

NOTES

The generations of the heavens were created from the heavens – תולדות שמים משמים נבראו – This opinion indicates that the heavens comprise the upper worlds, which are of a different nature than the earth and all physical objects. Conversely, the Rabbis maintain that an element of sanctity unites the material and the spiritual, and therefore Zion is the center of the world from which both the spiritual heavens and physical earth were created (Rabbi Yoshiya Pinto; *Yefat To'ar*).

תניא רבי אליעזר הגדול אומר: "אלה תולדות השמים והארץ בהבראם ביום עשות ה' אלהים ארץ ושמים." תולדות שמים – משמים נבראו, תולדות הארץ – מארץ נבראו.

It was taught in a *baraita* that Rabbi Eliezer the Great says: "These are the generations of the heaven and the earth when they were created, on the day that the Lord God made earth and heaven" (Genesis 2:4) means that the generations of the heavens, i.e., all things found in the heavens, were created from the heavens,<sup>n</sup> while the generations of the earth were created from the earth.

וחכמים אומרים: אילו ואלו מציון נבראו, שנאמר: "מזמור לאסף אל אלהים ה' דבר ויקרא ארץ ממזרח שמש עד מבואו" ואומר: "מציון מכלל יופי אלהים הופיע" – ממנו מוכלל יופיו של עולם.

And the Rabbis say: Both these and those were created from Zion, as it is stated: "A Psalm of Asaph. God, the Lord God has spoken and called the earth, from the rising of the sun to its place of setting," and it says: "Out of Zion, the perfection of beauty, God has shined forth," i.e., from Zion the beauty of the world was perfected, which includes both the generations of the heavens and the generations of the earth.

"נטל את הדם ממי שממרס בו" וכו'. מאי במצליף? מחוץ רב יהודה:

The mishna taught that the High Priest took the blood of the bull from the one who was stirring it so it would not coagulate, and he entered and sprinkled it like one who whips. The Gemara asks: What is the meaning of: Like one who whips? Rav Yehuda demonstrated the action with his hand,

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Like one who lashes with a whip – כמנגדנא – The commentaries debate the exact nature of this comparison to a whip. Some suggest that it is referring to the forty lashes struck on the back and the front of a criminal. The agent of the court administering the lashes had to change his hand position from above to below, so as to hit each side (*Sefer HaYashar*; see *Arukh*; *Me'iri*; Rabbeinu Hananel). Others explain that the sprinkling is like a whip in that the High Priest raises his hand only slightly, enough to strike a blow (*ge'onim*). Another interpretation is that the sprinkling is similar to whipping because the priest did not aim at an exact location, just as one who lashes does not strike a precise location (*Me'iri*).

כמנגדנא. תנא: כשהוא מזה – אינו מזה על הכפורת אלא כנגד עוביה של כפורת. כשהוא מזה למעלה – מצדד ידו למטה, וכשהוא מזה למטה – מצדד ידו למעלה.

like one who lashes with a whip<sup>n</sup> on the back of another and who occasionally strikes lower down. A Sage taught in the *Tosefta*: When the High Priest sprinkles the blood, he does not sprinkle on the top of the Ark cover; rather, he does so against the thickness of the Ark cover. When he sprinkles once upward, he turns his hand so that the back of his hand faces downward, and he then sprinkles upward. And when he sprinkles seven times downward, he turns his hand so its back is upward. However, he does not sprinkle on the Ark cover or below it, so that the blood does not actually come into contact with it.

מנא הני מילי? אמר רב אחא בר יעקב אמר רבי זירא: אמר קרא 'וזהו אותו על הכפורת ולפני הכפורת'. לא יאמר למטה בשעיר, דלא צריך, דגמר ממטה דפר,

The Gemara asks: From where are these matters, that the sprinklings do not actually touch the Ark cover, derived? Rav Aha bar Ya'akov said that Rabbi Zeira said: The verse states with regard to the goat sacrificed as a sin-offering: "And he shall do with its blood as he did with the blood of the bull, and sprinkle it upon the Ark cover and before the Ark cover" (Leviticus 16:15). The verse should not say downward, i.e., "before the Ark cover," with regard to the goat, as this is unnecessary; this requirement is derived from the term downward in connection with the bull.

