

The Soncino Babylonian Talmud

Folios 2a-34a



TEMURAH

**TRANSLATED INTO ENGLISH
WITH NOTES**

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T'murah 2a

CHAPTER I

MISHNAH. ALL PERSONS CAN EXCHANGE,¹ MEN AS WELL AS WOMEN; NOT THAT ONE IS PERMITTED TO EXCHANGE,² BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED,³ AND HE RECEIVES FORTY LASHES.⁴

GEMARA. [The Mishnah] contains a contradiction in itself. You say: ALL PERSONS CAN EXCHANGE, implying that it is [permissible to exchange in the first instance] and [then it says]: NOT THAT ONE IS PERMITTED TO EXCHANGE, implying, only after it has been done?⁵ — But how can you understand it that ALL PERSONS CAN EXCHANGE in the first instance! In that case, instead of bringing a contradiction from the Mishnah, you could rather bring it from the Scriptural verse, since it says: He shall not alter it nor change it!⁶

Rab Judah therefore said: What [the Mishnah] means is this: ALL PERSONS CAN EFFECT AN EXCHANGE,⁷ MEN AS WELL AS WOMEN;⁸ NOT THAT ONE IS PERMITTED TO EXCHANGE, BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED, AND HE RECEIVES FORTY LASHES. What additional case is included by [the word] ALL?⁹ — It includes the case of an heir,¹⁰ and [the Mishnah] will not be in accordance with the view of R. Judah,¹¹ for it has been taught:¹² An heir can lay hands [on the head of a sacrifice];¹³ an heir can effect exchange [with his father's dedication].

This is the teaching of R. Meir; whereas R. Judah says: An heir cannot lay hands [on the head of a sacrifice] nor can an heir affect exchange [with his father's dedication]. What is R. Judah's reason? —

We infer the case of a preliminary act in the dedication¹⁴ from the case of a final act in the dedication.¹⁵ Just as in the case of the final act, an heir cannot lay hands [on the head of a sacrifice], so in the case of the preliminary act, an heir cannot effect exchange [with his father's dedication]. And how do we know this in the case of laying on of hands itself?¹⁶ —

Three times the expression his offerings¹⁷ is used: One [intimates that] 'his offering' [requires laying on of hands], but not that of a gentile. One [that] 'his offering', but not that of his fellow. And one 'his offering' but not his father's dedication.¹⁸ But as for R. Meir, who rules that an heir can effect exchange [with his father's dedication], surely 'his offering' is written?¹⁹ — He needs this in order to include partners in a sacrifice²⁰ as requiring to perform laying on of hands. And [what does] R. Judah [say to this]?²¹ —

He does not hold that partners in a sacrifice must perform laying on of hands.²² What is the reason? Because their sacrifice is not designated.²³ Or if you prefer [another solution] I may say that R. Judah may still be of the opinion [that partners in a sacrifice must perform laying on of hands] but he derives the cases both of the sacrifice of a gentile and a fellow's sacrifice²⁴ from the one text.²⁵ There is left over therefore one text, from which we derive that partners in a sacrifice must perform laying on of hands.²⁶ And as to R. Meir, who rules that an heir can exchange [with his father's dedication] what is his reason? —

He can tell you: [Scripture says:] And if he shall at all change,²⁷ to intimate that an heir can change.

(1) This unconsecrated animal for that consecrated animal.

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- (2) Since Scripture says: Nor change it (Lev. XXVII, 10).
- (3) Thus both animals become sacred.
- (4) For violating the prohibitory law of 'nor change it'.
- (5) Is the exchange effective, but not that it is directly permissible.
- (6) Ibid.
- (7) So that the substituted animal becomes sacred whilst the original animal retains its sanctity.
- (8) Even the exchange by a woman renders the substituted animal sacred.
- (9) Besides the MEN and WOMEN actually mentioned.
- (10) Who exchanges a sacrifice which his father consecrated during his lifetime.
- (11) Who holds that an heir cannot effect an exchange with his father's dedication.
- (12) Men. 93a; 'Ar. 2a.
- (13) If the father was unable to do so during his life-time.
- (14) E.g., that of exchanging.
- (15) I.e., that of laying on of hands on the animal's head, which act is prior to sacrificing it.
- (16) That an heir cannot perform this.
- (17) And if his offering be a sacrifice of a peace-offering (Lev. III, 1). And if his offering for a sacrifice unto the Lord be of the flock (Ibid. 6). And if he offer a lamb for his offering (Ibid. 7). And in each text the law of 'laying on of hands' is laid down.
- (18) R. Judah therefore deduces from here that an heir cannot lay hands on his father's dedication.
- (19) Thus intimating that an heir cannot lay hands on his father's dedication.
- (20) If, for example, two or three people share one sacrifice, we apply to each partner the text 'his offering' and thus they all have to lay hands on the animal prior to killing it.
- (21) If the text is interpreted for this purpose, how can he infer his ruling that an heir cannot lay hands?
- (22) He is of the opinion that an offering brought by partners does not require the laying on of hands.
- (23) As belonging specifically to any one of the partners. Consequently R. Judah can still maintain that the text 'his offering' excludes a father's dedication from the need of the laying on of hands.
- (24) As being excluded from the laying on of hands
- (25) The expression 'his offering' implies the exclusion of the sacrifice by an agent, whether Jew or gentile, from the law of laying on of hands. For it cannot be said to be solely for the

purpose of excluding the sacrifice of a gentile from the laying on of hands, since this is already derived from another Biblical text as explained in Men. 93a.

(26) And there still remains a third text of 'his offering' to imply that laying on of hands is not required in connection with a father's dedication, since a father's sacrifice might naturally be regarded as one's own and consequently subject to the laying on of hands. There is need therefore for a special text to inform us that this is not so.

(27) Lit., 'changing he shall change'. The reduplicated expression enables us to infer that an heir's exchange of his father's sacrifice is effective.

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We infer then the case of a final act in the dedication¹ from the case of a preliminary act in the dedication.² Just as in the case of the preliminary act, an heir can effect exchange [with his father's dedication], so in the case of the final act, an heir can lay on hands. And what will R. Judah do with the text: 'And if he shall at all change'?³ —

It is to include [the exchange by] a woman, and as it is taught: Since the whole context [of exchanging] speaks only of the masculine gender, as it says: He shall not alter it nor change it,⁴ whence do you derive that the same applies to a woman? The text therefore states:⁵ 'And if he shall at all change',⁶ in order to include a woman. And whence does R. Meir⁷ derive that a woman [can effect an exchange]? — He derives it from the Waw ['and'].⁸ And [what does] R. Judah [say to this]? —

He does not interpret the waw.⁹ Now according to the view both of R. Meir and of R. Judah, the reason [why the law of substitution applies to a woman] is because Scripture expressly included the case of a woman,¹⁰ but if it had not included it, I might have thought that when she exchanged she was not punishable [with lashes].¹¹ Surely Rab Judah reported in the name of Rab and likewise a Tanna of the

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School of R. Ishmael taught: [Scripture says:] When a man or woman shall commit any sin that men commit;¹² Scripture thus places woman on a par with man in respect of all the penalties mentioned in the Torah!—

You¹³ might be under the impression¹⁴ this is the case only as regards a penalty which applies equally, both to the individual and the community, but there,¹⁵ since the penalty does not apply equally in all cases, for we have learnt: A community or partners cannot effect an exchange,¹⁶ therefore in the case of a woman also if she performed an exchange she would not be punishable [with lashes]. Hence we are informed [that this is not so].

