a mitzvah is what the argument in this baraita is all about. (That is, when we look at this text, the issue in dispute between Rabbi Yossi and the sages is whether or not immersion done at its appointed time is a mitzvah. In the opinion of Rabbi Yossi it is, and since it is a mitzvah, one need not fear lest one erase the Holy Name.)

h) The Gemara responds by saying the apparent contradiction between these two baraitot is merely a case of mistaken identities

It is actually Rabbi Yossi bar Yehuda (who gives the impression in the first baraita about the *ba'al keri* that tevilah at its appointed time is not a mitzvah).²⁵⁶ **For it was taught in a baraita: Rabbi Yossi bar Yehuda says: It is enough for her that her tevilah be performed at the end.**²⁵⁷

C. The special status of the *ba'al keri*

(The Gemara now relates another Tannaitic text about this issue:)

1. Tannaitic statement: The sin of the *ba'al keri*

256. Rashi: This Rabbi Yossi [referred to in the baraita from *Shabbat* 120b about immersing without the reed] is Rabbi Yossi ben Chalafta.

257. The discussion of this in *Shabbat* 121a refers to a sugya that begins with a Mishnah on *Niddah* 29a:

MISHNAH. *If a woman aborted and it is unknown what was [the sex of the embryo], she must continue [her periods of uncleanness and cleanliness as] for both a male child and a female child. If it is unknown whether it was a child or not, she must continue [her periods of cleanliness and uncleanness] as for a male and a female and as a menstruant.*

The Gemara continues on 29b:

"If a woman who departed in a condition of pregnancy and returned without child spent, within our cognizance, three clean weeks and another ten weeks which were alternately unclean and clean, she may perform her marital duty on the night preceding the thirty-fifth day and she is ordered to undergo ninety-five ritual immersions; so Beit Shammai. But Beit Hillel ruled: Thirty-five immersions. R. Yossi bar Yehudah ruled It suffices if one immersion is performed after the final [period of uncleanness]."

a) Statement

The rabbis taught in a baraita: *One who experiences a seminal emission on Yom Kippur must descend and immerse himself, and in the evening לערב, he must rub* (his skin in order to remove anything that would impede the immersion).

b) Gemara's objection

Why would he only have to do this in the evening? What has happened has happened! *(It does no good to do a hot scrub after immersion, because anything that comes off the skin will invalidate the immersion. Rather, the scrubbing should have been done before the immersion, to make sure nothing was left on the skin that would invalidate it.)*

c) Resolution: Gemara emends the baraita

Rather say, "from the evening מערב " *(that is, from the evening before Yom Kippur)* **does he rub himself, for it is the opinion of the Tanna of the baraita that it is a mitzvah for him to rub himself.** *(That is, it is a mitzvah for him to rub his flesh from the evening before Yom Kippur, in order to remove from it anything that would impede immersion, lest it get mixed in and invalidate the immersion.)*

(Since we have mentioned here the laws of immersion for a man who has a seminal emission on Yom Kippur, we continue with this story:)

2. Second Tannaitic statement

a) Statement

A Tanna recited the following baraita before Rav Nachman:

The one who experiences a seminal emission on Yom Kippur, his sins are forgiven him.

b) Gemara's kasha to this text

But do we not have in another baraita: *his sins are arranged* --?

c) Gemara resolves this apparent difficulty

But what does "arranged" mean? Arranged to be forgiven!

3. Third Tannaitic statement on *ba'al ker*

a) Statement

A Tanna from the School of Rabbi Yishmael taught: *The one who experiences a seminal emission on Yom Hakippurim will worry all year through.*²⁵⁸ ***But if he survives the year***²⁵⁹, ***he is assured of a place in the world to come.***

b) Gemara's concluding comment

Rav Nachman bar Yitzchak said: Know that the entire world is hungry and he is sated (*for he experienced the emission and his desire was neutralized. And since this was done not with his will but rather against his will, behold this is a sign to him of Divine Grace coming upon him*). **For when Rav Dimi came** (*from Eretz Yisrael to Babylonia*), **he said** (*that the one who experienced a seminal emission on this day, it was a sign that*): **His life will be long, he will be numerous and more numerous still.**²⁶⁰

**WE SHALL RETURN TO YOU, YOM KIPPUR, AND THIS IS THE
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258. Rashi: He will worry that his fast has not been accepted [by God], who satiates him with what is available. He is like a servant who mixes a cup for his master, only to have him pour the ladle in his face.

259. Rashi: Then he is assured good deeds will come to him and he will be admitted to the *olam habah*.

260. The reference is to Isaiah 53:10, "*He shall see his seed זרע and thus lengthen his days.*" The word זרע has the double meaning -- in Isaiah of offspring, and here in our text, to mean his semen. The seminal emission on Yom Kippur is thus not a curse or a sin but a blessing.

III. ANALYSIS

A. The Biblical Text

Before beginning an analysis of *Yoma* chapter 8, and in order to understand the significance of the rabbis' meticulous crafting of this text, it is crucial to first analyze Leviticus 16, the vivid description given by the Torah of the High Priest's service on the Day of Atonement. This will be the starting point for understanding what the rabbis took from Scripture, what they adapted for a post-Temple world, and what they created themselves.

Leviticus 16:

וַיְדַבֵּר יְהוָה אֶל-מֹשֶׁה אַחֲרֵי מוֹת שְׁנֵי בְנֵי אֶהֱרֹן בִּקְרִבָתָם לִפְנֵי-יְהוָה וַיָּמָתוּ:
וַיֹּאמֶר יְהוָה אֶל-מֹשֶׁה דַּבֵּר אֶל-אַהֲרֹן אַחִיד וְאַל-יָבֹא בְּכָל-עֵת אֶל-הַקֹּדֶשׁ מִבֵּית
לְפָרֶכֶת אֶל-פְּנֵי הַכַּפֹּרֶת אֲשֶׁר עַל-הָאָרֹן וְלֹא יָמוּת כִּי בָעֲנֹן אֲרָאָה עַל-הַכַּפֹּרֶת: בְּזֹאת
יָבֹא אַהֲרֹן אֶל-הַקֹּדֶשׁ בְּפָר כֹּוֹ-בָקָר לַחֲטָאת וְאַיִל לְעֹלָה: כְּתֹנֶת-בִּד קָדָשׁ יַלְבֹּשׁ
וּמִכְנָסִי-בִד יִהְיוּ עַל-בָּשָׂרוֹ וּבְאַבְנֵט בִּד יַחְגֹּר וּבְמִצְנֶפֶת בִּד יִצְנֹף בְּגָדֵי-קָדָשׁ הֵם וְרֹחֶץ
בַּמַּיִם אֶת-בָּשָׂרוֹ וְלַבָּשָׂם: וּמֵאֵת עֹדֶת בְּנֵי יִשְׂרָאֵל יִקַּח שְׁנֵי-שָׁעִירִי עֲזִים לַחֲטָאת
וְאַיִל אֶחָד לְעֹלָה: וְהִקְרִיב אַהֲרֹן אֶת-פֶּר הַחֲטָאת אֲשֶׁר-לוֹ וְכִפֵּר בְּעֵדוֹ וּבְעֵד בֵּיתוֹ:
וְלָקַח אֶת-שְׁנֵי הַשָּׁעִירִים וְהֶעֱמִיד אֹתָם לִפְנֵי יְהוָה פֶּתַח אֹהֶל מוֹעֵד: וְנָתַן אַהֲרֹן
עַל-שְׁנֵי הַשָּׁעִירִים גִּרְלוֹת גֹּזֶל אֶחָד לִיהוָה וְגֹזֶל אֶחָד לַעֲזָאזֵל: וְהִקְרִיב אַהֲרֹן
אֶת-הַשָּׁעִיר אֲשֶׁר עָלָיו הַגֹּזֶל לִיהוָה וַעֲשָׂהוּ חֲטָאת: וְהַשָּׁעִיר אֲשֶׁר עָלָה עָלָיו
הַגֹּזֶל לַעֲזָאזֵל יַעֲמַד-חַי לִפְנֵי יְהוָה לְכַפֵּר עָלָיו לְשַׁלַּח אֹתוֹ לַעֲזָאזֵל הַמִּדְבָּרָה:
וְהִקְרִיב אַהֲרֹן אֶת-פֶּר הַחֲטָאת אֲשֶׁר-לוֹ וְכִפֵּר בְּעֵדוֹ וּבְעֵד בֵּיתוֹ וְשָׁחַט אֶת-פֶּר
הַחֲטָאת אֲשֶׁר-לוֹ: וְלָקַח מִלֹּא-הַמִּחְתָּה גִּחְלִי-אֵשׁ מֵעַל הַמִּזְבֵּחַ מִלִּפְנֵי יְהוָה וּמִלֹּא
חִפְּנָיו קִטְרֶת סַמִּים דָּקָה וְהִבִּיא מִבֵּית לְפָרֶכֶת: וְנָתַן אֶת-הַקִּטְרֶת עַל-הָאֵשׁ לִפְנֵי
יְהוָה וְכִסָּה וְעָנַן הַקִּטְרֶת אֶת-הַכַּפֹּרֶת אֲשֶׁר עַל-הָעֵדוּת וְלֹא יָמוּת: וְלָקַח מֵדָם הַפָּר
וְהִזָּה בְּאַצְבָּעוֹ עַל-פְּנֵי הַכַּפֹּרֶת קֹדֶמָה וְלִפְנֵי הַכַּפֹּרֶת יִזָּה שֶׁבַע-פְּעָמִים מִן-הַדָּם