למה נאמר – לאקושי על' ל'לפני: מה ל'לפני דלאו על – אף על' דלאו על.

Since the rite performed with the blood of the goat is compared to the rite of the blood of the bull, why is the requirement that the High Priest must sprinkle downward stated twice? It is to juxtapose the phrase "upon the Ark cover" to "before the Ark cover"; just as "before" means that it is not actually on the Ark cover but merely in front of it, so too, "upon" means that it is not actually on the Ark cover but in front of it, and the High Priest simply turns his hand upward.

אדרבה, לא יאמר למעלה בפר דלא צריך, דגמר ממעלה דשעיר, למה נאמר – לאקושי ל'לפני ל'על. מה על' – על ממש, אף ל'לפני – על ממש!

The Gemara raises a difficulty: On the contrary, the verse should not say upward, i.e., "before the Ark cover," with regard to the bull, as this is unnecessary; it is derived from the term upward stated in connection to the goat. Since the verse equates the two rituals, why does it state the upward sprinkling of the blood of the bull? It is to juxtapose the phrase "before the Ark cover," stated with regard to the bull, to "upon the Ark cover," stated with regard to the goat; just as "upon" stated by the goat means actually upon, as indicated by the literal meaning of the verse, so too, "before" means actually upon it, i.e., the blood of the goat should touch the thickness of the Ark cover.

האי מאי?! אי אמרת בשלמא למטה דשעיר לאקושי למעלה דפר – מיבעי ליה לכדתנא דבי רבי אליעזר בן יעקב. דתנא דבי רבי אליעזר בן יעקב: “על פני הכפורת קדמה” – זה בנה אב: כל מקום שנאמר “פני אינו אלא קדים. אלא אי אמרת למעלה דפר לאקושי – למטה דשעיר למאי אתא?

תנו רבנן: “והזה אותו על הכפורת ולפני הכפורת” למדנו כמה למעלה בשעיר – אחת. למטה בשעיר אינו יודע כמה.

הריני דן: נאמרו דמים למטה בפר, ונאמרו דמים למטה בשעיר, מה למטה בפר שבע – אף למטה בשעיר שבע.

או כלך לדרך זו: נאמרו דמים למעלה בשעיר, ונאמרו דמים למטה בשעיר, מה למעלה בשעיר – אחת, אף למטה בשעיר – אחת. נראה למי דומה: דנין מטה ממטה, ואין דנין מטה מלמעלה.

אדרבה: דנין גופו מגופו, ואין דנין גופו מעלמא. תלמוד לומר: “ועשה את דמו כאשר עשה לדם הפר” שאין תלמוד לומר “כאשר עשה” ומה תלמוד לומר “כאשר עשה” – שיהיו כל עשיותיו שוות; כשם שלמטה בפר שבע – כך למטה בשעיר שבע.

למדנו כמה למטה בפר ובשעיר – שבע, למעלה בפר אינו יודע כמה, והריני דן: נאמרו דמים למעלה בשעיר, ונאמרו דמים למעלה בפר. מה למעלה בשעיר – אחת, אף למעלה בפר – אחת.

The Gemara expresses surprise at this suggestion: **What is this comparison? Granted, if you say that downward stated with regard to the goat is mentioned to juxtapose it to upward stated with regard to the bull, one needs the phrase “upon the Ark cover,”** which deals with the blood of the bull, for that which the school of Rabbi Eliezer ben Ya’akov taught. As the school of Rabbi Eliezer ben Ya’akov taught: **“Upon [al penei] the Ark cover to the east”** (Leviticus 16:14); this forms an analogy that applies to the entire Torah: **Any place where it is stated “face [penei],” it is referring to nothing other than the eastern side.<sup>N</sup> However, if you say,** as suggested by the question, that **upward with regard to the bull is mentioned to juxtapose it to “upward” stated with regard to the goat, for what purpose does downward stated with regard to the goat come;** what do we learn from this phrase? Rather, the first interpretation of the verse must be correct.