Rami b. Hama asked: Can a minor effect an exchange? What kind of case do you mean? Shall I say, it is the case of a minor who has not yet reached the stage of [legal] vows?¹⁷ Surely there should be no question about this, for since he is unable [legally] to dedicate, how can he effect an exchange? —

Rather the case is that of a minor who has reached the stage of [legal] vows.¹⁸ Do we say, seeing that a Master said: [Scripture could have stated:] When a man shall utter a vow of persons. Why then does it say: If a man shall clearly utter¹⁹ a vow? It is in order to include ‘a doubtful person²⁰ next to a man’ in that his dedication is valid.²¹ Now do we say that since he can dedicate, he can effect an exchange? Or, perhaps, since a minor is not punishable,²² he cannot effect an exchange?²³ And if you were to maintain that a minor can effect an exchange, since ultimately he comes into the category of being punishable,²⁴ can a gentile effect an exchange? Should we say, since he can legally dedicate an animal for sacrifice, as it has been taught: [Scripture says:] A man, a man [of the house of Israel].²⁵ What need is there for Scripture to repeat ‘man’? It is in order to intimate that the gentiles can make votive freewill-offerings like the

Israelites;²⁶ [do we say that] they therefore can also effect an exchange? Or perhaps since [they] never come into the category of being punishable,²⁷ [do we say that] when an exchange is performed by them [the animal] is not sacred? —

Said Raba, Come and hear: For it has been taught, No secular use may be made of the dedications of gentiles, but the law of sacrilege does not apply to them.²⁸ Nor are [these] subject to the law of piggul,²⁹ nothar,³⁰ and uncleanness. [Gentiles] cannot effect an exchange, nor can they bring drink-offerings,³¹ but the animal offering [of a gentile] requires [the accompaniment of] drink-offerings. These are the words of R. Simeon.

R. Jose said: In all [these things]³² I favor the strict view.³³ This³⁴ applies only to things dedicated for the altar,³⁵ but with things dedicated [for their value] to be used for Temple needs, the law of sacrilege applies. At all events [the Baraitha] says: [Gentiles] cannot effect an exchange.³⁶ And what does Rami b. Hama [say to this]?³⁷ —

My inquiry does not refer to a case where a gentile dedicates [an animal] for his own atonement.³⁸ My inquiry has reference to a case where a gentile dedicated an animal so that an Israelite may be atoned for [by its sacrifice]. Do we go by the person who consecrates³⁹ or by the person for whom atonement is made?⁴⁰ But why not solve this question from what R. Abbuha said? For R. Abbuha reported in the name of R. Johanan: [Only] he who dedicates must add a fifth,⁴¹ and he who is to procure atonement can effect an exchange,⁴² and if one separates [the priestly due] from his own [grain]

(1) The laying on of the hands which is prior to the sacrificing of the animal.

(2) The exchanging of an unconsecrated animal for a consecrated one.

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(3) Why the reduplicated expression, since he holds that an heir cannot effect exchange with his father's dedication?

(4) Lev. XXVII, 10.

(5) V. supra n. 4.

(6) The reduplicated expression when the one word 'he shall change' would have sufficed.

(7) Who needs the text 'and if he shall at all change' in order to include the case of an heir.

(8) As Scripture could have said simply, 'If he shall at all change, etc.' without the 'and'.

(9) The Waw in וְאֵל does not call for a special interpretation.

(10) Stating that the exchange is effective.

(11) I.e., that her exchange is not holy.

(12) Num. V, 6.

(13) The phrase 'it is necessary' is omitted with Sh. Mek.

(14) Var. lec. (v. Rashi): You might be under the impression that this is the case, viz., that a woman is placed on a par with man with reference only to a prohibition where an action is involved (e.g., the desecration of the Sabbath, etc.) but in the case of a prohibition where no action is involved (as, for example, the exchanging of an unconsecrated animal for a consecrated one, where the words themselves constitute an action) I might have thought that she is not punishable with lashes, hence we are informed otherwise.

(15) With reference to exchanging.

(16) Infra 13a.

(17) I.e., if he is less than twelve years and a day. At that age, even if he knows to whom he vows and dedicates, his word is of no importance. From the age of thirteen years and a day, however, his vows and dedications are legal, even if he is not conscious of their significance.

(18) I.e., the age of twelve years and a day, when his vows and consecrations are subject to examination as to whether he realizes their import.

(19) Heb. Ki yafli (Lev. XXVII, 2).

(20) Heb. Mufla.

(21) I.e., a boy near the age of religious majority.

(22) Till the age of thirteen years and one day.

(23) For Scripture says: He shall not alter it nor change it... . Then it and the exchange thereof shall be holy. We therefore say anyone to whom this prohibitory law and the penalty attached thereto apply, can perform an exchange, but as the prohibition and the penalty are not relevant to a minor, therefore his exchange is not valid.

(24) With the penalties mentioned in the Torah when he attains his religious majority.

(25) Lev. XVII, 8. E.V. 'whatsoever man there be of the house of Israel'.

(26) Naz. 62a; Men. 73b.

(27) As the Biblical commands and prohibitions do not apply to them.

(28) V. Lev. V, 15ff.

(29) A sacrifice rejected in consequence of improper intention in the mind of the officiating priest, to eat it beyond the prescribed time limit, v. Glos.

(30) Portions of the sacrifice left over beyond the legal time, v. Glos.

(31) They cannot offer drink-offerings for the altar without bringing a sacrifice at the same time, unlike an Israelite.

(32) Relating to sacrilege, Piggul, etc.

(33) That sacrifices of gentiles are subject to the respective laws, the only exception being drink-offerings, which they cannot bring.

(34) The teaching of the first Tanna in the above Baraitha that says: Dedications of gentiles are not subject to the law of sacrilege.

(35) I.e., an animal sacrificed.

(36) Which solves the above query of Rami b. Mama regarding a gentile.

(37) Why does he inquire, since it is explicitly mentioned in the Baraitha.

(38) Lit., 'so that a gentile may be atoned for'. There is no doubt that in such a case the gentile cannot effect an exchange, since he does not come into the category of being punishable.

(39) And the consecrator being a gentile cannot effect an exchange.

(40) Who is an Israelite and punishable and therefore an unconsecrated animal can be substituted for it, both animals thus becoming sacred.

(41) Where a man dedicates his house or field, the owner, if he is desirous of redeeming it, must add a fifth. But if a stranger redeems it, Scripture does not make it incumbent upon the redeemer to add a fifth, v. Lev. XXVII, 15.

(42) Since the animal was consecrated for his benefit we regard it as his offering, because we go by the person for whom atonement is made.

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for [the untithed grain of] his fellow,¹ the power of disposing of it² belongs to him [who separated].³ What does Rami b. Hama [say to this]?⁴ —

There,⁵ [as the dedication] came through the agency of an Israelite, we go by him to whom atonement is made and thus both the beginning⁶ and the end⁷ are in the hand of an Israelite. But here,⁸ the question is: Do you require that both the beginning and the

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end should remain in the control of one who can effect an exchange,⁹ or not?¹⁰ The question remains undecided. The Master said: ‘No secular use may be made of dedications of a gentile, but the law of sacrilege does not apply to them’. [The ruling that] no secular use may be made of them is Rabbinical,¹¹ and that the law of sacrilege does not apply to them is Biblical. What is the reason? —

It is written: If a soul commit a trespass and sin through ignorance.¹² We draw an analogy between [the word] ‘sin’ here and sin mentioned in connection with terumah;¹³ and with reference to Terumah it is written: The children of Israel,¹⁴ [intimating] but not gentiles.¹⁵ ‘Nor are these subject to the law of Piggul, Nothar and uncleanness; because in connection with uncleanness it is written: Speak unto Aaron and unto his sons that they separate themselves from the holy things of the children of Israel¹⁶ and that they profane not My holy name, etc.;¹⁷ and we infer that Nothar [does not apply to the dedications of gentiles] by means of an analogy between the word ‘profaned’¹⁸ and the word ‘profaned’ mentioned in connection with the law of uncleanness: with reference to uncleanness it is written: ‘The children of Israel and that they profane not, etc.’ and in connection with Nothar it is written: Therefore everyone that eateth it shall bear his iniquity because he hath profaned the hallowed things of the Lord.¹⁹

And we derive the case of piggul²⁰ by means of an analogy between the word ‘iniquity’²¹ and the word ‘iniquity’ mentioned in connection with Nothar; for in connection with Piggul it is written: And the soul that eateth of it shall bear its iniquity.²² And in connection with Nothar it is written: Therefore everyone that eateth it shall bear his iniquity for he hath profaned the hallowed things of the Lord,²³ and so in connection with all [these cases²⁴ we apply the text] ‘the children of Israel’²⁵ but not

gentiles. ‘Gentiles cannot effect an exchange’, because it is written: He shall not alter it nor change it,²⁶ and earlier in the context it is written: Speak unto the children of Israel and say unto them when a man shall clearly utter a vow of persons,²⁷ [thus referring to the children of Israel and not to gentiles].