בְּאַצְבָּעוֹ : וְשַׁחַט אֶת-שְׁעִיר הַחֲטָאת אֲשֶׁר לָעֵם וְהֵבִיֵּא אֶת-דָּמּוֹ אֶל-מִבֵּית לַפָּרֹכֶת
וַעֲשֵׂה אֶת-דָּמּוֹ כְּאֲשֶׁר עָשָׂה לְדַם הַפָּר וְהִזָּה אֹתוֹ עַל-הַכַּפֹּרֶת וּלְפָנֶי הַכַּפֹּרֶת : וְכִפֹּר
עַל-הַקֹּדֶשׁ מִטְּמֵאת בְּנֵי יִשְׂרָאֵל וּמִפְּשָׁעֵיהֶם לְכָל-חַטֹּאתֵם וְכֵן יַעֲשֶׂה לְאַהֲל מוֹעֵד
הַשָּׂכָן אַתֶּם בְּתוֹךְ טְמֵאתֵם : וְכָל-אָדָם לֹא-יִהְיֶה | בְּאַהֲל מוֹעֵד בְּבָאוּ לְכַפֹּר בַּקֹּדֶשׁ
עַד-צֵאתוֹ וְכִפֹּר בַּעֲדוֹ וּבַעֲד בֵּיתוֹ וּבַעֲד כָּל-קָהֵל יִשְׂרָאֵל : וַיֵּצֵא אֶל-הַמִּזְבֵּחַ אֲשֶׁר
לְפָנֵי-יְהוָה וְכִפֹּר עָלָיו וּלְקַח מִדָּם הַפָּר וּמִדָּם הַשְּׁעִיר וְנָתַן עַל-קַרְנוֹת הַמִּזְבֵּחַ סָבִיב :
וְהִזָּה עָלָיו מִן-הַדָּם בְּאַצְבָּעוֹ שִׁבְעַת פְּעָמִים וְסָהָרוֹ וְקִדְּשׁוּ מִטְּמֵאת בְּנֵי יִשְׂרָאֵל :
וְכָלֹה מִכִּפֹּר אֶת-הַקֹּדֶשׁ וְאֶת-אַהֲל מוֹעֵד וְאֶת-הַמִּזְבֵּחַ וְהַקְרִיב אֶת-הַשְּׁעִיר הַחִי :
וְסָמָךְ אַהֲרֹן אֶת-שְׁתֵּי יָדָיו [וְנִידִיוֹן] עַל-רֹאשׁ הַשְּׁעִיר הַחִי וְהִתְנַדָּה עָלָיו אֶת-כָּל-עֹנוֹת
בְּנֵי יִשְׂרָאֵל וְאֶת-כָּל-פְּשָׁעֵיהֶם לְכָל-חַטֹּאתֵם וְנָתַן אַתֶּם עַל-רֹאשׁ הַשְּׁעִיר וְשַׁלַּח
בְּיַד-אִישׁ עֵתִי הַמִּדְבָּרָה : וְנָשָׂא הַשְּׁעִיר עָלָיו אֶת-כָּל-עֹנוֹתֵם אֶל-אַרְץ גִּזְרָה וְשַׁלַּח
אֶת-הַשְּׁעִיר בַּמִּדְבָּר : וּבָא אַהֲרֹן אֶל-אַהֲל מוֹעֵד וּפָשַׁט אֶת-בְּגָדֵי הַכֹּהֵן אֲשֶׁר לְבָשׁ
בְּבָאוּ אֶל-הַקֹּדֶשׁ וְהִנִּיחֵם שָׁם : וְרָחַץ אֶת-בְּשָׂרוֹ בַּמַּיִם בַּמָּקוֹם קָדוֹשׁ וּלְבָשׁ
אֶת-בְּגָדָיו וַיֵּצֵא וַעֲשֵׂה אֶת-עֲלָתוֹ וְאֶת-עֲלֹת הָעֵם וְכִפֹּר בַּעֲדוֹ וּבַעֲד הָעֵם : [שְׁלִישִׁין
[שְׁנֵי כֶּשֶׁהוּן מַחוּבְּרִין] וְאֵת חֶלֶב הַחֲטָאת יִקְטִיר הַמִּזְבֵּחַ : וְהִקְשַׁלְתָּ אֶת-הַשְּׁעִיר
לְעִזָּאזֵל יִכְבֹּס בְּגָדָיו וְרָחַץ אֶת-בְּשָׂרוֹ בַּמַּיִם וְאַחֲרֵי-כֵן יָבֹא אֶל-הַמִּחְנָה : וְאֵת פֶּר
הַחֲטָאת וְאֵת | שְׁעִיר הַחֲטָאת אֲשֶׁר הוּבָא אֶת-דָּמָם לְכַפֹּר בַּקֹּדֶשׁ יוֹצִיא אֶל-מַחוּץ
לַמִּחְנָה וְשָׂרְפוּ בָאֵשׁ אֶת-עֲרֹתָם וְאֶת-בְּשָׂרָם וְאֶת-פְּרָשָׁם : וְהִשְׂרֹף אַתֶּם יִכְבֹּס בְּגָדָיו
וְרָחַץ אֶת-בְּשָׂרוֹ בַּמַּיִם וְאַחֲרֵי-כֵן יָבֹא אֶל-הַמִּחְנָה : וְהִיִּתָּה לָכֶם לְחֻקַּת עוֹלָם
בַּחֲדָשׁ הַשְּׁבִיעִי בַּעֲשׂוֹר לַחֲדָשׁ תַּעֲנֶנּוּ אֶת-נִפְשֹׁתֵיכֶם וְכָל-מְלֹאכָה לֹא תַעֲשׂוּ הָאֲזָרָח
וְהַגֵּר הַגֵּר בְּתוֹכְכֶם : כִּי-בִיּוֹם הַזֶּה יִכְפֹּר עֲלֵיכֶם לְטַהֵר אֶתְכֶם מִכָּל חַטֹּאתֵיכֶם לְפָנֵי
יְהוָה תִּטְהָרוּ : שִׁבְתַּת שְׁבִתוֹן הִיא לָכֶם וְעֲנִיתֶם אֶת-נִפְשֹׁתֵיכֶם לְחֻקַּת עוֹלָם : וְכִפֹּר
הַכֹּהֵן אֲשֶׁר-יִמָּשַׁח אֹתוֹ וְאֲשֶׁר יִמָּלֵא אֶת-יָדָיו לְכַהֵן תַּחַת אֲבִיו וּלְבָשׁ אֶת-בְּגָדֵי הַכֹּהֵן
בְּגָדֵי הַקֹּדֶשׁ : וְכִפֹּר אֶת-מִקְדָּשׁ הַקֹּדֶשׁ וְאֶת-אַהֲל מוֹעֵד וְאֶת-הַמִּזְבֵּחַ יִכְפֹּר וְעַל
הַכֹּהֲנִים וְעַל-כָּל-עַם הַקָּהֵל יִכְפֹּר : וְהִיִּתָּה-זֹאת לָכֶם לְחֻקַּת עוֹלָם לְכַפֹּר עַל-בְּנֵי
יִשְׂרָאֵל מִכָּל-חַטֹּאתֵם אַחַת בַּשָּׁנָה וַיַּעַשׂ כְּאֲשֶׁר צִוָּה יְהוָה אֶת-מֹשֶׁה : פ

Introductory verses (1-5)

God spoke to Moses after the death of Aaron's two sons when they approached God and died. God said to Moses: Tell Aaron your brother that he shall not come at any time [he wishes] into the Sanctuary, inside the curtain, before the kapporet (cover) that covers the Ark lest he die, for in a cloud will I appear on the Ark-cover. Like this should Aaron come into the Sanctuary: With a bull of the herd for a sin offering and a ram for a burnt offering. He shall put on a sacred linen tunic; linen breeches shall be on his body. He shall gird himself with a linen sash and he shall don a linen turban; they are sacred vestments. He shall put them on after bathing his flesh in water. And from the community of the children of Israel he shall take two he-goats for a sin offering and one ram for a burnt offering.

Purgation ritual (verses 6-19)

Aaron shall bring forth his own bull for the sin offering to effect purgation for himself and for the members of his household. Then he shall take the two he-goats and set them before God at the entrance of the Tent of Meeting. And Aaron shall place lots upon the two he-goats -- one lot for God and one lot for Azazel. And Aaron shall bring forth the he-goat designated by lot for God and he shall make of it a sin offering, while the goat designated by lot for Azazel he shall place alive before God to perform expiation over it, and then he shall send it out to Azazel into the wilderness.

When Aaron brings forth his own bull for the sin-offering to effect purgation for himself and his household, he shall slaughter his sin-offering bull. He shall take a panful of fiery coals from atop the altar before God and cupped handfuls of finely ground perfumed incense and bring it inside the curtain. Then he shall place the incense upon the fire before God so that the cloud of incense covers the Ark-cover that is over the [tablets of] Testimony, lest he die.

He shall take some of the blood of the bull and sprinkle it with his finger on the Ark-cover on its east side, and in front of the Ark-cover he shall sprinkle seven times from the blood on his finger. He shall slaughter the he-goat for the sin-offering of the people and bring its blood within the curtain and do with its blood as he did with the blood of the bull, sprinkling it on the Ark-cover and in front of the Ark-cover. In this way shall he purge the Sanctuary from the impurities of the children of Israel and from their transgressions, including all of their sins, and he shall do likewise for the Tent of Meeting, which dwells with them amidst their pollution. No man shall be in the Tent of Meeting

when he goes in to purge the Sanctuary until he comes out; he shall effect purgation for himself and for his household and for the entire congregation of Israel.

Then he shall come out to the altar that is before God and effect purgation upon it, and he shall take some of the blood of the bull and some of the blood of the goat and place it upon the horns around the altar, and he shall sprinkle some of the blood upon it with his finger seven times, purifying and sanctifying it from the pollutions of the children of Israel.

Scapegoat Ritual (verses 20-28)

When he has finished purging the Sanctuary and the Tent of Meeting and the Altar, he shall bring forth the live he-goat. Aaron shall lay his two hands upon the head of the live he-goat and confess over it all of the iniquities of the children of Israel, all of their transgressions and their sins, and he shall place them upon the head of the he-goat and send it forth into the wilderness with a designated man. The he-goat shall bear upon itself all of their iniquities to an uninhabited land; he shall send the he-goat into the wilderness.

Then Aaron shall come into the Tent of Meeting, removing his linen garments that he put on when he came into the Sanctuary, and he shall leave them there. He shall bathe his body in water in a holy place and put on his garments and then go out and sacrifice his burnt offering and the burnt offering of the people, and he shall effect purgation for himself and for the people. The fat of the sin-offering he shall turn into smoke upon the altar.

The one who dispatched the he-goat to Azazel shall launder his clothing and wash his body in water; after that he may come into the camp. The bull of sin-offering and the goat of sin-offering whose blood had been brought to effect purgation in the Sanctuary shall be removed to outside the camp, and they shall burn in fire their hides, their flesh and their dung. The one who burns them shall launder his clothes and wash his body and water; after that, he may re-enter the camp.

The Day of Expiation (verses 29-34)

This shall be for you an eternal decree: In the seventh month, on the tenth day of the month, you shall afflict your souls, and you shall do no manner of work -- not the citizen nor the stranger who resides among you. For on this day he shall effect purgation for you, to purify you; from all of your sins before God you shall be purified. It is a Sabbath of complete rest for you and you shall afflict your souls; it is

an eternal decree. And the priest who has been anointed and designated to serve as priest in place of his father shall effect purgation, and he shall dress in linen garments, holy vestments. He shall purge the Holy of Holies and he shall purge the Tent of Meeting and the altar; he shall effect purgation for the priests and he shall effect purgation for all the people of the congregation. And this shall be for you an eternal decree, to effect purgation on behalf of the children of Israel from all of their sins once a year.

And Aaron did as God had commanded Moses.

The Day of Atonement, as conceived of and described by the authors and redactors of the Levitical text, is clearly based on ancient rituals that, as Theodor Gaster notes, conceived of purification in "physical rather than spiritual terms"²⁶¹. That is, the High Priest's service was designed to remove an actual physical taint caused by the peoples' transgression. For this reason, I have translated references to כפרה in the sense, not of atonement, but of purgation, as Gaster does and as does Jacob Milgrom in his Anchor Bible commentary on Leviticus.²⁶² Gaster describes other ancient ceremonies in Babylon and Japan that involve physically transferring sin, through rubbing or other physical contact, to vessels that are then taken out of the community and, often, thrown into the river; in the case of the Babylonian rite, the name of the purgation ceremony was *kuppuru*.²⁶³ The parallels to the High Priest's service of *kapparah* are striking; the concept that both the High Priest and the designated lay person must bathe and put on clean clothes after the scapegoat ceremony especially harkens back to "the primitive notion that moral impurity takes a physical form and attaches both to the person and to the clothing."²⁶⁴

261. Theodor Gaster, *Festivals of the Jewish Year* (New York: William Slone Associates Publishers, 1952), p. 137.

262. *The Anchor Bible: Leviticus 1-16*, trans. and annotated by Jacob Milgrom (New York: Doubleday, 1964).