§ The Sages taught: **“And sprinkle it upon the Ark cover and before the Ark cover”** (Leviticus 16:15). We have thereby learned how many times the High Priest must sprinkle **upward for the goat**, that is, **one** sprinkling, as it states: **“And sprinkle.”** However, with regard to the sprinkling **downward for the goat**, before the Ark cover, **I do not know how many times he must sprinkle.**

I therefore derive the *halakha* from the verses. It states that **blood is sprinkled downward in the case of the bull, and it states that blood is sprinkled downward in the case of the goat. Just as the blood that he sprinkles downward in the case of the bull consists of seven sprinklings, as the verse explicitly states: “And before the Ark cover he shall sprinkle seven times”** (Leviticus 16:14), **so too, the sprinkling of the blood downward in the case of the goat is performed seven times.**

The Gemara raises a difficulty: **Or one can go and reason this way: It states that blood is sprinkled upward in the case of the goat, and likewise it states that blood is sprinkled downward in the case of the goat. Just as with regard to sprinkling upward in the case of the goat there is one sprinkling, so too, with regard to sprinkling downward in the case of the goat there is only one sprinkling.** The Gemara comments: **Let us see what case this resembles: One derives an act performed downward from another act that is downward, and one does not derive an act performed downward from an upward act.**

The Gemara retorts: **On the contrary, one derives one aspect of a matter from another aspect of that same matter, i.e., one should infer the halakha with regard to the blood of the goat from another halakha involving that same blood, and one does not derive the halakha of that matter from an external matter.** Therefore, **the verse states: “And he shall do with its blood as he did with the blood of the bull”** (Leviticus 16:15). **As there is no need for the verse to state: “As he did,”** because the whole process is explicitly stated a second time, **what then is the meaning when the verse states: “As he did”?** It comes to teach that **all his actions should be alike**, down to every detail. Consequently, **just as the sprinklings downward in the case of the bull are seven, so too, the sprinklings downward in the case of the goat are seven.**

We have thereby learned how many sprinklings are performed **downward in the case of the bull and by the goat: Seven.** However, **I do not know how many times the High Priest must sprinkle upward in the case of the bull. And I therefore derive the halakha as follows: It states that blood is sprinkled upward in the case of the goat, and it states that blood is sprinkled upward in the case of the bull. Just as with regard to the sprinkling upward in the case of the goat he sprinkles one time, as stated explicitly, so too, in the case of the bull he sprinkles upward one time.**

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Face [penei] is referring to nothing other than the eastern side – פני אינו אלא קדים: The converse to this claim is that every instance of “before the Lord” is referring to the Divine Presence,

which is located in the west. Since this expression appears in the previous verse, it is necessary to teach that the vessels themselves were faced eastward.

The manner of sprinkling and counting – דְּרַךְ הַזֹּאֵה – The High Priest first sprinkled eight times with the blood of the bull between the staves of the Ark: Once upward and seven times downward. This order was repeated with the goat's blood. It was repeated again toward the curtain with the bull's blood and then with the blood of the goat. As he sprinkled, he counted in the following manner: One, one and one, one and two, etc. He counted to avoid an error in the sprinkling. The Rambam rules in accordance with the opinion of Rabbi Elazar because his statement is quoted before that of Rabbi Yoḥanan, an unusual occurrence that indicates that the *halakha* is in accordance with his opinion (*Likkutei Halakhot*; Rambam *Sefer Avoda*, *Hilkhot Avodat Yom HaKippurim* 3:5).

NOTES

Must be counted – צְרִיכָה מִנֵּן – According to Rabbi Yoḥanan, there is a special mitzva for the High Priest to count. Statements to the same effect appear in the *Sifra* and the Jerusalem Talmud. Nevertheless, some commentaries maintain that he is required to count only *ab initio* (see *Me'iri*).

או בלך לדרך זו: נאמרו דמים למטה בפר, ונאמרו דמים למעלה בפר, מה למטה בפר – שבע, אין למעלה בפר – שבע. נראה למי דומה: דנין מעלה ממעלה, ואין דנין מעלה ממטה.

אדרבה: דנין גופו מגופו ואין דנין גופו מעלמא! תלמוד לומר: "ועשה את דמו כאשר עשה" שאין תלמוד לומר "כאשר עשה" ומה תלמוד לומר "כאשר עשה" – שיהיו כל עשיותיו שוות, כשם שלמטה בפר שבע – כך למטה בשעיר שבע, וכשם שלמעלה בשעיר אחת – כך למעלה בפר אחת.