Another version: Gentiles cannot effect an exchange. What is the reason? There is an analogy between the exchange of an animal and the tithing of animals,²⁸ and there is also an analogy between animal tithing and the tithing of grain;²⁹ and in connection with the tithing of grain it is written: But the tithes of the children of Israel which they offer unto the Lord;³⁰ ‘the children of Israel’ but not gentiles.³¹ ‘Nor can they bring drink-offerings, but the animal offering of a gentile requires [the accompaniment of] drink-offerings. These are the words of R. Simeon.’ Whence is this proved? —

Our Rabbis have taught: [Scripture says:] All that are home born;³² a home born³³ brings drink-offerings but the gentile does not bring drink-offerings. One might think that a burnt-offering of a gentile does not require drink-offerings! The text therefore states: After this manner.³⁴ ‘Said R. Jose: In all these cases I favor the strict view’. What is the reason? — The words ‘unto the Lord’³⁵ are used [in connection with the dedications of gentiles].³⁶ ‘This applies only to things dedicated for the altar, but with things dedicated [for their value] to be used for Temple needs, the law of sacrilege applies’. What is the reason? — Since when we derive the law of sacrilege on the basis of the analogy of ‘sin’ and ‘sin’³⁷ mentioned in connection with terumah,³⁸ there must be some resemblance to Terumah which is dedicated as such.³⁹ But with things dedicated to be used for Temple needs, which are dedicated for their value, the case is not so.

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Rab Judah reported in the name of Rab: In the case of every negative command mentioned in the Torah [the transgression of] which involves action is punishable with lashes, but if it involves no action, it is exempt [from lashes]. And is this a general rule, that a negative command [the transgression of which] does not involve an action is not punishable with lashes? But is there not the case of one who exchanges [an unconsecrated animal for a consecrated animal] which involves no action,⁴⁰ and yet it is punishable [with lashes]? For we have learnt: **NOT THAT ONE IS PERMITTED TO EXCHANGE, BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED AND HE RECEIVES FORTY LASHES!** —

Rab can answer you: This [our Mishnah] is the opinion of R. Judah who holds: A negative command [the transgression of] which involves no action is punishable with lashes. But how can you explain the Mishnah in accordance with the view of R. Judah, surely have we not explained the first clause [of the Mishnah] as not being in accordance with the view of R. Judah? For the Mishnah states: **ALL PERSONS CAN EXCHANGE;** [and it was asked]: What does Hakkol [all] include? [And the answer was that] it includes the case of an heir, not in accordance with R. Judah!⁴¹

This Tanna [of the Mishnah] agrees with R. Judah on one point, [namely] that a negative command [the transgression of] which involves no action is punishable with lashes, but differs from him in another point, for whereas R. Judah holds that an heir cannot lay hands [on the head of his father's sacrifice] and that an heir cannot effect an exchange, our Tanna holds that an heir can lay hands [on the head of his father's sacrifice] and can effect an exchange.

R. Iddi son of R. Abin reported in the name of R. Amram, R. Isaac and R. Johanan: [R. Judah reported]⁴² in the name of R. Jose

the Galilean: In respect of every negative command laid down in the Torah, if one actually does something [in transgressing it], he is punishable with lashes ‘ but if he does not actually do anything [in transgressing it] he is not punishable, except in the cases of one who takes an oath, exchanges [an unconsecrated animal for a consecrated animal], and curses his fellow with the Name,⁴³ in which cases though he committed no action, he is punished [with lashes].

[The Rabbis] said in the name of R. Jose son of R. Hanina: In the case also of one who named⁴⁴ Terumah before bikkurim.⁴⁵ Whence do we derive that one who takes an oath is punishable [with lashes]? —

R. Johanan reported in the name of R. Meir:⁴⁶ [Scripture says:] For the Lord will not hold him guiltless that taketh his Name in vain;⁴⁷ thus intimating that the Heavenly tribunal

- (1) In order to exempt his neighbor's grain from tithes.
- (2) Lit., ‘the pleasure of (conferring) a benefit’, i.e., the satisfaction one feels in obliging somebody.
- (3) Rami b. Hama could thus solve his query from R. Abbuha's statement.
- (4) So Sh. Mek. Cur. edd. ‘he said to him’.
- (5) In the case cited by R. Abbuha.
- (6) The consecration of the animal.
- (7) The sacrificing for atonement.
- (8) With reference to Rami b. Hama's inquiry.
- (9) I.e., an Israelite whose substitution makes the animal sacred. But where in the beginning the animal's dedication was through a gentile, although the atonement was for an Israelite, its exchange is not holy.
- (10) And since the person for whom atonement is made is an Israelite who can effect an exchange, although the consecrator is a gentile, the exchange is sacred.
- (11) For since the law of sacrilege does not apply to them, then necessarily the prohibition of making secular use of the dedications of a gentile can only be of a rabbinical character; and this leniency is indicated by the fact that other laws like Piggul, etc. do not apply to them.
- (12) Lev. V, 15.

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- (13) V. Num. XVIII, 32. On Terumah v. Glos. s.v.
- (14) Ibid. 28.
- (15) That the grain of a gentile is not subject to Terumah.
- (16) Thus excluding gentiles.
- (17) Ibid. XXII, 2.
- (18) Mentioned in connection with Nothar.
- (19) Lev. XIX, 8. And just as the laws of ritual uncleanness do not apply to the sacrifice of a gentile, since it says the children of Israel, so the law of Nothar does not apply to the dedication of a gentile.
- (20) That it does not apply to a gentile dedication.
- (21) Used with reference to Piggul.
- (22) Ibid. VII, 18.
- (23) Ibid. XIX, 8.
- (24) Nothar, Piggul and uncleanness.
- (25) Because all are compared to the law of ritual uncleanness where Scripture explicitly mentioned the ‘children of Israel’.
- (26) Ibid. XXVII, 10.
- (27) Ibid 2.
- (28) V. infra 13a.
- (29) V. Bk. 53b.
- (30) Num. XVIII, 24.
- (31) The same ruling which excludes a gentile therefore applies to animal tithing, as both kinds of tithing come under the term of Ma'aser (tithe); and on the basis of this, by reason of the analogy mentioned above between an exchanged animal and a tithed animal, we derive the ruling that a gentile cannot effect an exchange.
- (32) Num. XV, 13.
- (33) I.e., a Jew.
- (34) Num. XV, 13. The emphatic expression ‘after this manner’ intimates the indispensableness of bringing drink-offerings in connection with animal sacrifices.
- (35) Lev. XXII, 18.
- (36) For the words ‘a man, a man’ in this passage which are explained as including the consecrations of gentiles are followed by ‘unto the Lord’, thus intimating that gentile dedications are subject to the same laws as those of Israelites.
- (37) V. supra 7.
- (38) Num. XVIII, 22.
- (39) And not merely for its value.
- (40) One only pronounces the words: ‘This unconsecrated animal shall be instead of that consecrated animal’.
- (41) V. supra 2a.
- (42) V. Mak. 16a; Shebu. 21a.
- (43) Of the Deity. And although in all these instances no action is performed, the transgression is punishable with lashes, as will be subsequently explained.

(44) Not actually separating the Terumah, for this would be an action but merely casting his eyes over a portion of the grain and saying that it should be Terumah.

(45) ‘The first fruits’, the correct order of separating dues being first Bikkurim and then Terumah.

(46) In Shebu. 21a the name given is that of R. Simeon b. Yohai.

(47) Ex. xx, 7.