263. Gaster, *Festivals of the Jewish Year*, p. 138.

264. *Ibid.*, p. 139.

The scapegoat ritual also clearly has its roots in the ancient world; many scholars believe that it traces back to the worship of the goat-demon that lived in the wilderness, the *שעיר* that Scripture strictly prohibits the Israelites from worshiping (Leviticus 17:7). In a battle of power against power, the good power of the scapegoat of the people was to defeat the evil power of the goat-demon, symbolizing Israel's defeat of sin on Yom Kippur as well as a triumph over its pagan past. Abraham Ibn Ezra understood the scapegoat rite this way, directly connecting the two Scriptural passages (Lev. 16:8 and 17:7) in his Torah commentary.²⁶⁵ A midrashic variant on this theme is found in *Pirke de'Rabbi Eliezer* (chapter 55), in which the Azazel to whom the scapegoat is sent is understood as Satan, God's troublesome angel:

אמי סמאל לפני הב"ה רבון כל העולמים על כל אומות
העולם נתת לי רשות ועל ישראל אין אתה נותן לי, אמי
לו הרי יש לך רשות עליהם ביום הכפורים אם יש להם
חטא, ואם לאו אין לך רשות עליהם, לפי נותנין לו
שוחד ביום הכפורים שלא לבטל את ישראל שלא
יקריבו את קרבנם, שני גורל אחד לה' וגורל אחד
לעזאזל.

Samael said before the Holy One Blessed Be He:
"Master of the Universe! Over all of the nations of the
world have you given me authority, but over Israel you
have not given me authority." God said to him: "Behold,
you shall have authority over them on Yom Kippur if
there is sin among them. But if there is no sin among
them, you shall have no authority over them." Therefore
they bring to him a bribe on Yom Kippur so that he will
not annul the effect of Israel's offerings, as it is

265. *Torat Chayyim: Sefer Vayikra* (Jerusalem: Mossad HaRav Kook, 1990), p. 147. Ibn Ezra's note is cryptic: "Now, if you can understand the secret of the word after Azazel [המדברה], you will know its secret and the secret of its name, for it has companions in Scripture. I will reveal to you a part of the secret in a hint: When you are at 'thirty three' you will know it."

Ibn Ezra is referring to the scriptural verse that is thirty-three verses ahead of 16:8, which is Leviticus 17:7: "And they shall no more sacrifice their sacrifices unto the goat-demons [שעירים] after whom they go astray."

written: *One lot for Adonai and one lot for Azazel*
(Lev. 16:8).²⁶⁶

Nachmanides also refers to this Satan tradition, explaining the scapegoat ritual as an attempt to master the demonic power in the wilderness, which the people once worshiped:

The Holy One, blessed be He, commanded us that on the Day of Atonement we should let loose a goat in the wilderness, to that "prince" [power] which rules over wastelands, and this [goat] is fitting for it because he is its master, and destruction and waste emanate from that power, which in turn is the cause of the stars of the sword, wars, quarrels, wounds, plagues, divisions, and destruction.²⁶⁷

Other accounts also tell of Azazel as a force of evil in the world, including the Book of Enoch (chapter 13, verse 1), which identifies him as one of the fallen angels mentioned in Genesis 6.

It is clear, then, that the Biblical description of the High Priest's ceremony -- the purgation ritual of the sprinkling, the scapegoat ceremony, and the purification baths -- is firmly placed in the context of the Ancient Near East and its primitive religious concepts. To be sure, kernels of a more advanced religious consciousness are apparent in the Biblical text. The need for a sin offering in addition to purgation via the scapegoat may indicate some awareness of the concept of moral taint separate from physical contagion. Thus, it was no longer enough to be purified from demonic forces; one also had to be purified "*before God*" (verse 30) because the moral impurity clinging to the people and to the sanctuary was an abomination to *Adonai*, a violation of the covenant between God

266. Hebrew from *The CD Rom Judaic Classics Library, Deluxe Edition* (Chicago: Institute for Computers in Jewish Life and Davka Corporation, 1991-1995). The translation is mine.

267. *Ramban Commentary on the Torah: Leviticus*, trans. Rabbi Dr. Charles B. Chavel (New York: Shilo Publishing House, Inc., 1974), pp. 219-220.

and Israel.²⁶⁸ This is why verse 30 -- *from all of your sins before God you shall be purified* -- is the crux of the Biblical ceremony; this is what separates the Israelite Day of Purgation from other such ceremonies in the ancient world. The Israelites sought, not just the removal of the physical taint from the sanctuary, but the removal of any impediment the moral impurity created between them and their God.

Yet, despite some sense of an internal transformation being present on this day, the ritual itself remained in the external, physical realm. Taken in context, verse 30 refers to the High Priest's purification (לטהר) of the people through the sprinkling of the sacrificial blood from the sin offerings. And although the scapegoat ritual involves some sort of confession by the High Priest on behalf of the people (verse 21 -- וְהִתְוַדָּה), the *vidui* is tied to the physical act of laying hands upon the he-goat and sending it out into the wilderness. It is this sense of לטהר as physical purification that the rabbis reconsidered and recast in the Mishnah and the Talmud.

B. The Comparison: Bible and Talmud

Throughout Rabbinic literature, the days of the Temple are treated as the pinnacle of Jewish history, as both a time of national sovereignty and as a time when God dwelt most closely among the people. This was, for the rabbis, not only a memory to be cherished but also a status for which they yearned and prayed to return to in the future; all else was *galut*. Hence Jews traditionally pray each day for the restoration of the Temple and its sacrificial cult; Maimonides included in his *Mishneh Torah* all of the laws pertinent only when the Temple is standing; and the Tannaim reconstructed and even enhanced the description of the High Priest's

268. Gaster, *Festivals of the Jewish Year*, p. 144. See also Baruch Levine's notes in the JPS Torah commentary on Leviticus, p. 99.

service in their laws of Yom Kippur in Mishnah Yoma, even though it was not relevant to their own time.

The following chart points to the similarities between the Biblical and rabbinic accounts of Yom Kippur, as well as the one major difference:

<u>Leviticus 16</u>	<u>Mishnah Yoma</u>	<u>Bavli Masechet Yoma</u>
1. Avodah, verses 1-28	Avodah, chapters 1-7	Avodah, <i>dapim</i> 2a-73b
2. Innui, verses 29, 31	Innui, chapter 8, mishnayot 1-7	Innui, <i>dapim</i> 73b-85b
3. Kapparah, verses 30, 32-34	Teshuvah, chapter 8, mishnayot 8-9	Teshuvah, <i>dapim</i> 85b-88a

The Babylonian Talmud follows the Mishnah's structure and its clear dependence on, and paralleling of, the Biblical rites. Like Leviticus 16, the vast majority of Masechet Yoma -- seven out of eight chapters encompassing pages 2a to 73b -- describes the High Priest's *avodah* and debates and reflects on the fitness of the High Priest for service. This parallels verses 1-28 in Leviticus 16, accounting for approximately the same proportion of material as is found in the Biblical chapter. Thus, nearly the entire tractate, like the Biblical text, revolves around the communal rites on the Day of Atonement, and the rabbinic material is intended to amplify, not modify, the Biblical material.

Only when we come to verse 29 of Leviticus 16 do we get the first inkling of a personal response to this day, with the command **תענו את נפשותיכם וכל מלאכה לא תעשו** -- "*You shall afflict yourselves and you shall do no manner of work*" -- given in the plural but with the added emphasis of the singular: **האזרח והגר הגר בתוכם** -- "*Neither the citizen nor the resident alien who resides among you.*" Verse 31 repeats the call to affliction, proclaiming it an "*eternal decree*" for the people Israel. Two out of 34 verses late in the chapter, then, specifically address the issue of affliction as a personal responsibility on Yom

Kippur. Likewise, the Mishnah addresses the concept of affliction near the end of Yoma, in chapter 8, encompassing mishnayot 1-7. The first four deal with Yom Kippur specifically, while mishnayot 5-7 introduce the concept of and guidelines for *pikuach nefesh* -- the saving of a life -- which serve as the exceptions to the rules of affliction. Again, we see that the rabbinic text takes its cue from the Scriptural verses, though, to be sure, it is only in the Mishnah that we learn exactly what "affliction" means, since Leviticus does not spell it out.

Finally, the Biblical passage in verses 30 and 32-34 address the issue of כפרה, or purgation. It is on this point that the rabbinic texts take a dramatic leap forward in consciousness. While the Biblical verses are still working in the context of the High Priest's service -- it is he who effects purgation on behalf of the people in this annual rite -- the rabbis put forth an entirely new approach. Rather than dealing with *kapparah* as it is described in Scripture, the rabbis leave the world of the Temple cult and the High Priest behind and introduce the concept of *teshuvah* for the first time with regard to Yom Kippur. Personal repentance -- a turning toward God with one's entire being -- replaces the expiation made on behalf of the individual by the High Priest. Now there is no one mediating between the individual and God; there is only one's own conscience and one's own consciousness of what the covenant between God and Israel requires.

Mishnayot 8 and 9 of Mishnah Yoma 8, which describe the relationship between Yom Kippur and *teshuvah*, have as their foundation verse 30 of Leviticus 16, but interpreted in a new way. Wedged as it is between two verses on the personal responsibility of self-affliction, the rabbis reinterpret both the first part of the verse, which relates to the High Priest's expiation, and the second part, מכל חטאתיכם לפני יהוה תטהרו -- "*From all of your sins before God shall you be cleansed.*" No longer are we talking about purity strictly in the ritual or cultic

sense; rather, verses 29 and 31, which command personal self-affliction, now come to clarify verse 30 and even, perhaps, to serve a causal function. The peculiar placement and wording of verse 30 certainly lends itself to this understanding: Since the surrounding verses do not involve the High Priest at all, and since, as Jacob Milgrom points out, there is no antecedent subject in this verse,²⁶⁹ one could understand the phrase *יכפר עליכם* in verse 30(a) not as "*he [the High Priest] will make atonement for you*" but in the passive sense of "*atonement will be effected for you*" -- through your self-affliction on this day. Indeed, the chiastic structure of these three verses, as Milgrom notes, points to a close relationship between affliction and purification, with cleansing as the axis on which all else turns:

- A. This shall be for you an everlasting decree *חוקת עולם* (vs. 29)
- B. You shall afflict yourselves *תענו את נפשיכם* (vs. 29)
 - C. You shall do no manner of work (vs. 29) *וכל מלאכה לא תעשו*
 - X. For on this day atonement shall be made for you to purify you; from all of your sins before God shall you be cleansed (vs. 30)
 - C. It is a sabbath of complete rest *שבת שבתון* (vs. 31)
- B. You shall afflict yourselves *ועניתם את נפשיכם* (vs. 31)
- A. It is an everlasting decree *חוקת עולם* (vs. 31)²⁷⁰

It is clear that the rabbis read the text just this way, rendering the following theological conclusion: Your affliction on this day shall make atonement for you, and you shall be *metaphorically* pure before God -- that is, you shall be reconciled with God. But there is yet another element read into the text, as Rabbi Eleazer b. Azariah expounds in the Mishnah:

From all your sins shall you be clean before the Lord
 -- for transgressions that are between man and God the

²⁶⁹Milgrom, *The Anchor Bible: Leviticus 1-16*, p. 1057.