"אחת, אחת ואחת, אחת ושתיים". תנו רבנן: אחת, אחת ואחת, אחת ושתיים, אחת ושלוש, אחת וארבע, אחת וחמש, אחת ושש, אחת ושבע, דברי רבי מאיר. רבי יהודה אומר: אחת, אחת ואחת, שתיים ואחת, שלש ואחת, ארבע ואחת, חמש ואחת, שש ואחת, שבע ואחת.

ולא פליגי; מר כי אתריה ומר כי אתריה.

דכולי עלמא מיהת הזאה ראשונה צריכה מנין עם כל אחת ואחת, מאי טעמא? רבי אלעזר אומר: שלא יטעה בהזאות.

רבי יוחנן אומר, אמר קרא: "ולפני הכפורת יזה" שאין תלמוד לומר "יזה" ומה תלמוד לומר "יזה" – לימד על הזאה ראשונה שצריכה מנין עם כל אחת ואחת.

מאי בינייהו? איכא בינייהו דלא מנה, ולא טעה.

The Gemara raises a difficulty: Or one can go and reason this way: It is stated that blood is sprinkled downward in the case of the bull, and likewise it is stated that blood is sprinkled upward in the case of the bull. Just as with regard to sprinkling downward in the case of the bull there are seven sprinklings, so too, with regard to sprinkling upward in the case of the bull there should be seven sprinklings. The Gemara comments: Let us see what case this resembles: One derives an act performed upward from another act that is performed upward, and one does not derive an act performed upward from a downward act.

The Gemara retorts: On the contrary, one derives one aspect of a matter from another aspect of that same matter, and one does not derive the *halakha* of that matter from an external matter. Therefore, the verse states: "And he shall do with its blood as he did." As there is no need for the verse to state: "As he did," because the whole process is explicitly stated a second time, what then is the meaning when the verse states: "As he did"? It comes to teach that all his actions should be alike: Just as the sprinklings downward in the case of the bull are seven, so too, the sprinklings downward in the case of the goat are seven; and just as the sprinkling upward in the case of the goat is one, so too, the sprinkling upward in the case of the bull is one.

§ The mishna states that the High Priest counted: One; one and one; one and two. The Sages taught in a *baraita* that when sprinkling, the High Priest counted: One; one and one; one and two; one and three; one and four; one and five; one and six; one and seven. This is the statement of Rabbi Meir. Rabbi Yehuda says that he counted: One; one and one; two and one; three and one; four and one; five and one; six and one; seven and one.<sup>h</sup>

The Gemara comments: They do not disagree about the matter itself that the High Priest sprinkles once upward and seven times downward. Rather, this Sage rules in accordance with the norm in his place, and this Sage rules in accordance with the norm in his place. In one place they counted the smaller number first, while in the other place they would count the larger number first.

The Gemara asks: In any case, everyone, both Rabbi Meir and Rabbi Yehuda, agrees that the first sprinkling upward must be counted<sup>n</sup> together with each and every one of the subsequent sprinklings. What is the reason for this? Why can't the High Priest count the downward sprinklings separately? The Sages debated this matter. Rabbi Elazar said: The reason is so that he does not err in the sprinklings. If the High Priest were to count downward without including the first upward sprinkling, he might mistakenly think that his calculation includes the first sprinkling, which would lead him to add another one.

Rabbi Yoḥanan said that the reason is that the verse states: "And he shall sprinkle it with his finger upon the Ark cover, and before the Ark cover he shall sprinkle" (Leviticus 16:14). As there is no need for the verse to state: He shall sprinkle" again, what is the meaning when the verse states: "He shall sprinkle"? This teaches with regard to the first sprinkling that it must be counted with each and every subsequent one, i.e., he must mention the first sprinkling every time.

The Gemara asks: What is the practical difference between these two explanations? The Gemara answers: The practical difference between them concerns a case where he did not count the first sprinkling and did not err. That is acceptable according to the opinion of Rabbi Elazar, whereas according to Rabbi Yoḥanan the High Priest acted incorrectly, as it is mitzva to count the first one.

**Due to the mixtures – מפני התערובות:** Rashi explains that the priest might err and mix the funds for obligatory offerings with those for free-will offerings. Other commentaries take issue with this explanation, as priests are generally considered meticulous. An alternative concern is that the donors might put their money in the incorrect container (see Ritva).