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will not hold him guiltless but the earthly tribunal punish him [with lashes] and hold him guiltless.¹

Said R. Papa to Abaye: Why not say that the meaning of the text is that the earthly tribunal will not punish him at all?² — He replied to him: If this be the case, let Scripture state: He shall not hold him guiltless, and say no more; what is the need for the word ‘the Lord’? In order to intimate: It is the Heavenly tribunal which will not hold him guiltless, but the earthly tribunal punish him [with lashes] and hold him guiltless. We find therefore [Biblical authority] for the case of a vain oath.³ Whence do we derive that [one is punishable with lashes] for a false oath?⁴ —

R. Johanan himself⁵ said: [The expression] in vain [is stated] twice.⁶ If it⁷ has no bearing on the subject of a vain oath, apply it to the case of a false oath, as intimating that one is punishable [with lashes].

To this R. Abbuha demurred: How is a false oath to be understood? Shall we say, if he said: ‘I will not eat and he did eat? But in that case he performed action!⁸ On the other hand where he said: ‘I will eat’, and he did not eat, would he be punishable [with lashes in such a case]? Has it not been stated:⁹ If he says, ‘I swear that I will eat this loaf to-day’ and the day passed and he did not eat, both R. Johanan and R. Simeon b. Lakish hold that he is not punishable with lashes.

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R. Johanan says: He is not punishable [with lashes] because it is a negative command [the transgression of] which involves no action, and for breaking a prohibitory law which does not involve an action one is not punishable [with lashes]; whereas R. Simeon b. Lakish says: He is not punishable with lashes because he can be given only a doubtful warning,¹⁰ and a doubtful warning cannot render one punishable [with lashes]!

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Rather said R. Abbuha: Let the case of a false oath then be if he says: ‘I have eaten’ or ‘I have not eaten’.¹¹ And why is the case if he says: ‘[I swear] I have eaten’ or ‘[I swear] I have not eaten’ different?¹² —

Said Raba: The Torah plainly implies a false oath similar to a vain oath. Just as a vain oath refers to the past,¹³ so a false oath also refers to the past.¹⁴

R. Jeremiah cited the following in objection to R. Abbuha: If he says, ‘I swear that I will not eat this loaf’, ‘I swear I will not eat it’, ‘I swear I will not eat it’¹⁵ and he ate it, he is punishable only on one count,¹⁶ and this is the ‘oath of utterance’¹⁷ for which one is liable to lashes if it is willfully broken, and to a sliding scale sacrifice¹⁸ if in error.¹⁹ Now what case does the expression ‘This is’ exclude?²⁰ Is it not surely the case of one who says: ‘I swear I have eaten’ or ‘I swear I have not eaten’ that he is not lashed?²¹ —

No. [This is what it means:] This is [an example of an oath of utterance] for which, if broken in error, one brings a sacrifice, but where he says: ‘I swear I have eaten’ or ‘I have not eaten’, he does not bring a sacrifice.²² And whose opinion is this? That of R. Ishmael who says: One is liable to bring [a sacrifice for an oath of utterance] only when the oath relates to the future.²³ But [you may say that] he is punishable [with lashes];²⁴ read then the second clause:²⁵ ‘This is a vain oath for which one

is punishable with lashes if it is willfully broken, and if in error, one is exempt’.²⁶ Now what case does [the word] ‘This is’ exclude? Is it not surely the case of one who says ‘I swear I have eaten’ or ‘I swear I have not eaten’, so that he is not punishable with lashes?²⁷ —

No. [It means this:] This is [a case of a vain oath] where if it is broken in error, one is exempted from bringing a sacrifice, but where one says ‘I swear I have eaten’ or ‘I swear I have not eaten’, he brings a sacrifice. And whose opinion is this? That of R. Akiba who says: One brings a sacrifice [for an oath of utterance] even if it relates to the past. But have you not explained that the first clause is the opinion of R. Ishmael?²⁸ Rather [we must say,] since the second clause is the opinion of R. Akiba, therefore the first clause will also be the opinion of R. Akiba; and the first clause therefore will not exclude the case of one who says ‘I have eaten’ or ‘I have not eaten’²⁹ but will exclude the case of one who says ‘I shall eat’ or ‘I shall not eat’.³⁰ And what is the difference?³¹ — Where [it] speaks of the future,³² it excludes something relating to the future;³³ but where it speaks of the future, would it exclude something relating to the past?³⁴ ‘And one who exchanges’.

Said R. Johanan to the Tanna:³⁵ Do not read: ‘And one who exchanges’,³⁶ because his very words³⁷ constitute an action.³⁸ ‘And he who curses his fellow with the Name’. Whence is this proved? — R. Eleazar reported in the name of R. Oshaia: The verse says: If thou wilt not observe to do, etc.³⁹ And it says: Then the Lord will make thy plagues wonderful.⁴⁰ Now I do not know in what this ‘wonder’ consists.⁴¹ But when Scripture says:⁴² That the judge cause him to lie down to be beaten,⁴³ this shows that [the] ‘wonderful’ [punishment]⁴⁴ means [punishment with] lashes. But why not say that it⁴⁵ refers even to a true oath?⁴⁶ — It is explicitly stated:⁴⁷

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Then shall the oath of the Lord be between them.⁴⁸ But why not say that this⁴⁹ is only with the object of appeasing his neighbour,⁵⁰ but that in reality he is punished [with lashes]?⁵¹ — You cannot say this. For is it not written: And shalt swear by his Name?⁵² But we need this text in order to derive the ruling of R. Giddal? For R. Giddal said: Whence do we derive that one may swear to observe the commandments,⁵³ for it says: I have sworn and I will perform it that I will keep thy righteous judgments?⁵⁴ —

Is there not however another text, And to him shalt thou cling and swear by his Name?⁵⁵ Then what does the text, [‘If thou wilt not observe to do’] come to teach us? That one who curses his fellow with the Name is punishable [with lashes].⁵⁶ But why not say that the text refers to one who pronounces the Lord's name for no purpose?⁵⁷ —

Is then one who curses his fellow with the Name less culpable than one who pronounces the Lord's name for no purpose? — Our question is really this: Why not say that for one who pronounces the Lord's name for no purpose the punishment of lashes will suffice, but if one curses his fellow with the Name, since he commits two [forbidden things], first in pronouncing the Lord's name for no purpose and then in vexing his fellow, therefore punishment with lashes should not be sufficient?⁵⁸ —

- (1) By means of lashes his sin will be atoned.
- (2) Since no action is involved in taking an oath, therefore no punishment at all is inflicted.
- (3) That one is punishable with lashes. A vain oath means if one swears to that which is universally known to be otherwise, e.g. saying of a stone column that it is gold.
- (4) If one swears to the opposite of the truth, e.g., ‘I have eaten’ when he has not.
- (5) Without reporting it in the name of some other teacher.
- (6) In the same verse Ex. XX, 7.
- (7) The additional repetition of ‘in vain’.

(8) And therefore it is only right that he should be punishable with lashes, for he ate and took an action in transgressing the oath.

(9) Pes. 63b; Mak. 15b; Shebu. 3b, 21a.

(10) One swears he will do a certain thing during the day when the actual moment of the offence (of omission) cannot be defined, so as to make the warning precede immediately. Here too when he is warned to eat the loaf of bread, he can say he has plenty of time and has no fear of the warning. And even if the day passed, he can still plead that he forgot both the oath and the warning. Consequently he is not liable to punishment with lashes.

(11) Referring to what has already taken place, so that no action is involved in the violation of the oath.

(12) That you include if he says ‘I have eaten’ and he did not eat as punishable with lashes and you exclude from punishment if he says ‘I will eat’ and he did not eat, since in both cases the transgressions do not involve an action. Sh. Mek. deletes the words ‘I will eat and he did not eat’ that follow.

(13) For if he swears concerning a column of stone that it is gold, this refers to the past, for in the past, before he took the oath, it was a stone, as it is now (Rashi).

(14) E.g., if he says: ‘I swear I have eaten’ or ‘I have not eaten’, whereas ‘I will eat’ refers to the future. And just as one is liable to lashes for the vain oath as explained above, similarly one is liable to lashes for a false oath.

(15) Uttering the same oath three times.

(16) For one oath cannot be superimposed on another.

(17) Of which Scripture says: Pronouncing with his lips to do evil or to do good (Lev. v, 4). It is an oath which neither benefits nor injures anybody.

(18) According to pecuniary conditions.