²⁷⁰See Milgrom, p. 1057.

Day of Atonement effects atonement; but for transgressions that are between a man and his fellow, the Day of Atonement effects atonement only if he has appeased his fellow.

(Mishnah *Yoma* 8:9)

For Rabbi Eleazar, *teshuvah* becomes the key element in the equation. It is only before God that one can hope to achieve reconciliation through fasting and affliction on Yom Kippur; before fellow human beings, *teshuvah* is required, even at times other than this one day of the year.

Thus, the rabbis have taken the quintessential priestly cultic event and, by reinterpreting the Biblical text itself, they have transformed a day of *kapparah*, of purgation and expiation, into a day of *teshuvah*, of personal reflection. But where did they get this idea of *teshuvah*? Surely not from Leviticus 16, nor from any other source in Torah. Rather, the rabbis looked to the prophets, who through their exhortations prepared the people for a time when the Temple would no longer be standing. The classical prophets, time after time, excoriated those who believed that through ritual alone could a Jew become "pure" before God:

Is such the fast I desire,
A day for men to starve their bodies?
Is it bowing the head like a bulrush and lying in sackcloth and ashes?
Do you call that a fast, a day when the Lord is favorable?
No, this is the fast I desire:
To unlock fetters of wickedness, and untie the cords of the yoke.
To let the oppressed go free; to break off every yoke.
It is to share your bread with the hungry,
And to take the wretched poor into your home;
When you see the naked, to clothe him,
And not to ignore your own kin.
Then shall your light burst through like the dawn
And your healing spring up quickly;
Your Vindicator shall march before you,
The Presence of the Lord shall be your rear guard.
Then, when you call, the Lord will answer;
When you cry, He will say: Here I am.

(Isaiah 58:5-9)

With what shall I approach the Lord,
Do homage to God on high?
Shall I approach him with burnt offerings,
With calves a year old?
Would the Lord be pleased with thousands of rams,
With myriads of streams of oil?
Shall I gave my first-born for my transgression,
The fruit of my body for my sins?
He has told you, O man, what is good,
And what the Lord requires of you:
Only to do justice, and to love goodness,
And to walk modestly with your God.

(Micah 6:6-8)

Additionally, the rabbis found the linguistic -- as well as the conceptual -- link for *teshuvah* (תשובה) in the words of the prophets:

Return שובו, O rebellious children,
I will heal your afflictions!

(Jeremiah 3:22)

Receive me back, let me return הָשִׁבֵנִי וְאָשׁוּבָה,
For You, O Lord, are my God.
Now that I have turned back אָשׁוּבִי, I am filled with remorse;

(Jeremiah 31:17-18)

Return שׁוּבָה, O Israel, to the Lord your God,
For you have fallen because of your sin.
Take words with you
And return וּשְׁבוּ to the Lord.
Say to Him: "Forgive all guilt
And accept what is good;
Instead of bulls we will pay
[the offering of] our lips."

(Hosea 14:2-3)

And when a wicked man turns back from his wickedness וּבָשׁוּב רָשָׁע and
does what is just and right, it is he who shall live by virtue of these things.

(Ezekiel 33:19)²⁷¹

Thus the classical prophets provided the rabbis with the concept that one
who turns from evil, exhibits penitence, and does right by his fellow man can then

271. All English translations from *Tanach: A New Translation of the Holy Scriptures*
(Philadelphia: The Jewish Publication Society, 1985).

perform *teshuvah* and return to God in *spiritual* purity -- לפני יהוה תטהרו. The prophetic concept of *teshuvah*, however, was homiletical in nature; what the rabbis did in adopting it was take the extraordinary step of making *teshuvah* a halakhic concept. But as will be demonstrated in the analysis of the Talmudic text, it was conceived of as a halakhic concept that could not be measured, quantified or restricted by rules; it was to be, in essence, a halakhic state of mind. And while *teshuvah* is not exclusive to Yom Kippur, it will also be demonstrated that the rabbis chose to place it in this context, not to limit it but rather to make this state of mind accessible to the individual through the rituals of Yom Kippur. In short, as we turn our attention to the Talmudic text itself, it will be shown that:

1. Self-affliction is what connects the Temple ritual with *teshuvah*; that is, it connects each Jew's individual internal experience to the communal Jewish historical experience.

2. Yom Kippur is a unique experience, whose central focus is *teshuvah*.

3. *Teshuvah* is given a unique treatment, compared with the other halakhic concepts found in Masechet Yoma.

4. The structure of Chapter 8 creates a symbiotic relationship between *teshuvah* and affliction -- that is, between the spiritual and physical aspects of the Day of Atonement. The conclusion will be drawn that the halakhic state of mind of *teshuvah* becomes accessible through the rituals of self-denial, which in turn become the halakhic expression of *teshuvah* on Yom Kippur. The need that individuals have for ritual expression is an important element the rabbis recognized in crafting this chapter.

C. The Babylonian Talmud, Masechet Yoma, Chapter 8

1. Avodah / Innui / Teshuvah

Even more than the Mishnah, the Talmudic text of Yoma Chapter 8 shows how the rabbis followed the structure of Leviticus 16. Rather than following the Mishnah's enumeration of the laws in separate mishnayot, the Talmud groups together mishnayot into thematic units; the nine mishnayot are treated in six groupings:

1. The laws regarding the five afflictions, the exceptions to the laws, and the measurable limits (*shiurim*) to the laws (Mishnayot 1-2): *Dapim* 73b - 81a.

2. The culpability of someone who violates these limits, defined by the bringing of sin offerings (Mishnah 3): *Dapim* 81a-81b.

3. The rules regarding children and Yom Kippur. This section acts as the bridge between the *shiurim* discussion of sections 1 and 2 and the *pikuach nefesh* discussion that follows (Mishnah 4): *Daf* 82a.

4. Introduction to *pikuach nefesh*: Feeding the ill on Yom Kippur as clear exceptions to the laws of the *shiurim* already discussed (Mishnah 5): *Dapim* 82a-83a.

5. *Pikuach nefesh*, continued through less clear-cut cases: The pertinent Sabbath rules on dealing with cases of ravenous hunger (Mishnah 6) and saving the life of a trapped person (Mishnah 7). These, combined, relate to Yom Kippur as a *Shabbat shabbaton*, a Sabbath of complete rest, on which the laws restricting work normally would apply -- except in a case of threat to life: *Dapim* 83a-85b.

6. The role of *teshuvah* with regard to Yom Kippur (Mishnah 8) and the limits to what Yom Kippur can do to effect atonement (Mishnah 9): *Dapim* 85b-88a.

The groupings of these mishnayot help the rabbis create a clear structure and flow to the chapter, moving smoothly from one concept to the next:

Shiurim is the first conceptual section of the chapter, comprising sections 1-3, or Mishnayot 1-4. Mishnayot 1 and 2 combine naturally, because they directly discuss *shiurim*, measurable legal limits. In addition, by including Mishnah 2 here, the rabbis highlight the role that fasting plays in the Yom Kippur experience. Half of the entire chapter, then, is dedicated to definitions, weights and measures. Mishnah 3, which outlines the punishment for certain violations of the Yom Kippur restrictions, seems to be treated separately because the rabbis use the occasion to discuss the *language* of Scripture; that is, *how* Scripture teaches us about the afflictions as the rabbis have defined them, with heavy use of proof-texting and *gezerot shavah*. This section also makes the case for those who are more *machmir* about their observance of the afflictions of Yom Kippur, which brings us to the next section, Mishnah 4 and how Yom Kippur relates to children, who are too young to safely fast for an entire 24-hour period. This section serves as a very short bridge to the concept of *pikuach nefesh*, the saving of life, which is taken up in the next two sections (Mishnah 5 and Mishnayot 6-7).

Pikuach Nefesh is the second major conceptual category included in the chapter, and it serves as a contrast to the first section since it outlines the clear exceptions to the rules of the *shiurim*. The laws regarding a pregnant woman or an ill person are dealt with first, because they are the most likely situations to arise on Yom Kippur for which exceptions must be made, and the directive here is clear: The saving of life overrides all else on Yom Kippur. Mishnayot 6 and 7 are treated separately for three reasons. First, they both deal superficially with Shabbat and not Yom Kippur; the case is made by implicit analogy that these exceptions apply to Yom Kippur as well, because, as the rabbis have already

explained, it is a *Shabbat shabbaton* as defined by Scripture. Second, these are situations less likely to arise, and treatment of them is more complex than for the pregnant woman or the ill person. Third, these are generally situations of ספק , not ודאי ; that is, there is *possible* danger to life, not *definite* danger to life. The Gemara establishes clearly, through the progression of this section, that not only are cases of ודאי נפשות clear exceptions to the rules already set forth in this chapter, but even cases of ספק נפשות , which are more complex to determine and often more difficult and time-consuming to treat, are also exceptions to the Yom Kippur laws.

Thus far, the chapter has dealt exclusively with the bodily aspects of Yom Kippur: the prohibitions on eating and drinking, bathing, anointing, the wearing of shoes, and sexual intercourse. All of this is a rabbinic amplification of the laws of Leviticus 16, verses 29 and 31, commanding the Jew to "afflict" himself, and providing both rules and exceptions to the rules. It is at this point that the rabbis depart from the Scriptural path and from the physical realm: From the saving of the body, they turn to the soul and the concept of *teshuvah*.

Teshuvah is the third conceptual element in this chapter, replacing, as has already been discussed, *kapparah* as the primary activity and focus of Yom Kippur. Here, the Talmud combines the final two mishnayot in this chapter, and this seems to serve a distinct purpose: By combining them, the Talmud causes the discussion of the sin-offerings and guilt-offerings -- which were the personal responsibility of each Jew in the days of the Temple -- to flow immediately into the discussion of how *teshuvah* may be effected by the individual Jew in the post-Temple world. *Teshuvah* itself, an offering of the soul and spirit, becomes the sole focus and the natural successor to the expiation offerings made at the Temple. But, like the Temple offerings, *teshuvah* is only accepted if the

individual is truly contrite and makes amends or restitution to those whom he has wronged. The aggadic *nechemta* by Rabbi Akiva included at the end of the final mishnah on *teshuvah* provides the final proof that the physical purification described in Leviticus 16 has now been transformed into spiritual cleansing: *Just as the mikve cleanses the unclean, so does the Holy One Blessed be He, cleanse Israel.*

In transforming Yom Kippur from a cultic purgation ritual to an experience of internal cleansing, the rabbis needed a bridge that would connect the Temple rites with *teshuvah* -- two obviously distinct concepts with seemingly little in common. It is clear from the structure of this chapter that this bridge was *innui*, or self-affliction. It is self-affliction that begins chapter 8, following after the seven chapters of description of the Avodah service in the Temple; and it is self-affliction that guides us in a logical and natural progression, as was shown above, to the concept of *teshuvah*. On the one hand, *innui* connects to the Temple ritual through its role in Leviticus 16: תַּעֲנוּ אֶת-נִפְשֵׁיכֶם וְכָל-מְלֹאכָה לֹא תַעֲשׂוּ. Couched in plural terms in all cases and commanded as an eternal decree, לְחֻקֹּת, upon the Children of Israel, the language of affliction fits appropriately into the communal and historical expression of Yom Kippur as it appears in the Scriptural text. But on the other hand, because self-affliction is the one commandment contained in the chapter that pertains to the individual Jew regardless of rank or position in society -- as opposed to the priestly ritual that dominate most of the chapter -- it also is a personal expression of commitment to the spirit of purification that transcends the Biblical text and context.