**Mixture of obligatory nests with free-will ones – תערובת חובה בנדבה:** *Tosafot* ask why there is no concern lest the priest mix the funds for obligatory nests of one woman with those of another woman. This answer is that the money for each nest was bound together. Furthermore, the money was redeemed with the stipulation that each sum of money belonged to the offering of a single woman (*Tosafot Yeshanim*).

## HALAKHA

**There were thirteen collection horns in the Temple – שלש עשרה שופרות היו במקדש:** There were thirteen containers in the Temple, each shaped like a *shofar*. The first contained shekels of the current year, the so-called new shekels, while the second held the old shekels of the previous year. The third box was for the money of those obligated to bring two pigeons or turtledoves, one as a sin-offering and one as a burnt-offering, i.e., obligatory nests. The fourth box contained the coins of those who brought birds for a free-will burnt-offering. The fifth collection box was for those donating money for wood, and the sixth was for money for frankincense. Those who donated gold for the Ark cover put it in the seventh container, while those obligated to bring an animal sin-offering placed their funds in the eighth box. The ninth box was for the surplus of guilt-offering money, i.e., if an individual separated money for his guilt-offering and some was left over, he should place the surplus coins in that box. The tenth was for bird offerings of *zavim* and women after childbirth, and the eleventh was for the offerings of nazirites. The twelfth box was for the surplus of the guilt-offerings brought by lepers, and the thirteenth and last box was for free-will animal burnt-offerings. This list is in accordance with the opinion of the Rabbis rather than that of Rabbi Yehuda (Rambam *Sefer Zemanim*, *Hilkhot Shekalim* 2:2).

“יצא והניחו על כן הזהב שבהיכל”.  
תנן התם, רבי יהודה אומר: לא  
היו שופרות לקיני חובה מפני  
התערובות.

§ The mishna taught that the High Priest emerged and placed the bowl with the remaining blood of the bull on the golden pedestal in the Sanctuary, and later he placed the goat’s blood on a second pedestal, whereas according to Rabbi Yehuda there was only one pedestal. The Gemara comments: **We learned in a mishna there (*Shekalim* 6:6) that Rabbi Yehuda says: There were no collection horns for obligatory nests, i.e., the pairs of pigeons or turtledoves brought as sin- and burnt-offerings by women after childbirth or other individuals, due to the concern of mixtures.<sup>N</sup>**

מאי מפני התערובות? אמר רב  
יוסף: מפני תערובת חובה בנדבה.  
אמר ליה אביי: ונעביד תרי, ונכתוב  
עליהו הי דחובה והי דנדבה. רבי  
יהודה

The Gemara asks: **What is the meaning of the phrase: Due to a mixture?** Rav Yosef said: It means **due to the possible mixture of obligatory nests with free-will ones.<sup>N</sup>** There was concern lest the priests mix the money given for obligatory nests, which are sacrificed as a sin-offering and a burnt-offering, with the money for free-will nests, which are sacrificed as a pair of burnt-offerings. Mixing the funds in this way would disqualify the birds. **Abaye said to him: And let us prepare two collection horns and write on them which is the container for obligatory offerings and which is the one for free-will offerings.** The Gemara answers: **Rabbi Yehuda**

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לית ליה כתיבה. דתנן, רבי יהודה  
אומר: לא היה שם אלא כן אחד  
בלבד. תרי מאי טעמא לא – משום  
דמחלפי ונעביד תרי וליכתוב עלייהו  
הי דפר והי דשעיר! אלא: לרבי  
יהודה לית ליה כתיבה.

**does not accept that one may rely on writing in a situation where an error is possible. As we learned in the mishna that Rabbi Yehuda says: There was only one pedestal in the Temple on which to place the blood. What is the reason that they did not place two pedestals there?** The reason is **because the pedestals might be exchanged for one another, and he might take the goat’s blood instead of that of the bull. But in that case, let us place two pedestals and write on them which one is for the bull and which is for the goat. Rather, it is clear that Rabbi Yehuda does not accept that one may rely on writing in a situation where error is possible.**

מיתבי: שלש עשרה שופרות היו  
במקדש, והיה כתוב עליהן: תקלין  
חדתינן, ותקלין עתיקין, וקינין, וגזלי  
עולה, ועצים, ולבונה, וזהב לכפורת,  
וששה לנדבה.