(19) V. Shebu. 27b.

(20) So that one is not liable to lashes if he offends willfully.

(21) For although it is an ‘oath of utterance’ it is not punishable with lashes, since Scripture says ‘to do evil or to do good’, implying the future and excluding the past, e.g., ‘I have eaten’, etc. At all events, we have not yet found a definition of what constitutes a ‘false oath’ which we say above is punishable with lashes.

(22) For the Scriptural verse: ‘To do evil or to do good’ which refers to the future is mentioned in connection with the bringing of a sacrifice. But there would be the punishment of lashes where he says. ‘I have eaten’ as in the case of a vain oath.

(23) For Scripture says: To do evil or to do good (Lev. v, 4); v. Shebu. 25a.

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- (24) If he swears: 'I have eaten' or 'I have not eaten'.
- (25) Of the Mishnah in Shebu. 27b.
- (26) v. Shebu. 29a.
- (27) This therefore contradicts the inference from the first clause above.
- (28) Who says that a sacrifice is brought only when the oath has reference to the future. How then can you have the same Mishnah holding contrary opinions?
- (29) So that if one says: 'I have eaten' or 'I have not eaten' one would certainly be bound to bring a sacrifice if he swore in error, since we accept the opinion of R. Akiba on this point.
- (30) From the bringing of a sacrifice.
- (31) That I exclude from the first clause the case of 'I will eat' from bringing a sacrifice and include the case of 'I have eaten' in the second clause as being bound to bring a sacrifice.
- (32) 'I will not eat it', mentioned in the first clause.
- (33) The case of 'I will eat' and he did not eat.
- (34) E.g., 'I have eaten' or 'I have not eaten'. For fuller notes v. Shebu. (Sonc. ed.) 27b et seq.
- (35) V. Glos. s.v. (b).
- (36) As being one of the exceptions of a transgression involving no action for which one is lashed.
- (37) 'This unconsecrated animal be exchanged for that consecrated animal'.
- (38) For the unconsecrated animal becomes sacred.
- (39) Deut. XXVIII, 58. The passage continues: That thou mayest fear this glorious and fearful name, the Lord thy God, i.e., that one should not utter the Deity's name in vain and similarly one who curses his neighbor with the Name, utters God's name in vain.
- (40) In verse 59 which follows.
- (41) What exactly is the nature of the punishment referred to when Scripture says וְהַפְלִיא, He will make... wonderful.
- (42) Ibid. XXV, 2.
- (43) Here the word 'beaten' is mentioned in connection with וְהַפְלִיא, the latter word being a similar expression to וְהַפְלִיא, And (the Lord) will make wonderful.
- (44) Alluded to by the word.
- (45) The Scriptural passage above: If thou wilt not observe to do, etc.
- (46) That one is warned not to utter the name of the Deity even with a true oath, under the penalty of lashes.
- (47) That a true oath may be uttered with the Name.
- (48) Ex. XXII, 10.
- (49) That an oath is taken with the Name.
- (50) So that he should not claim money from him.

- (51) For taking an oath with the Name.
- (52) Deut. VI, 13. Thus we see that it is permissible to swear with the Name.
- (53) So that one cannot go back on one's word.
- (54) Ps. CXIX, 106. And therefore there is need for the text: And shalt swear by His name to inform us that one may even utter the Name in an oath which is taken to observe commandments.
- (55) Deut. X, 20. Therefore one of the texts is required in order to deduce the ruling that one can swear with the Name to observe the commandments, and the other, that it is permissible to utter the Name in connection with a true oath.
- (56) Although no action is involved.
- (57) But if one curses one's fellow with the Name, there is no punishment with lashes.
- (58) That atonement with lashes alone is not adequate for the offence.

T'murah 4a

You cannot say this, since it is written: Thou shalt not curse the deaf.¹ Or if you prefer [another solution] I may say:² There is no difficulty [if the text above]³ refers to one who curses his fellow [with the Name]; its warning⁴ in that case would be derived from here, since it is written: Thou shalt not curse the deaf.⁵ But if you say that it refers to one who utters the Lord's name for no purpose,⁶ whence is its warning derived?⁷ — But why not?⁸ But does not Scripture say: Thou shalt fear the Lord thy God and serve Him?⁹ — That text is only a positive admonition.¹⁰ '[The Rabbis] said in the name of R. Jose son of R. Hanina: In the case also of one who names Terumah before Bikkurim.' What is the reason of R. Jose son of R. Hanina? —

The verse says: Thou shalt not delay to offer of the fullness of thy harvest and of the outflow of thy presses.¹¹ 'The fullness of thy harvest', this refers to the bikkurim;¹² 'the outflow¹³ of thy presses', this refers to terumah;¹⁴ and [Scripture] says: Thou shalt not delay.¹⁵ It was stated: If one named Terumah before Bikkurim there is a difference of opinion between R. Eleazar and R. Jose son of R. Hanina. One says he

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is punishable with lashes, while the other says he is not punishable with lashes. You may conclude that it is R. Jose son of R. Hanina who says that he is punishable [with lashes], since R. Jose son of R. Hanina says: Also one who names Terumah before Bikkurim is punishable [with lashes]. On the contrary, you may conclude that it is R. Eleazar who says that he is punishable [with lashes]. For we have learnt:¹⁶ If one has before him two baskets of Tebel [untithed produce] and he says: The tithe of this [basket] shall be in that one, the first basket is considered tithed.¹⁷ [If he says:] The tithe of this one shall be in the other one, and the tithe of the other one in this one, the first is tithed,¹⁸ whereas the second is not tithed.¹⁹ [If he says:] Their tithes shall serve for another, he has named them.²⁰

And it was stated: R. Eleazar says:²¹ He is punishable with lashes because he named the second tithes [of the one basket] before the first tithes of the other.²² This is proved.²³ Then it is R. Jose son of R. Hanina who holds that he is not punishable with lashes.²⁴ Must it then be said that there is a contradiction between the two rulings of R. Jose son of R. Ham'na?²⁵ —

No. R. Jose son of R. Ham'na

(1) Lev. XIX, 14. Implying whether without the Name or with the Name, for which there is a prohibitory law. The texts therefore, 'If thou wilt not observe to do' and 'Then the Lord will make thy plagues wonderful' inform us that there is punishment of lashes for one who curses his fellow with the Name. Aliter: You cannot say that atonement with lashes alone is not sufficient in a case where one curses his fellow with the Name, for by means of an analogy in Sanh. 61a we compare the text 'Thou shalt not curse the deaf' with the text: Nor curse the ruler of thy people (Ex. XXII, 27) and just as in the case of the latter punishment of lashes is sufficient, so in the case of 'the humblest of thy people', i.e., the deaf, lashes are sufficient atonement. The Gemara also explains in Sanhedrin that we are dealing in the text with a case where the Name is uttered (Rashi).

(2) So Rashi.

(3) 'If thou wilt not observe to do'.

(4) in order that the transgression of a prohibition should entail lashes, a text giving the warning is first necessary.

(5) And we have explained that the text implies even with the Name. Therefore here we have the warning, and the punishment of lashes is derived from the text: If thou wilt not observe to do.

(6) And is therefore punishable with lashes.

(7) Where is the Biblical warning that it is forbidden to pronounce the Lord's name for no purpose?

(8) Can we not find a text giving the required warning?

(9) Deut. VI, 13 'which informs us that the Deity's name must be treated with respect.

(10) It is not therefore called a warning. Consequently we explain the text: If thou wilt not observe to do... then the Lord will make thy plagues wonderful as referring to the case of one who curses his fellow with the Name and not to a case of one who pronounces the Lord's name to no purpose.

(11) Ex. XXII, 28.

(12) And the reason why Bikkurim is described as 'fullness' is because soon after the grain is full and ripened it is ready for Bikkurim. Another reason (R. Gershom) is because Bikkurim is given when the grain is still intact, prior to any separation.

(13) דמערך.

(14) Terumah is called dema' (mixture) because the mixing of secular grain with it, to the extent of one hundred and one times its quantity, neutralizes it.

(15) Meaning that the proper sequence of the setting aside of the various priestly dues must be observed.