2. Yom Kippur as a Unique Experience Focused on *Teshuvah*

For the rabbis of the Babylonian Talmud, Yom Kippur is a religious experience unlike anything else in the Jewish cycle of the year, but its uniqueness is more than just numerical. It is not like any other fast day on the calendar; the Gemara distinguishes it even from Tisha b'Av, the only other twenty-four-hour fast day of the year. But the creation of Yom Kippur as this unique annual event centered on *teshuvah* is particular to, and deliberate on the part of, the rabbis of the *Bavli*. This is clear in a comparison of Yoma Chapter 8 in the *Bavli* with comparable material from the Palestinian centers of rabbinic learning.

In some ways, of course, the two literary traditions are not really comparable at all. While the sages of the Babylonian academies included both halakhic and aggadic material in their Talmud, which coheres through the meticulously-crafted shell of the "STAM" voice, the rabbis of Eretz Yisrael maintained the halakhic and aggadic traditions separately. Halakhah per se was reserved for the *Yerushalmi*, which, particularly in Masechet Yoma, maintains the succinct, paragraph-by-paragraph style of the Mishnah. Aggadic material related to Yom Kippur appears primarily in other collections: *Leviticus Rabbah* for midrashic aggadot, and *Sifra Leviticus* for aggadot of halakhic import.²⁷² Thus, if we are to compare the two traditions to grasp the contribution of the Babylonian Talmud to our understanding of Yom Kippur, we must compare it both to the *Yerushalmi* and to the aggadot.

To begin with, the focus of analysis is narrowed by setting aside *Leviticus Rabbah*, which in no fashion addresses the pertinent issues of *innui* and *teshuvah* and provides only the most tangential discussion on *avodah*: The text relates that the offerings of the High Priest are symbols of, and reminders of, the merit of

272. We will not be looking at *Pesikta Rabbati*, a collection of sermons for special days during the yearly festal cycle, which contains material on Yom Kippur but which is purely homiletical in nature.

our ancestors, on whose behalf we are purged of taint on Yom Kippur.²⁷³ Taking the other two Palestinian texts in chronological order, the next step is to turn to *Sifra*, the compilation of halakhic aggadot on the Book of Leviticus.²⁷⁴

A. Sifra

It has previously been noted that the *Bavli*, *Masechet Yoma*, provides a structure parallel to that of Leviticus 16, diverging only in its third element (*kapparah* vs. *teshuvah*). With what structure does *Sifra* provide us?

<u>Leviticus 16</u>	<u>Bavli Masechet Yoma</u>	<u>Sifra Parashat Achare Mot</u>
1. Avodah, verses 1-28	Avodah, <i>dapim</i> 2a-73b	Avodah, <i>Parashah</i> 2-5
2. Innui, verses 29, 31	Innui, <i>dapim</i> 73b-85b	Innui, <i>Perek</i> 7
3. Kapparah, vss 30, 32-34	Teshuvah, <i>dapim</i> 85b-88a	Kapparah, <i>Perek</i> 8

An examination of the text of *Sifra* clearly shows that it does not move out of the realm of physicality and ritual described in Leviticus 16, except in one respect: the significance attributed to the *words* of the High Priest. That is, while Leviticus 16 presents a sensory event focused on touch (handling and slaughtering the animals, dashing the blood), *Sifra* re-interprets the text to emphasize the importance -- indeed, the efficacious nature -- of the confession made by the High Priest, which replaces the sacrifices themselves as the medium of purgation:

”וכפר בעדו ובעד ביתו” זה וידוי דברים. יכול כפרה
בדמים הריני דן נאמר כפרה בפר ונאמר כפרה בשעיר
מה כפרה האמורה בשעיר וידוי דברים אף כפרה
האמורה בפר וידוי דברים חוץ מדמים: אם נפשך לומר

273. *The Soncino Midrash Rabbah*: The CD ROM Judaic Classics Library (Chicago: Davka Corporation, 1995).

274. See H.L. Strack and G. Stemberger's *Introduction to the Talmud and Midrash* (Minneapolis: Fortress Press, 1992). Strack and Stemberger date *Sifra* from approximately the second half of the third century and describe it as a critique on the Mishnah (p. 287). They place the redaction of the *Palestinian Talmud* in the fifth century (see p. 188).

"והקריב אהרן את פר החטאת אשר לו וכפר בעדו ובעד
ביתו" ועדיין לא נשחט:

" . . . and he shall effect purgation on his own behalf and on behalf of his household" (Lev. 16:6). This refers to the confession performed with words. One might falsely presume that *kapparah* is effected through the blood (of the sacrificial animals), and this is how I would respond to such an argument: Scripture uses the word *kapparah* to refer to the bull, and Scripture uses the word *kapparah* to refer to the he-goat. Just as *kapparah* said regarding the he-goat is a confession made with words, so too *kapparah* referred to with regard to the bull is a confession made with words -- not with blood. And if you wish [another proof of this], Scripture says: "*And Aaron shall bring near his own sin-offering bull and he shall effect purgation on his own behalf and on behalf of his household*" (Lev. 16:6) -- Note that the animal has not yet been slaughtered!

(*Sifra*, Parashat Achare Mot, Parashah 2)

Sifra points out that, later on in the chapter (Lev. 16:21), the High Priest will lay hands on the he-goat, verbally confess the sins of Israel over it, and send it out into the wilderness for Azazel bearing Israel's transgressions. Through the use of *gezerah shavah*, the authors attempt to show that both the particular word choices made in Scripture, and the chronological order of events portrayed in the chapter, prove that it is the High Priest's confession, and not the actual sacrifice, that provides *kapparah*. To be sure, neither the Mishnah nor the Bavli itself minimizes the importance of the confession. The Mishnah (Yoma 3:8) provides the text of the confession and the Bavli (Yoma 36b) and *Sifra*, quote the same baraita that gives Scriptural support for the concept, providing the text of verbal confessions of David (Psalm 106:6), Solomon (I Kings 8:47) and Daniel (Dan. 9:5). The particular significance of this material in *Sifra* is two-fold: First, the authors attempt to substitute the sacrifice with the confession; second, the

authors do not go beyond that. That is, rather than moving, as the Bavli does, from the *act* of sacrifice to the *active process* of *teshuvah* as the means of atonement, *Sifra* moves from the *act* of sacrifice to the *words* recited in conjunction with the sacrifice as the means of atonement.

It is true that, by moving away from the centrality of the animal sacrifice in its post-Temple religious community, this section of *Sifra* does seem to make the leap of religious consciousness, as the Bavli does, from physical purgation to moral cleansing. It is equally true, however, that *Sifra*, as a product of the Palestinian academies, maintains the centrality of the priesthood and the Temple in this cleansing rite. In this, it seems to adhere to the line of rabbinical thought present even in traditional Judaism in our own day, which liturgically places us in *galut* until such time that the Temple is rebuilt. While we can longingly *talk* about the sacrifices we once performed on the altar there -- and even recite the words we once recited during those rites -- this is only a *temporary* substitute for the real thing. The fact that *Sifra* is theologically in the mainstream of rabbinic thought makes the text of the *Bavli* all the more striking in its ground-breaking effort to move the significance of Yom Kippur, not just from the physical realm to the moral, but from the communal to the individual and from the priesthood to the common Jew.

That *Sifra* does not make these jumps is clear from the rest of its commentary on Parashat Achare Mot. Perek 2, the introduction to the Scapegoat Ritual, reaffirms the centrality of the priesthood and the priestly confession. Leviticus 16:30 ("*From all your sins shall you be cleansed before God*"), which in the Bavli is the focus of the individual's effort through *innui* and *teshuvah*, here remains in the mouth of the High Priest as part of the confession over the he-goat. Through Parashah 5, *Sifra* maintains the focus on the priesthood through

its detailed description of the Scapegoat Ritual. Perek 7 introduces the concept of *innui* through an exegetical explication of Leviticus 16:29-34; this section is brief and includes variants on some of the proofs for the afflictions that are also found in the Bavli: The proofs concerning the definition of affliction,²⁷⁵ those connecting "affliction" with work,²⁷⁶ and the prohibitions on eating and drinking.²⁷⁷ But while the Bavli, as previously noted, continues on with the concept of *pikuach nefesh*, using the Shabbat laws emphasizing the responsibility to life to introduce concepts of morality into the Yom Kippur experience, *Sifra* focuses on the Shabbat laws of rest and refraining from work. The Bavli thus concentrates its effort on expanding the understanding of Yom Kippur while *Sifra* concentrates on its restrictions. For this reason, when *Sifra* concludes its commentary on Achare Mot in Perek 8, it does not and cannot move the reader to a sense of the higher moral issues of Yom Kippur in the same way that the Bavli does.

This final chapter of *Sifra* begins with a brief exegetical look at our crucial verse, Leviticus 16:30.

כי ביום הזה יכפר עליכם בקרבנות. ומנין שאע"פ שאין
קרבנות ואין שעיר היום מכפר תלמוד לומר כי ביום
הזה יכפר

"For on this day shall atonement be made for you" --
through the offerings. And from what Scriptural source
do we know that, even without the offerings or without
the goat, this day atones? Scripture says: "*For on this
day atonement shall be made . . .*"

(*Sifra*, Parashat Achare Mot, Perek 8)

275. See *Bavli* Yoma 74b on the dictum שב ואל תעשה with regard to prompting someone else to afflict himself.

276. See the Gemara in *Bavli* Yoma 74b on the similarities between the mitzvah of affliction and the mitzvah of refraining from work.

277. See the continuation of the Gemara on 74b listing the litany of food categories that are prohibited on Yom Kippur.

The text here seems inconsistent with the first perek of this section of *Sifra*. First, the authors informed us that it is the spoken confession of the High Priest that effects atonement. Now, the authors insist, it is the day itself that atones. The claim seems not to be proven by the text, and its inclusion is all the more puzzling, given that the text at this point inexplicably inserts the middle section of Mishnah Yoma 8:9 regarding the relationship between Yom Kippur and atonement. There is no rhyme or reason to this insertion and no explanation of it, though there seems to be some intention to make a statement of moral, rather than physical, cleansing, since the authors deliberately depart from the Mishnaic language of כפרה and instead adopt the language of מחילה, of "forgiveness":

Mishnah (Yoma 8:9):

את זו דרש רבי אלעזר בן עזריה, (ויקרא טז) מכל
חטאתיכם לפני יי תטהרו, עברות שבין אדם למקום,
יום הכפורים מכפר. עברות שבין אדם לחברו, אין יום
הכפורים מכפר, עד שירצה את חברו

This is the exegesis of Rabbi Eleazar ben Azaria (Lev. 16:30): "*From all of your sins before Adonai you shall be cleansed*" -- For sins between a man and God, Yom Kippur effects purgation מכפר. For sins between a man and his fellow, Yom Kippur does not effect purgation מכפר until he has appeased his fellow.