The Gemara raises an objection against this conclusion: **There were thirteen collection horns<sup>N</sup> in the Temple,<sup>H</sup> and they were each inscribed with different names. On one container was written: New shekels. In this horn they placed shekels that were donated at the correct time that year. And on another horn the phrase old shekels was written, referring to coins from the past year that did not reach the Temple during the allotted period. On the other horns, the following phrases were written: Nests, for obligatory offerings consisting of pairs of pigeons or turtledoves; young birds for burnt-offerings; wood, for anyone who wished to donate wood; frankincense; and gold for the Ark cover.<sup>N</sup> And there were six additional boxes designated for communal free-will offerings<sup>N</sup> of all kinds.<sup>N</sup>**

## NOTES

**Collection horns [*shofarot*] – שופרות:** As explained by the commentaries, these were called *shofarot* because they resembled the shape of a *shofar*, with narrow openings at the top but wide underneath. The boxes were fashioned in this shape to thwart thieves from trying to steal from the funds while appearing to donate money; it took a great deal of effort to steal from narrow-mouthed boxes (see Jerusalem Talmud; *Ba'al Halakhot Gedolot*).

**Gold for the Ark cover – זהב לכפורת:** According to Rashi, this was a container for donating gold to be used for Temple vessels in general. Other commentaries suggest that the gold was used mainly for plating the Holy of Holies chamber, also known as the Ark cover chamber, as it is taught that the donation surplus was reserved for this purpose (*Tosafot Yeshanim*).

**Six for communal free-will offerings – ששה לנדבה:** Rashi explains that there were six containers for general donations, one for each of the six families of every priestly watch. The Rambam writes that each of these containers was designated for a specific purpose. A similar explanation is stated in tractate *Shekalim* (see the *Halakha* section).

**Thirteen collection horns – שלש עשר שופרות:** There were no collection horns for any other purposes, as one could not pay for an obligatory animal offering in this manner. The reason is that one who brings an obligatory offering must place his hands on it, which means he must be present when it is sacrificed. Likewise, there were no donation horns for other types of offerings, as these were uncommon; permanent horns were established only for frequently sacrificed offerings (*Me'iri*).

One who sends his sin-offering from overseas – **השולח חטאתו ממדינת הים**: If one sends a sin-offering from overseas, the priests sacrifice it on the presumption that he is alive (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 4:14).

One who buys wine from among the Samaritans – **הלוקח יין מבין הכותיים**: One who owns one hundred *log* of untithed wine must separate *terumot* and tithes before he may drink any of the beverage. He may not stipulate beforehand that the remaining wine shall serve as *terumot* and tithes, as the principle of retroactive clarification is not accepted with regard to a Torah requirement. The *halakha* is in accordance with the majority opinion, as explained in tractate *Beitza* (*Kesef Mishne*; Radbaz; Rambam *Sefer Zera'im, Hilkhot Ma'asrot* 7:1).

תקלין חדתין – אלו שקלים של כל שנה ושנה, תקלין עתיקין – מי שלא שקל אשתקד ישקול לשנה הבאה, קיימין – הן תורין, גוזלי עולה – הן בני יונה, וכולן עולות, דברי רבי יהודה!

כי אתא רב דימי אמר, אמרי במערבא: גזירה משום חטאת שמתו בעליה. ומי חיישינן? והתנן: השולח חטאתו ממדינת הים – מקריבין אותה, בתוקף שהוא קיים.

אלא: משום חטאת שמתו בעליה ודאי, ונברור ארבעה זוזי, ונשדי במיא, והנך נישתרו. רבי יהודה לית ליה ברירה.

מנא לן? אילימא מהא דתנן: הלוקח יין מבין הכותיים ערב שבת עם חשכה, עומד ואומר: שני לוגין שאני עתיד להפריש – הרי הן תרומה.