(16) Dem. VII, 6.

(17) Although he had not actually made the separation.

(18) Because the tithe has been set aside on its behalf from the second basket.

(19) For the first basket is now exempt, and we cannot in turn set aside the tithe from it on behalf of the second basket which is still subject to tithe.

(20) We cannot say here that we are separating what is exempt from tithe on behalf of what is subject to tithe, for in both baskets the separation is viewed as taking place simultaneously and with one declaration.

(21) R. Eleazar's words refer to the first case where one names tithe of the second basket for the first basket and where it is ruled that only the first basket is exempted.

(22) For we hold that when he names tithe this includes also the second tithes. Thus the first

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basket was exempted from both the first and second tithes, whilst the second basket is still Tebel, even in respect of the first tithe. There is therefore the penalty of lashes because he named the second tithes before the first tithes. For, although the text only speaks of delaying with reference to Terumah and Bikkurim, the same law applies to the correct sequence of the two tithes and also to Terumah and tithes.

(23) That it is R. Eleazar who holds that one is punishable for changing the sequence of the priestly dues.

(24) Since it is R. Eleazar who says that he is punishable with lashes, therefore the Tanna who differs from him and holds that one is not punishable with lashes must be R. Jose son of R. Hanina.

(25) For he says above that one who names Terumah before Bikkurim is punishable with lashes.

T'murah 4b

was speaking of exempting [from lashes];¹ and he says thus: Transgression of a negative command which does not involve an action is not punishable with lashes.

[The Rabbis] said in the name of R. Jose son of R. Hanina: Also one who names Terumah before bikkurim.² And why is it that one who exchanges is punishable [with lashes]?³ [Assumedly] because with his very words⁴ he performs an action.⁵ Then the case of one who names Terumah before Bikkurim should also be punishable with lashes, since with his words he performed an action?⁶ —

Said R. Abin: It is different there,⁷ for [the prohibition of not delaying the priestly dues] is a negative command that is remediable by a positive command,⁸ since it is written: Out of all your gifts ye shall offer every heave offering.⁹

R. Dimi was once sitting and repeating this tradition.¹⁰ Abaye asked him: And is it true that every negative command which is remediable by a positive command is not punishable [with lashes]? Is there not the case of one who exchanges [an

unconsecrated animal for a consecrated animal] which is a negative command remediable by a positive command and is yet punishable with lashes? For we have learnt in our Mishnah: NOT THAT ONE IS PERMITTED TO EXCHANGE BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED AND HE RECEIVES FORTY LASHES. —

[The case of one who exchanges is different, for]¹¹ here are two negative commands¹² and one positive command¹³ and one positive command cannot displace two negative commands.¹⁴ But is there not the case of one who violates [a woman] for which act there is one negative command¹⁵ and one positive command,¹⁶ and yet the positive command does not displace the negative command? For it has been taught:¹⁷ If one violates [a maiden] and then divorces her [after marriage],¹⁸ if he is an Israelite he takes her back and is not punished [with lashes];¹⁹ but if he is a priest, he is punished [with lashes]²⁰ and he does not take her back!²¹ —

You mention the case of priests. Their case is different, for the Divine Law²² invests them with added sanctity.²³ This is a matter of dispute between Tannaim:²⁴ And ye shall let nothing remain of it until the morning and that which remains of it until morning ye shall burn with fire.²⁵ Scripture here has come to state a positive command²⁶ following a negative command in order to inform us that one is not punishable with lashes on account thereof. So R. Judah.²⁷

R. Jacob says: This comes not under this head,²⁸ but the reason is because it is a negative command [the transgression of] which involves no action,²⁹ and the transgression of a negative command in which no action is involved is not punishable with lashes. This implies [does it not] that R. Judah holds that it is punishable with lashes.³⁰ And according to R. Jacob, what does the text: 'And that

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which remains of it until the morning ye shall burn with fire' come to teach? It is required for what we have learnt:³¹ The bones, the tendons and that which remains of the Paschal lamb are burnt on the sixteenth [of Nisan].³² If the sixteenth [of Nisan] fell on the Sabbath they are burnt on the seventeenth, because the burning of sacred things does not supersede either the Sabbath or Festivals. And Hezekiah said, and so taught a Tanna of the School of Hezekiah: What is the reason? Scripture says: 'That which remains of it until the morning ye shall burn with fire'; the text came to give a second morning³³ for its burning.³⁴

Said Abaye: Any act which the Divine Law forbids³⁵, if it has been done, it has legal effect;³⁶ for if you were to think that the act has no legal effect, why then is one punishable [on account thereof with lashes]?

Raba however said: The act has no legal effect at all, and the reason why one is punishable with lashes on account thereof is because one has transgressed a command of the Divine Law.

- (1) R. Jose b. R. Hanina's statement has reference to the first Tanna who holds that transgression of a negative command which does not involve an action is not punishable with lashes. R. Jose thereupon declares that the case also of one who named Terumah before Bikkurim is exempt from lashes for the same reason. This is contrary to the assumption held hitherto that R. Jose made him liable to lashes.
- (2) Is also exempt from the punishment of lashes.
- (3) As stated above, that the case of one who exchanges is an exception to the rule that the transgression of any negative law in order to merit punishment with lashes must involve an action, for here, in exchanging, no action is taken.
- (4) 'Let this unconsecrated animal be instead of that consecrated animal'.
- (5) The Hullin (unconsecrated animal) becoming sacred.
- (6) By naming it he invests the fruit with the holiness of Terumah.

(7) In the case of the naming of Terumah before Bikkurim.

(8) A negative command the transgression of which must be repaired by a succeeding act. Now if he violates the prohibition by not naming the priestly dues in their right sequence, he can rectify the matter by setting aside the priestly due which has been omitted. In such a case, where a forbidden act can be repaired, there is no punishment of lashes.

(9) Num. XVIII, 29.

(10) That the reason why one is not punishable with lashes where one names Terumah before Bikkurim is because the prohibition is remediable by the positive command.

(11) So Sh. Mek.

(12) 'He shall not alter nor change it'.

(13) 'Then it and the exchange thereof shall be holy' (Lev. XXVII, 10).

(14) And therefore he who exchanges is punishable with lashes.

(15) He may not put her away all his days (Deut. XXII, 29).

(16) And she shall be his wife (ibid).

(17) Mak. 15a.

(18) Which is forbidden by the Scripture.

(19) For after committing the transgression he can always carry out the positive command by re-marrying her.

(20) Since he cannot take her back after divorcing her, as a priest is forbidden to re-marry a divorcee. Therefore he cannot repair the act and the positive command does not as a result displace the transgression.

(21) You have therefore here a difficulty for the one who maintains that a transgression of a negative command which is remediable by a positive command is not punishable with lashes.

(22) Lit., 'the merciful one'.

(23) The reason therefore is not because a positive command does not displace a negative command, but because we are stricter in the case of a priest than in that of an Israelite, and therefore a priest is liable to lashes.

(24) There is a difference of opinion among Tannaim as to whether or not the transgression of a negative command which involves no action is punishable with lashes.

(25) Ex. XII, 10.

(26) 'And that which remains, etc.'

(27) Who therefore holds that transgression of a negative command which is remediable by a positive command is not punishable with lashes.

(28) This is not the real reason why one is exempt from lashes.

(29) Since to leave over the remains of the Paschal lamb entails no action.

(30) Hence we see that there is a difference of opinion among Tannaim as to whether

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transgression of a negative law which does not entail an action is punishable with lashes.

(31) Pes. 83a.

(32) But not on the fifteenth, for it is forbidden to burn holy things on festivals.

(33) The word 'morning' being mentioned twice in the same verse.

(34) The text therefore means as follows: One must not leave the remains of the Paschal lamb until the next morning, i.e., the fifteenth; but that which remains till the second morning, you shall burn it in fire, i.e., on the sixteenth which is the intermediate day of the festival.

(35) Lit., 'said, "do not"'.
(36) I.e., what has been done is valid.