Sifra (Achare Mot Perek 8:2)

זו דרש רבי אלעזר בן עזריה מכל חטאתיכם לפני ה'
תטהרו דברים שבינך לבין המקום מוחלים לך דברים
שבינך לבין חברך אין מוחלים לך עד שתפייס את
חברך:

This is the exegesis of Rabbi Eleazar ben Azaria: "*From all of your sins before Adonai you shall be cleansed*"

-- For sins between you and God, you shall be forgiven מוחלין. For sins between you and your fellow, you shall not be forgiven מוחלין until you have appeased your fellow.

It is noteworthy that, not only does *Sifra* adopt the language of "forgiveness," but it also pointedly excludes reference to "Yom Kippur." One might surely read into this the concept that it is forgiveness and not the day itself that now stands at the forefront -- but that would directly contradict the preceding paragraph. Alas, we have no way to comprehend the intention of the authors, because the text then abruptly and astonishingly drops the whole issue of atonement and returns to Mishnah Yoma 8:1 and the five afflictions as they relate to Sabbath restrictions. *Sifra* then concludes its look at Yom Kippur by going all the way back to the beginning of Mishnah Yoma Chapter 1, to the description of the appointment of the High Priest and the priestly role in effecting atonement for the people. And, in an astounding regression, *Sifra* now seems to retract its earlier contention that the animal sacrifices of the day have been replaced by confession:

רבי שמעון אומר כשם שדם השעיר הנעשה בפנים
מכפר על ישראל כך דם הפר מכפר על הכהנים. כשם
שזידויו של שעיר המשתלח מכפר על ישראל כך וידויו
של פר מכפר על הכהנים

Rabbi Shimon says: "In the same way that the blood of the he-goat that is prepared within the Temple effects purgation over Israel, similarly the blood of the bull effects purgation over the priests. And in the same way that [the priest's] confession over the he-goat that is sent away atones over Israel, so does his confession over the bull atone over the priests."

(*Sifra*, Parashat Achare Mot, Perek 8)

Here, the sacrifice and the confession are provided as *equivalent* means of purgation, but clearly the confession has not taken the place of the sacrifice as

Sifra had earlier contended it did. The chapter closes with an emphasis on the purgation ritual taking place only once a year and only at the hand of the High Priest. Thus, given the opportunity to move into the non-physical realm -- the realm of morality, of the responsibility of the individual, of forgiveness, of the meaning Yom Kippur can have at a time when the Temple is no longer standing and sacrifices are no longer being made -- the authors of *Sifra*, in the end, make the conscious choice to maintain Yom Kippur as a cultic, Temple-based, priest-centered institution. Rather than seeing the chiastic structure of Leviticus 16, as the rabbis of the Bavli later would, as individual atonement wrapped in a shell of personal self-denial, the authors of *Sifra* took the crucial words of Leviticus 16:30 and maintained around it the Biblical package of priestly ritual.

B. The Palestinian Talmud

This section of research is designed to show that it is the unique contribution of the Bavli that Yom Kippur be re-cast as a distinct, unique occasion focused on *teshuvah*. So far, it has been shown that one of the equivalent Palestinian-based texts, *Sifra*, lacks at least the second aspect of the Bavli -- its focus on *teshuvah* -- by remaining in the realm of the physical and the cultic. Now we turn our attention to the Palestinian Talmud, redacted perhaps two centuries after *Sifra*, to see if we can discern the type of forward movement in religious consciousness that is found in the Bavli. What will be shown is that, not only does the Yerushalmi also lack this boldness, but its differing use of similar texts to those found in the Bavli actually serves to *minimize the distinctiveness of Yom Kippur*.

To begin with, the Yerushalmi, unlike the Bavli, does not structurally link Mishnah 2 to Mishnah 1 -- that is, it does not deal with the issue of limits

(שיעורים) in one discussion. The result is twofold: First, the Yerushalmi provides equal treatment of all the afflictions with no highlighting of the requirements to fast found in the Bavli, a major difference that is clear throughout the chapter. By shortening the variants in the Yerushalmi (Chapter 8, Halakhah One) to the three baraitot used by the Bavli (74b) on eating and drinking as affliction, the Yerushalmi also lacks the ability to transition into the aggadic section on the manna that follows in the Bavli (74b-76a), in which eating and food are held up as symbols for all other desires that are to be sublimated on Yom Kippur. Second, by eliminating most of the extensive discussion on definitions and measurements, (Bavli 73b-74b) the Yerushalmi also eliminates a discussion at the outset of how the measurements and limitations imposed during Yom Kippur differ from those of other ritual occasions.

The section of text regarding the affliction of washing (Bavli 77b, Yerushalmi 8:1) also provides a vivid example of the divergent intentions of the two texts:

Yerushalmi (8:1)

ר זעירה בר חמא רבי יוסי בי ר' חנינא בשם רבי יהושע
בן לוי בתענית צבור מרחיץ פניו ידיו ורגליו כדרכו
בתשעה באב מרחיץ ידיו ומעבירן על פניו כיוה"כ
מרחיץ ידיו ומקנחן במפה ומעביר את המפה על פניו
רבי יונה תרי מרטוטה ויהב לה תותי כדה והא תני אין
בין ט' באב לתענית ציבור אלא איסור מלאכה במקום
שנהגו

Rabbi Zeira bar Chama [and] Rabbi Yossi bar Chanina in the name of Rabbi Yehoshua ben Levi: On a public fast day, one may wash one's face, hands and feet as usual. On Tisha b'Av, one may wash one's hands and then pass them over one's face. On Yom Kippur, one may wash one's hands and then dry them on a cloth and pass the cloth over one's face; Rabbi Yonah would soak a compress and place it under a pitcher. Indeed it has

been taught [in a Tannaitic source]: The only difference between Tisha b'Av and a public fast day is the prohibition against work in a place where that is the custom.

The Yerushalmi presents this version of the story to provide a close comparison of Yom Kippur with Tisha b'Av and a *ta'anit tsibur* [public fast day]; indeed, the rules on permitted washings for Tisha b'Av and for Yom Kippur are presented as varying only in degree. That is not true for the version of this story that appears in the Bavli; the Gemara's version appears to be corrupted, but both the Alfasi and the Asheri relate an identical version that seems to resolve the problems in the Gemara text:

Zeira bar Chama hosted Rabbi Yehoshua ben Levi and Rav Ammi and Rav Assi and all of the sages of Caesarea. He once said to Rav Yosef, son of Rabbi Yehoshua ben Levi: Son of a Lion! Come and I will tell you about something great your father would do: On the eve of Tisha b'Av they would bring him a towel, and he would soak it in water and would wipe it on his face, hands and legs. The next day, he would pass it over his eyes without fear [of violating the restrictions on washing]. And on the eve of Yom Kippur he would soak it in water and would make it into sort of a dry article. The following day he would pass it over his eyes without fear [of violating the Yom Kippur restrictions].

(Alfasi and Rabbeinu Asher to Bavli Yoma 78a)

In the Bavli's version of this story (and the version known to both Rav Alfasi and Rabbeinu Asher), the distinctions between Tisha b'Av and Yom Kippur are much sharper: There is no need to dry out the towel on Tisha b'Av as there is on Yom Kippur, and on Yom Kippur, Yehoshua ben Levi wiped his eyes but would not, apparently, wipe his entire face, hands or legs. That the Bavli's version is designed to point up the differences between the two full fast days, while the Yerushalmi's version is designed to minimize them, is clear from the discussion

that follows in the Yerushalmi, which is not found in the Bavli:

תני אבל ומנודה שהיו מהלכין בדרך מותרין בנעילת
הסנדל לכשיבואו בעיר יחלוצו וכן בט"ב וכן בתענית
ציבור. ובסיכה כהדא דתני בשבת בין סיכה שהיא של
תענוג בין סיכה שאינה של תענוג אסור בט"ב ובתענית
ציבור סיכה שהיא של תענוג אסור שאינה של תענוג
מותר והא תני שוות סיכה לשתייה לאיסור ולתשלומין
אבל לא לעונש ביה"כ לאיסור אבל לא לעונש

It has been taught [in a Tannaitic source]: The mourner and the one who has been cast out, traveling along the road, are permitted to wear sandals, but when they come into a city they must remove them. Such is the case both on Tisha b'Av and on a public fast day. As for anointing, the rule is as has been taught [in a Tannaitic source]: On Shabbat, both anointing not for the sake of pleasure and anointing for the sake of pleasure are forbidden. On Tisha b'Av and on public fast days, anointing for the sake of pleasure is forbidden but anointing not for the sake of pleasure is permitted. Indeed, it has been taught that anointing is the same as drinking with regard to this prohibition and with regard to making good on the loss, but they are not the same with regard to punishment. On Yom Kippur, [they are the same] with regard to the prohibition but not with regard to the punishment.

(Yerushalmi Yoma, Chapter 8, Halakhah One)

Two things are clear from this passage. First, the authors intentionally discuss Yom Kippur, Tisha b'Av, public fast days and Shabbat together, and, by including all of these in the discussion, they tend to blur the distinctions between Yom Kippur and Tisha b'Av that are clear in the Bavli text. Second, with regard to the content of the discussion, the prohibitions and punishments for anointing on Tisha b'Av are equivalent to those on Yom Kippur. Again, where the Bavli text highlights the differences between Yom Kippur and other special days of the year, the Yerushalmi text highlights their similarities. This is also true of the Bavli's

lengthy discussion (79a-b) of the measurements that the Mishnah uses to describe the liability on Yom Kippur -- ככֹּותֶבֶת , "something like the equivalent of a date." A baraita about Rabbi Yochanan ben Zakkai and Rabban Gamaliel follows, which clearly is intended to distinguish the Yom Kippur measurements from those in force on Sukkot; a Mishnah (*Beitzah* 2a) then is brought to distinguish the date measurement from that of the leaven amount, the equivalent of an olive, that is forbidden on Pesach. Finally, a Mishnah (*Berachot* 45a) is brought to show that, while the rabbis may argue about the amount of food that must be consumed in order to be liable to recite *Birkat Hamazon* -- Rabbi Meir says an olive's worth and Rabbi Yehuda says an egg's worth -- neither one argues for the equivalent of the date; the implication is that, once again, the Yom Kippur measure is shown to be unique. Indeed, Rashi states as much,²⁷⁸ pointing out that the Yom Kippur laws of Scripture do not say "fast" or specifically invoke food, so the rabbis made the prohibited amounts different from, say those of Passover, where food is specifically mentioned. By contrast, the Yerushalmi does not take this up at all. While it includes a Hillel-Shammai discussion on the strictness of the Yom Kippur measurements (8:2) that also appears, in a slightly different form, in the Bavli (80a), it omits all references to the distinctions between these measurements and restrictions for other religious observances.