The Gemara explains: **New shekels, these are the shekels of each and every year that arrive on time; old shekels, these are for one who did not donate a shekel the previous year, who must donate the next year; nests, these are the turtledoves brought as offerings; young birds for burnt-offerings, these are pigeons; and all these birds are burnt-offerings; this is the statement of Rabbi Yehuda.** Rabbi Yehuda maintains that there was no container for nests of obligatory sin-offerings and burnt-offerings, due to the potential mixture between the two. In any case, this shows that Rabbi Yehuda does rely on inscriptions written on containers, which contradicts the above claim that he does not rely on writing in these situations.

**When Rav Dimi came from Eretz Yisrael to Babylonia he said: They say in the West, Eretz Yisrael, that this is a rabbinic decree due to the possible presence in the mixture of a sin-offering whose owners have died.** Since a sin-offering of this kind must be left to die, if one of the donors of the coins in the sin-offering horn passes away, his funds cannot be used. The Gemara asks: **And are we concerned about the possible death of a donor? But didn't we learn in a mishna: With regard to one who sends his sin-offering<sup>N</sup> from overseas,<sup>H</sup> they sacrifice it for him on the presumption that he is alive,** although he might have died in the meantime. This shows that the possibility of death is not taken into account.

Rather, Rabbi Yehuda's concern is **due to a sin-offering whose owner has certainly died**, lest it be confirmed that one of the people who donated money for a sin-offering bird has indeed died. The Gemara asks: Even so, this can be rectified, as **let us select four zuz, the price of such an offering, and throw them into the water to be destroyed.** It may be said that the money removed from the box was the money for the sin-offering whose owner died, **and these other coins will be permitted.** It will be clarified retroactively that these coins were designated for that purpose. The Gemara answers: **Rabbi Yehuda does not accept the rule of retroactive clarification.<sup>N</sup>** In his opinion, one cannot issue a designation after the fact. Consequently, he rejects this solution.

The Gemara asks: **From where do we derive that this is indeed Rabbi Yehuda's opinion? If we say it is derived from that which we learned in the following mishna, there is a difficulty.** The mishna states: With regard to **one who buys wine from among the Samaritans,<sup>NH</sup> who do not tithe their produce properly, on Shabbat eve at nightfall and has no time to separate the tithe before Shabbat and to place the separated portions in distinct locations, he may arise and say: Two log of the one hundred log present here, which I will separate in the future, after Shabbat, shall be the teruma gedola** given to a priest, as the Sages mandated that one-fiftieth of one's produce constitutes an average measure of *teruma*;

NOTES

**הלוקח יין מבין הכותיים** – השולח חטאתו: It has been suggested that this is referring specifically to the offering of a woman or a bird brought as a sin-offering. As in the case of other sin-offerings, the donor is required to place his hands on the animal prior to its slaughter. Admittedly, this rite is not indispensable, but it is still preferable for the donor to be present (*Me'iri*).

**ברירה** – Retroactive clarification: The concept of retroactive clarification features in various halakhic contexts. The issue is as follows: Once an event has happened, may one behave as though its outcome was premeditated, thereby making the result retroactively correct? For example, may the wine remaining in a jug be considered *teruma* retroactively? In all cases of retroactive clarification it is not merely a matter of discovering the previous status but of behaving as though something that was determined only later was actually in effect at an earlier point in time. The halakhic conclusion is that one may not apply the concept of retroactive clarification to cases involving Torah law, but one may with regard to rabbinic law.

**הלוקח יין מבין הכותיים**: The halakhic status of Samaritans was uncertain in mishnaic times. Some *tanna'im* maintain that Samaritans were proper converts and therefore halakhically Jewish. Nevertheless, because they rejected all the books of the Bible other than the Torah, as well as the authority of the Oral Law, they were viewed as sinful Jews who could not be trusted completely. Other *tanna'im* label them lion converts, in reference to the fact that they converted only due to their fear of the lions that attacked them, which rendered their conversion somewhat questionable (see II Kings, chapter 17). Yet others consider their behavior so deviant that they were no better than gentiles. The early commentaries debate which approach is accepted by the mishna cited here. On the one hand, this mishna permits the purchase of wine from Samaritans, which suggests that they are not considered gentiles, as wine of gentiles is classified as wine poured as a libation to idolatry and may not be drunk. On the other hand, the mishna rules that *terumot* and tithes must be separated from their wine. See *Tosafot* for several ways to reconcile this apparent contradiction.