T'murah 5a

An objection was raised: If one violates [a maiden] and then divorces her [after marriage], if he is an Israelite he must take her back and is not punished with lashes. Now if you say that since one has transgressed the command of the Divine Law one is punished with lashes, then here he, too, should be punished with lashes! This refutes Raba?¹ —

Raba can answer you: The case is different there,² for Scripture says: 'All his days'³ [intimating that] all his days, [if he divorces her] he is required to take her back.⁴ And what does Abaye⁵ say to this? —

If the Divine Law had not said: 'All his days' I might have thought that there exists a mere prohibition,⁶ but that if he wishes he can take her back, and if he wishes he need not.⁷ The text 'All his days' therefore teaches us [that this is not so].⁸ (Another version: They raised an objection: If one violates [a woman] and [marries her] and then divorces her, if he is an Israelite, he takes her back and is not punishable with lashes; but if he is a priest, he is punishable with lashes and he does not take her back. At all events it [the Baraita] says: If he is an Israelite, he takes her back and he is punishable with lashes. This refutes Abaye?—

The case is different there, since the Divine Law says: 'All his days', intimating that all his days [if he divorces her] he is required to re-marry her. And what does Raba [say to this]? —

[Raba] can answer you: If the Divine Law had not said 'All his days', I might have thought that he would be punishable with lashes and that he must re-marry her, [for the law of one who violates a woman] is an unqualified negative command, since it is written: He may not put her away all his days. For this reason Scripture says: 'All his days', to make the law of one who violates [a woman] a negative command remediable by a positive command, for which there is no punishment of lashes.⁹ But is there not the case of one who separates [Terumah] from bad [grain] for good [grain], concerning which the Divine Law says: Of all the best thereof;¹⁰ [he must bring as Terumah] 'the best thereof',¹¹ but not from the inferior?¹² And yet we have learnt: We may not separate Terumah from the bad [grain] for the good, but if one did so,¹³ it is counted as terumah?¹⁴ Consequently we see [that a forbidden act] has a legal effect! Shall we say that this refutes Raba?¹⁵ —

Raba can answer you: The case is different,¹⁶ for it will be as R. Elai. For R. Elai said: Whence do we deduce that if one separated [Terumah] from bad [grain] for good [grain] it is counted as Terumah? It says: And ye shall bear no sin by reason of it when ye have heaved from it the best of it.¹⁷ Now if the terumah¹⁸ is not holy, wherefore should he bear sin?¹⁹ Hence we infer that if one separates Terumah from bad [grain] for good [grain] it is counted as Terumah. And Abaye?²⁰ —

If the Divine Law had not said: 'And ye shall bear no sin' I might have thought what the Divine Law means is, 'Perform a mizwah²¹ in the best [way]',²² but if one did not do so, he is not called a sinner. [The

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text]²³ therefore informs us [that this is not so].²⁴ But is there not the case of one who separates from one species to serve as Terumah for another species, concerning which the Divine Law says:²⁵ All the best of the oil [and all the best of the wine],²⁶ [intimating] that he must give the best [as Terumah]²⁷ for the one [species] and the best [as Terumah]²⁸ for the other? And we have learnt: One must not separate Terumah from one species for another species, and if one did so, it is not counted as terumah.²⁹ Consequently we see that a forbidden act has no legal effect. Shall we say that this refutes Abaye?³⁰ —

Abaye can answer you: The case is different there,³¹ since Scripture says: The first part of them,²⁵ thus implying the first of this [species]³² and the first of that [species].³³ And Elai said likewise: [The text says:] ‘The first part of them’ [intimating the first of this species and the first of that species].³⁴ And Raba?³⁵ —

If the Divine Law had not stated ‘the first part of them’³⁶ I might have thought that [only] in the case of wine and oil, with reference to which the text says: ‘The best’, ‘the best’,³⁷ we may not set aside one species for the other; but in the case of wine and corn, or corn and corn,³⁸ where ‘the best’³⁹ is mentioned only once, we may separate one species for the other.⁴⁰ The Divine Law therefore says: ‘The first part of them’, [to teach] that one must give ‘the best’ of one species and ‘the best’ of the other.⁴¹

Another version:⁴² But in the case of wine and corn in connection with which ‘the best’ is mentioned only once, [I might think that] one may separate from this [wine] for that [corn]. Scripture therefore says: The first part of them. But is there not the case of devoted things, with reference to which Scripture says: [Notwithstanding, no devoted thing that a man may devote unto the Lord of all that he hath whether of man

or of beast or of the field of his possession] shall be sold or redeemed.⁴³ And we have learnt: Things devoted to priests⁴⁴ are not subject to redemption but must be given to the priest.⁴⁵ Consequently we see that [a forbidden act]⁴⁶ has no legal effect.⁴⁷ Shall we say that this refutes Abaye? —

He [Abaye] will answer you: The case is different there, for the Divine Law says:⁴⁸ ‘Every devoted thing most holy unto the Lord it is’,⁴⁹ intimating that it shall remain in its status.⁵⁰

- (1) It is now assumed that the implication of the ruling that he must take her back is that the divorce is of no effect since he is in duty bound to re-marry her. Now this would be in order according to Abaye who holds that the punishment of lashes is determined by the validity of the act; since the divorce is of no legal effect, he is not flagellated. But according to Raba, who holds that the punishment is inflicted because of transgressing a Scriptural command, irrespective of the effect of the act, here, too, he should be flagellated (v. Tosaf.).
- (2) In the Baraitha just quoted.
- (3) Deut. XXII, 29.
- (4) The Torah thus distinctly states that the divorce, even if effective, can never be of permanent character, as he is at all times in duty bound to take her back. The Torah is thus supplying a remedied action to the prohibition and consequently there are no lashes.
- (5) According to Abaye, what need is there for a special text ‘All his days’ to inform us that one is in duty bound always to re-marry her and that therefore there is no punishment of lashes? Even without the text ‘All his days’, according to Abaye, there is no punishment of lashes, since he can take her back, his divorce having no permanent character.
- (6) By divorcing her.
- (7) That the re-marrying is optional.
- (8) And that it is a definite duty to re-marry her, not a mere option, and that all his days he is required to take her back, should he send her away.
- (9) The whole passage is omitted in Ms. M.
- (10) Num. XVIII, 29.
- (11) That he must separate from the best grain on behalf of the best grain.
- (12) On behalf of the good grain, for it is forbidden to do so. This is a matter therefore for which there is a Scriptural prohibition, although there would not be the punishment of lashes in

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this case, since the prohibition is merely derived by implication from the positive precept.

- (13) Lit., 'if he set aside Terumah'.
(14) Lit., 'his Terumah is Terumah'. V. Ter. II, 6.
(15) Who holds that a forbidden act has no legal effect.
(16) In the case of Terumah just mentioned.
(17) Num. XVIII, 32.
(18) Set aside from inferior grain for good grain.
(19) On account of the act of separation.
(20) Since he holds that a forbidden act has a legal effect, what need is there for the text 'And ye shall bear no sin, etc.' which implies that the setting aside of inferior grain as Terumah for good grain has legal effect?
(21) A religious command.
(22) Separate from the very best grain for Terumah.
(23) 'And ye shall bear no sin'.
(24) But that he actually is designated a sinner.
(25) Num. XVIII, 12.
(26) The word 'best' being repeated in connection with oil and wine.
(27) On behalf of its own species of oil but not for wine.
(28) On behalf of its own species of wine but not for oil.
(29) Ter. II, 4.
(30) Who says that a forbidden act has a legal effect.
(31) In the Mishnah just quoted.
(32) I.e., oil is to be separated for the same species.
(33) I.e., wine is to be separated for the same species; thus teaching that fruit cannot be set aside except for its own species. For this reason it is not counted as Terumah; but elsewhere a forbidden act may have a legal effect.
(34) So Sh. Mek.
(35) Who holds that a forbidden act has no legal effect; what need, according to him, is there for the text 'the first part of them', to tell us this?
(36) ראשיתם So Rashi; cur. edd. have throughout 'first'.
(37) The word 'best' is repeated.
(38) I.e., wheat and barley, all of which come under the heading of corn (קִטְנִיּוֹת).
(39) And all the best of the wine and the corn, Num. XVIII, 12
(40) V. Rashi and Sh. Mek. Cur. edd.: where we separate one for the other there are no lashes.
(41) I.e., that we cannot separate from one species of fruit or grain for another.
(42) Of Raba's reply.
(43) Lev. XXVII, 28.
(44) V. Num. XVIII, 14.
(45) 'Ar. 28b.
(46) I.e., the text: 'It shall not be sold, etc.'