If the beginning of Yerushalmi Yoma Chapter 8 minimizes the distinctiveness of Yom Kippur, the concluding section on repentance and atonement minimizes the move from the physical and ritual to the moral and spiritual. In stark contrast to the Bavli, which presents Mishnayot 8 and 9 together to show how *teshuvah* comes to replace the burnt offerings as the avenue for

278. Rashi on 79a to קים להו לרבנן וכי: "Even though any amount of food is prohibited in the equivalent of an olive's worth, these words apply only where the text says אכילה, 'food.' But here, where Scripture writes instead אֲשֶׁר לֹא תַעֲוִינֶה , "the one who does not afflict himself. . . " [that is, it does not specifically refer to eating], any amount which does not set one's mind at rest is an affliction.

atonement, the Palestinian Talmud separates the two. The effect of this is that the issue of the sacrificial offerings is taken up, not as a lead-in to *teshuvah*, but as a separate issue. Thus, the Gemara in the Yerushalmi after this Mishnah begins:

תמן תנינן ועל זדון מקדש וקדשיו שעיר הנעשה בפנים
וי"כ מכפר ועל שאר עבירות שבתורה קלות וחמורות
זדונות ושגגות הודע ולא הודע עשה ולא תעשה כריתות
ומיתות ב"ד שעיר המשתלח מכפר

There we have learned: For a premeditated sin against the sanctuary and its holy things, the he-goat slaughtered inside and Yom Kippur effect purgation. But for the remainder of the sins in the Torah -- minor or serious, deliberate or inadvertent, those done knowingly or unknowingly, violations of positive commandments and violations of negative commandments, those punishable by *kareit* or by death by the *beit din* -- the he-goat that is sent off atones.

(Yerushalmi Yoma Chapter 8, Halakhah Six)

Further, the Palestinian text states:

כשם שהשעיר הנעשה בפנים מכפר על הזדונות ותולה
על השגגות בדבר שיש בו חיוב קרבן אף שעיר
המשתלח מכפר

Just as the goat that is prepared [that is, sacrificed] within the Temple confines effects purgation for deliberate sins and suspends [punishment for sins] committed inadvertently for which an offering is required, so too the goat that is sent off effects purgation.

(Yerushalmi Yoma 8:6)

To be sure, the Bavli text offers a brief discussion on the sin and guilt offerings before exploring the relationship between *teshuvah* and Yom Kippur. But the fact that the entire atonement section comes as one unit in the Bavli allows the sages to make a quick and seamless transition out of the cultic model -- which it must deal with to some extent because it is included in the Mishnah --

and into a post-Temple model. In addition, the Bavli never mentions the Scapegoat ritual in this final section; it long since left this element of Yom Kippur behind, with its completion of the *Avodah* section of the tractate. The Yerushalmi, in taking up this Mishnah separately, lingers on the cultic rites and even brings back the concepts of purgation inherent in the Scapegoat ritual when there seems to be no reason to mention these sacrifices at all. This continues to be the case following the concluding Mishnah in the tractate, in which the Palestinian text (Gemara to Chapter 8, Halakhah 7) bases its discussion of repentance on the role of the עולה, the burnt offering, in effecting purgation. Since there is no mention of sacrificial offerings of any kind in this final Mishnah, one must conclude that the authors of the Palestinian text still used the priestly cult as their model.

Indeed, even after the Yerushalmi presents the four types of atonement of Rabbi Yishmael in a parallel text to that of the Bavli (Yerushalmi 8:7, Bavli 86a), describing the role that *teshuvah* plays in relation to Yom Kippur, the Palestinian text inexplicably responds to Rabbi Yishmael's exegesis by returning again to the issue of the goat, insisting that "according to the sages, the goat effects purgation [on its own]." Thus, while the Bavli, in presenting Yishmael's teaching, offers up the concept that *teshuvah* alone cannot atone for the transgression of any negative commandment without Yom Kippur -- focusing exclusively on the *teshuvah*-Yom Kippur relationship -- the Yerushalmi brings the cultic sacrifices back into play. And while the rabbis of the Bavli conclude the tractate by exploring the nature of the penitent person, the impact that one person's repentance has on the lives of others, and the taint that sin leaves on future generations, and only in passing discusses the timing and formulation of the Yom Kippur liturgical confession, the Yerushalmi focuses on the verbal confession at the expense of the nature of *teshuvah*. The result is that the Yerushalmi's

concluding prophetic and Mishnaic verses on God's cleansing of the individual are separated from the context of the process of *teshuvah* and are connected instead with the formal act of confession on Yom Kippur -- not unlike the connection made in the *Sifra*.

In summary, it has been clearly demonstrated that the Babylonian Talmud offers a description of Yom Kippur as a unique experience in the liturgical year, one which provides an avenue for the culmination of the process of *teshuvah*. In this, the Bavli stands alone, since the comparable Palestinian material neither diverges significantly from the Temple model, nor highlights the singular character of the day.

3. *Teshuvah* as a Unique Halakhic Concept

Now the focus will be on the uniqueness of the concept of *teshuvah* itself. It will be shown that, within the Bavli text, *teshuvah* is given a much different treatment compared with the other halakhic concepts found in Masechet Yoma, and that, consequently, Yom Kippur is given a much different treatment in the Bavli from other ritual days on the Jewish calendar.

To review, chapter 8 of Yoma includes these three halakhic issues:

- a) *Innui*: Affliction and the related legal measurements
- b) *Pikuach Nefesh*: The exceptions to the rules of affliction and the legal limits to these exceptions.
- c) *Teshuvah*

But while one concept flows into the next with the help of extended Amoraic discussion and the use of vivid aggadot, the Gemara's discussion of the first two concepts differs remarkably from its treatment of *teshuvah*.

Turning first to the discussion of *innui* that opens chapter 8, we find here a

standard rabbinic discussion. The Gemara opens with a demand for strict definitions: What does the language of the Mishnah mean in halakhic terms? For what is the guilt incurred on Yom Kippur, and what are the punishments? The five afflictions are fleshed out in detail, so that one might understand what may or may not be eaten, what may or may not be worn on the foot as a "shoe," what type of bathing one may partake of. Significantly, nowhere do we find a discussion of the *efficacy* of these afflictions in connection with the ultimate goal of Yom Kippur -- that is, to reach a state of penitence. The point of the Gemara's discussion is to *quantify*, not to *qualify*, the afflictions.

Similarly, in the subsequent discussion of the halakhic issue of *Pikuach Nefesh*, the Gemara asks for *quantifiable* information: What are the limits to the demands of *pikuach nefesh*? What procedures does one follow in determining treatment for a sick person on Shabbat? What permitted or forbidden foods may we feed one filled with ravenous hunger, and how do we determine what to feed him first? What are the parameters for a case of ספק נפשות on the Sabbath? What, minimally, are we required to do in case of an accident, without incurring violation of Sabbath restrictions? Again, the emphasis in the Gemara is not on the mitzvah *per se* of saving or preserving a life -- that is, the moral command to do so -- but rather on the procedures and limits for doing so while adhering to the rabbinic doctrine of חי בהם -- that a person may "live by the mitzvot" and not die by them.

But the rabbis' treatment of the halakhic concept of *teshuvah* is vastly different from their discussions of *innui* and *pikuach nefesh*, and the discussion is taken to a new level. To be sure, the Gemara does seek to clarify the Mishnah's language regarding repentance, in order to better understand the connection between repentance and Yom Kippur. But the rabbis do not attempt to *quantify*

teshuvah by asking questions such as: How long must one repent of a transgression? What are the precise rituals involved in *teshuvah*? What are the signs that a repentance is sincere and complete? Rather, the rabbis' focus here is on the nature of *teshuvah* and the penitent person; the details of precisely *how* repentance comes about is not as significant as the fact that it *does* occur, that it *must* occur if atonement is to take place, and that it is built into the very *nature* of our existence and our relationship with God that it take place. Nowhere is this clearer than in the Gemara's extensive list of rabbinic sayings on the value of *teshuvah* (86a-b), which seeks to describe the qualities of *teshuvah*, not to quantify it:

אמר רבי חמא בר חנינא: גדולה תשובה שמביאה
רפאות לעולם, שנאמר (הושע יד) ארפא משובתם
אהבם נדבה. . . אמר רבי לוי: גדולה תשובה שמגעת
עד כסא הכבוד, שנאמר (הושע יד) שובה ישראל עד ה'
אלהיך. . . אמר רבי יוחנן: גדולה תשובה שדוחה את
לא תעשה שבתורה, שנאמר (ירמיהו ג) לאמר הן ישלח
איש את אשתו והלכה מאתו והיתה לאיש אחר הישוב
אליה עוד הלא חנוף תחנף הארץ ההיא ואת זנית רעים
רבים ושוב אלי נאם ה'. אמר רבי יונתן: גדולה תשובה
שמביאה את הגאולה, שנאמר (ישעיהו נט) ובא לציון
גואל ולשבי פשע ביעקב. מה טעם ובא לציון גואל -
משום דשבי פשע ביעקב.

Rabbi Chama bar Chanina said: Great is repentance, for it brings healing to the world, as it is written, "*I will heal their waywardness; I will love them freely*" (Hosea 14:5) . . . Rabbi Levi said: Great is repentance, for it reaches the Divine Throne, as it is written, "*Return, Israel, to Adonai your God*" (Hosea 14:2). Rabbi Yochanan said: Great is repentance, for it over-rides a negative commandment of the Torah, as it is written, "*It was said: If a man should send his wife away and she leaves his side and goes to another man, can he return to her again? Would that land not be greatly polluted? You have played the harlot with*

many lovers -- yet return to me, O Israel!" (Jeremiah 3:1). Rabbi Yonatan said: Great is repentance, for it brings the redemption closer, as it is written, "*But to Zion shall come a redeemer, and for those who have turned from transgression among Jacob*" (Isaiah 59:20). What is the explanation for the phrase, "*But to Zion shall come a redeemer*"? That on account of those who have turned from transgression among Jacob [will the redeemer come].

In comparison to the discussions on affliction and *pikuach nefesh*, we are not dealing here with *shiurim* -- with limits, quantities, and rules. We are dealing with the quality and nature of life -- not just of the penitent person but for the entire world (our world and the next) on account of one person's repentance. That is, the rabbis speak here -- as nowhere else in the chapter -- of the *efficacy* of this process of *teshuvah*. For the rabbis, this is not midrash, not aggadah, not a list of pleasant sayings that enhance the experience of the text. Using the words of the prophets, whose message gave them both a medium and a purpose for transforming the Yom Kippur experience, the rabbis have couched this *halakhic imperative* in language that stirs the soul and awakens the imaginative spirit as it commands.

Nowhere else in the Bavli do we find the rabbis taking this approach to what might be deemed similar days of holy convocation for the Jewish people. While we in our own time perceive Yom Kippur as having a largely liturgical focus (based on the High Priest's confession noted above), there is only a passing mention of liturgy in Yoma chapter 8, and even there it seems out of place. This is a far cry from, for example, Tractate *Megillah*, which is almost exclusively liturgical. The same is true of Tractate *Ta'anit*, which includes the laws for public fast days. It begins with precise directions for adding prayers to the daily liturgy, including what language is to be used and where it is to be inserted; indeed, its focus is almost exclusively on the day's liturgy. And while the Yerushalmi, as

shown above, attempted to describe Yom Kippur and Tisha b'Av as differing in degrees but similar in principal, the treatment of Tisha b'Av in the Bavli is altogether different from its treatment of Yom Kippur. Chapter four of Bavli *Ta'anit* focuses on the prohibitions of the month, week, and day of Tisha b'Av, and the strict mourning practices that are observed. Strikingly, nowhere in Yoma are the five afflictions equated with mourning practices. And while one might have expected some mention would be made of sin and repentance in this chapter of *Ta'anit* because of the rabbis' dictum, מפני חטאינו גלינו מארצינו, there is, in fact, none at all. The presentation of *teshuvah* as a halakhic imperative, one concludes, is reserved exclusively in the Bavli for Yom Kippur.

4. The Symbiotic Relationship Between *Teshuvah* and *Innui*

"Before your God shall you be made pure," (Lev. 16:30) say the rabbis, but purification of the soul through *teshuvah* is, in the final analysis, not a quantifiable commodity. It is a halakhic state of mind. It is a process -- a process that transcends Yom Kippur in the same way that *innui* and *pikuach nefesh* transcend the Day of Atonement, public fast days, or even Shabbat. And so, one asks, how do the rabbis forge a connection between what was once the quintessential public, priestly occasion and the most intimate and individual of processes? What is it that unites these two things, one of which is eminently quantifiable and the other of which is not?

The answer comes to us in the text itself: The bridge, the unifying factor, between Yom Kippur and *teshuvah* is *innui*, the afflictions of the body. By placing the discussion of *innui* at the beginning of chapter 8, in between the *Avodah* and the reflections on *teshuvah*, the Bavli, following the general structure of the Mishnah but providing more force and clarity with regard to the

text's theological significance, clearly identifies it as the connection between the Temple ritual (*kapparah*) and repentance (*teshuvah*), between that which was the focus of the Day of Atonement and that which became its focus in the post-Temple Jewish world. It is *innui* that turns a day of physical cleansing into a day of spiritual triumph. It is *innui* that is both communal and intensely personal, that allows the individual Jew to participate in the drama of the day and also allows the Jew to find a halakhic expression for his or her own process of *teshuvah*. *Teshuvah* thus becomes ritualized through *innui*, and *innui*, in turn, becomes the avenue through which *teshuvah* may be obtained. The two share a symbiotic relationship.

Understanding *teshuvah* and *innui* in this way helps us understand why, as previously noted, the first section of Yoma chapter 8 does not discuss in any way the efficacy of self-affliction. It is not spelled out here because this section is not self-contained. Rather, it is an introduction to the concept of *teshuvah*, an avenue into the realm of repentance and forgiveness, which, if presented by itself, would provide us with mere theory. That the rabbis of the Bavli intended this connection is clear, not only in the halakhic structure and flow of the chapter, as has already been discussed, but in the way that aggadah is carefully selected and inserted into the chapter to create a natural flow from one section to the other. On the surface, two extensive aggadic passages placed early in the chapter appear superfluous, but that is far from the case. They are thematically appropriate and structurally necessary. And they both have to do with water.

The first of the major water-related aggadic passages appears on page 76a, a comparison of the volume of manna given to Israel in the wilderness with the volume of water that covered the earth during the Flood, during which the rabbis conclude:

וכי אי זה מדה מרובה, מדה טובה או מדת פורענות?
הוי אומר : מדה טובה ממדת פורענות.

Now, which is the greater measure, God's measure of goodness or the measure of Divine retribution? You must conclude that the measure of goodness comes through the measure of Divine retribution.

The *Ba'ch* emends the text to read "You must conclude that the measure of goodness is *greater* (מרובה) *than* the measure of Divine retribution," yet the text as it stands may provide a tantalizing hint of the rabbis' intentions here: Goodness through retribution -- through travail -- could well parallel the overall theme of repentance and forgiveness through affliction.

The second major midrashic section containing water imagery appears on pages 77b-78a, stemming from the use of Ezekiel's vision of the stream flowing from the Third Temple's Holy of Holies: "*He measured a thousand cubits and he made me pass through the water*" (Ezek. 47:3). The rabbis contemplate the fact that it would be impossible to cross over such a river but they also describe the water as serving a specific purpose:

מכאן ואילך היה מתגבר ועולה עד שמגיע לפתח בית
דוד, כיון שמגיע לפתח בית דוד - נעשה כנחל שוטף,
שבו רוחצין זבין וזבות נדות ויולדות, שנאמר (זכריה
יג) ביום ההוא יהיה מקור נפתח לבית דוד ולישבי
ירושלים לחטאת ולנדה.

From this point onward, [the fountain] swells and rises up until it reaches the entrance of the House of David. When it reaches the entrance of the House of David it becomes like an overflowing wadi in which they wash those affected with gonorrhea, ritually impure women, and women who have given birth, as it is written, "*On that day there shall be a fountain opened to the House of David and to the inhabitants of Jerusalem for cleansing from sin and for purification*" (Zecharia 13:1).

Again the rabbis have given us an example of ordinary individuals, through hardship and pain, being cleansed and healed. To be sure, the imagery is physical in nature, yet the quotation from Zecharia speaks of moral cleansing. Here too, then, we see the connection between the physical realm and the spiritual realm. The fountain opened to the House of David is the avenue through which one achieves redemption; in the spirit of this midrash, as has already been discussed, the rabbis will proclaim later in the chapter that sincere *teshuvah* has an impact not only on the individual but on the corporate Israel, not only in this world but also in the World to Come.

The placement of these two aggadic passages in the early sections of the chapter that deal with *innui*, affliction, is not coincidental. It serves a two-fold purpose: First, the midrashim build on the water imagery implicit in the Biblical verse that is at the heart of this chapter: "*From all of your sins before God you shall be cleansed*" (Lev. 16:30). Second, not only do they connect *innui* with the Biblical passage, they also connect it to, and serve as a foretaste for, the end of the chapter, in which the water imagery is used to bring the entire tractate to a powerful *nechemta* around the concept of *teshuvah*:

אמר רבי עקיבא : אשריכם ישראל, לפני מי אתם
מטהרין, מי מטהר אתכם - אביכם שבשמים, שנאמר
(יחזקאל לו) וזרקתי עליכם מים טהורים וטהרתם
ואומר (ירמיהו יז) מקוה ישראל (ה') מה מקוה מטהר
את הטמאים - אף הקדוש ברוך הוא מטהר את ישראל

Rabbi Akiva said: How fortunate are you, O Israel! Before whom have you been made pure? Who purifies you? Your father who is in heaven, as it is written, "*Then I shall sprinkle clean water on you and you shall be clean*" (Ezekiel. 36:25), and it is written, "*The hope of Israel is Adonai*" (Jeremiah. 17:13). Just as the ritual waters *מִקְוֵה* cleanse your sins, so too the Holy One Blessed Be He cleanses Israel.

Indeed, even the very end of the Gemara, which deals with ritual immersion for the impure woman and the *ba'al keri*, purposefully retains this water imagery and offers reassurance that God will forgive sin if immersion in the *mikve* is timely and proper. From the beginning to the end of the chapter, then, we see the images of cleansing, purifying water used to tie the text together and guide the reader to the conclusion that, whatever the nature of the transgression, *innui* can be used as an avenue to *teshuvah*, which purifies the soul as the *mikve* purifies the body. With this, the rabbis have completed the transformation of the physical, priestly rites of the Bible to the personal, spiritual realm:

כִּי-בַיּוֹם הַזֶּה יִכָּפֹר עֲלֵיכֶם לְטַהֵר אֶתְכֶם מִכָּל חַטֹּאתֵיכֶם לִפְנֵי יְהוָה תִּטְהָרוּ :

*For on this day atonement shall be made for you, to purify you; from all
of your sins before God shall you be cleansed.*

IV. CONCLUSION

Throughout this investigation, we have attempted to answer the "what" and "how" questions of Yom Kippur: What did the rabbis of the Babylonian Talmud do to transform this quintessential priestly cultic event into the day of spiritual cleansing we know as the Day of Atonement? And how did they, through the text of Yoma chapter 8, accomplish this task? But we have still to ask one further question: Why? Why did the rabbis feel the need to perpetuate this observance? And why does it hold meaning for we who are modern Jews? Yes, as has already been noted, the rabbis in the era following the destruction of the Temple felt a need to re-create the Day of Atonement for a people scattered and seemingly separated from their God, a people that believed its place of worship had been destroyed because of its own sins. But we in the modern world do not, by and large, hold these beliefs: We feel connected to our God and to our people no matter where we live in the world, and we do not perceive ourselves as carrying any taint from our ancestors. So why should the accomplishment of the Bavli be meaningful for us today? Why must we ritualize our innermost thoughts and feelings through physical self-affliction in order to achieve a state of repentance, of moral and spiritual cleansing?

The rabbis of the Babylonian Talmud seem to instinctively have understood the answer to this question, a question that still fascinates psychologists and sociologists today. The answer is: We need ritual. On a human level, we need ritual to bring order to our lives, which often seem so random and frightening. On a Jewish level, we need ritual to feel that we are participants both in the Jewish community of our own generation and in the flow of Jewish history. We need ritual to feel that what we do makes a difference, not only on earth but perhaps in the celestial world as well.

Tom F. Driver, in his 1991 study, *The Magic of Ritual*, makes a fascinating observation about the role ritual plays in our lives:

Rituals are primarily instruments designed to change a situation: They are more like washing machines than books. A book may be *about* washing, but the machine takes in dirty clothes and, if all goes well, transforms them into cleaner ones.²⁷⁹

The metaphor is particularly appropriate for this study of Yom Kippur. Think of the accomplishment of *Sifra*, for example, as the book that is *about* washing, because of its emphasis on the confession that is *about* transgression. But *innui*, physical affliction, is the washing machine that, if all goes well, transforms people into "cleaner" -- spiritually cleansed and penitent -- human beings. Driver notes that the role of ritual is "to effect transformations that cannot otherwise be brought about."²⁸⁰ That is precisely what the rabbis of the Bavli believed, and that is why they envisioned that the ultimate the Yom Kippur experience would have this *innui - teshuvah* connection.

We modern Jews, who in past generations have shunned such ritual as antiquated, anachronistic, and even offensive to our rational sensibilities, might do well to take a fresh look at what the rabbis of the Bavli have done for us. Rather than simply reciting the words of the book, the *machzor*, that is *about* repentance -- as powerful and poetic as those words may be -- perhaps we should pursue the course the sages have set before us, which can bring about actual transformation in our lives.

For so many Reform Jews today who do not fast on Yom Kippur and who do not impose restrictions on their lives in any way save the time they spend in the pews; for those who do not educate their children about fasting by even

279. Tom F. Driver, *The Magic of Ritual: Our Need for Liberating Rites that Transform Our Lives and Our Communities* (San Francisco: HarperCollins Publishers, 1991), p. 93.

280. Ibid., p. 91.

putting off lunch for an hour or two or doing without that trip to the burger joint just this one day a year; for those who do not even consider going without make-up, perfume or after-shave because Yom Kippur is perceived as a day to be seen in *shul* in all of one's finery; this text can speak to the aching need all of us as human beings have to ritualize our lives and in that ritual to find validation and purpose.

The rabbis found it impossible to quantify, measure or precisely circumscribe the concept of *teshuvah*; they left this an open question, for each of us to ponder and to define for ourselves. But they clearly illuminated the avenue by which one can begin the process, on this one day a year, of reaching a state of inner purification, cleansing and peace. The beauty and genius of chapter 8 of Masechet Yoma of the Babylonian Talmud is in its unerring understanding of human nature and human needs, as well as its ability to take a chapter from our history that might otherwise have been tossed aside as outmoded and unnecessary and make it a vital part of our lives.

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