(47) For if it is redeemed, the redemption is of no avail, as stated.

(48) Lev. XXVII, 28.

(49) So lit.

(50) It does not pass from its sacred state through redemption.

T'murah 5b

But according to Raba¹ the text 'it is' comes to exclude the case of a firstling. For it has been taught: With reference to a firstling, it says: Thou shalt not redeem,² implying that it may be sold.³ In connection with a tithing animal, it says: It shall not be redeemed,⁴ and may neither be sold alive nor dead, neither unblemished nor blemished.⁵ But is there not the case of temurah⁶ concerning which the Divine Law says: He shall not alter it nor change it,⁷ and yet we learnt: NOT THAT ONE IS PERMITTED TO EXCHANGE BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED AND HE RECEIVES FORTY LASHES. Consequently we see that [a forbidden act] has a legal effect. This refutes Raba?⁸ —

[Raba] can answer you: The case there⁹ is different, for Scripture says: 'Then it and the exchange thereof shall be holy', implying that it [the exchanged animal] must retain its sacred character. And Abaye?¹⁰ — If the Divine Law had not said: 'Then it and the exchange thereof [shall be holy]', I might have thought that the consecrated animal ceases [to be holy] and this one [the exchanged animal] enters into holiness. [Scripture] therefore informs us [that this is not so.]¹¹ But is there not the case of a firstling of which the Divine Law says: But the firstling of a cow or the firstling of a sheep or the firstling of a goat thou shalt not redeem,¹² and we have learnt:¹³ [Sacrifices rendered unfit for the altar]¹⁴ have redemption themselves¹⁵ and their exchanges,¹⁶ except in the case of a firstling or a tithing animal?¹⁷ Consequently we see that [a forbidden act] has no legal effect.¹⁸ This refutes Abaye?¹⁹ —

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He [Abaye] will answer you: The case is different there,²⁰ for Scripture says: [Holy] they [are]²¹ intimating that they remain in their sacred status. And what will Raba do with the word ‘they’?²² — It intimates that ‘they’ are offered up but not their exchanges.²³ And whence does Abaye derive this ruling?²⁴ —

[He derives it from the text:] Whether it be an ox or sheep, to the Lord it is;²⁵ ‘it’ [the firstling itself] is offered up but not its exchange. And Raba?²⁶ — It is indeed so that he does derive it²⁷ from that text.²⁸ Then what need is there for the text ‘they are’? It teaches that if the blood of a firstling or a tithing animal became mixed up with things which are offered up,²⁹ they are still offered on the altar.³⁰ And whence does Abaye derive this ruling? —

[He derives it from the text:] And shall take of the blood of the bullock and of the blood of the goat.³¹ Now is not the blood of the bullock more than the blood of the goat? This proves that things which are offered up do not neutralize one another. For it has been taught: ‘And shall take of the blood of the bullock and of the blood of the goat’, intimating that they must be mixed up.³² These are the words of R. Josiah. And Raba?³³ — There³⁴ he sprinkles the blood of the bullock separately and the blood of the goat separately, for he accepts the view of R. Jonathan.³⁵ But is there not the case of a tithing animal in reference to which the Divine Law says:³⁶ ‘It shall not be redeemed’, and we have learnt: They have redemption themselves and their exchanges except in the case of a firstling or tithing animal?³⁷ Consequently we see that a forbidden act has no legal effect!³⁸ This refutes Abaye? —

He [Abaye] will answer you: The case is different there,³⁹ since we draw an analogy⁴⁰ between the term ‘passing’⁴¹ used in connection with an animal tithed and the

term ‘passing’⁴² used in connection with a firstling.⁴³ But is there not the case of one who names Terumah before Bikkurim, concerning which the Divine Law says: Thou shalt not delay to offer of the fullness of thy harvest and of the outflow of thy press,⁴⁴ and we have learnt: If one [names] Terumah before Bikkurim, although he is guilty of transgressing a negative command,⁴⁵ his action is valid?⁴⁶ This refutes Raba?⁴⁷ —

Raba will answer you: The case is different there,⁴⁸ since Scripture says: Out of all your gifts ye shall offer every heave offering.⁴⁹ And Abaye?⁵⁰ — He needs [the words ‘Out of all your gifts’] for [answering the question which] R. Papa put to Abaye: If this be the case,⁵¹ then even if he [the Levite, anticipated the priest] when [the grain was] in the pile, he should be exempt from the obligation of terumah?⁵² And [Abaye] answered him: To meet your query Scripture says: Out of all your gifts ye shall offer every heave offering.⁵³ But why do you see fit to include the case of when [the grain was] in the pile,⁵⁴ and to exclude the case of grain in the ear?⁵⁵ —

I include the case of [grain] in the pile because it comes under the title of corn, whereas I exclude the case of grain in the ear because it does not come under the title of corn. But is there not the case of a widow married by a High Priest, concerning which the Divine Law says: A widow or a divorced woman, these shall he not take,⁵⁶ and we have learnt: Wherever betrothal is valid and yet involves a transgression,⁵⁷ the child has the legal status of the party which causes the transgression!⁵⁸ — The case is different there since Scripture says: Neither shall he profane his seed among his people.⁵⁹ And Abaye?⁶⁰ —

Let Scripture then say: ‘Lo yahel’.⁶¹ Why ‘lo yehalel’?⁶² One [profanation refers] to it [the child]⁶³ and the other to [the woman] herself.⁶⁴ But is there not the case of one

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who dedicates blemished animals for the altar, concerning which the Divine Law says: But whatsoever hath a blemish, that shall ye not offer.⁶⁵ And it has been taught:⁶⁶ If one dedicates blemished animals for the altar, although he infringes a negative command, the act is valid?⁶⁷ This refutes Raba!⁶⁸ —

Raba can answer you: The case is different there, since Scripture says: ‘For it shall not be acceptable for you’,⁶⁹ [intimating that] it is not acceptable but that its consecration is legal.⁷⁰ And Abaye?⁷¹ — If Scripture had not stated: ‘For it shall not be acceptable for you’, I might have thought the case⁷² should be similar to that of one who transgresses a religious command, but that it [the animal] is fit [even to offer up]. [The text therefore] informs us [that it is not so].⁷³ But is there not the case of one who dedicates unblemished animals for Temple repairs,⁷⁴ concerning which the Divine Law says:

- (1) Who says a forbidden act is not valid; what need has he for the phrase ‘it is’?
- (2) Num. XVIII, 17. Redemption is forbidden so that the owners should not treat it as unconsecrated, as regards shearing its wool and working it.
- (3) If a blemish occurred in the firstling the owner may sell it as a firstling to a priest, since Scripture only forbids its redemption, but not its selling; v. Bek. 31b.
- (4) Lev. XXVII, 28.
- (5) Because we draw an analogy between Ma’aser and dedications, just as in the latter both redemption and selling are forbidden, similarly in the former, i.e., a tithing animal, selling is also forbidden. Now I might have supposed that the law of the firstling animal would be the same as that of an animal tithed as regards its selling. Therefore the word **וְהָיָה** (it is) used in connection with dedications comes to exclude a firstling animal from the restriction of selling.
- (6) An unconsecrated animal exchanged for a consecrated one.
- (7) Ibid. 10.
- (8) Who says that a forbidden act has no validity.
- (9) Of Temurah.

(10) According to his view that a forbidden act has a legal effect, what need is there for the text, Then it and the exchange thereof, etc.?

(11) But that both become consecrated.

(12) Num. XVIII, 17.

(13) Infra 21a.

(14) Having become blemished. The difference between a firstling and a tithing animal and other disqualified sacrifices is that the flesh of the latter may be sold by weight and in shops like ordinary flesh, and this is not considered an unbecoming treatment of sacrifices since all profits accrued thereby go to the Sanctuary. But in regard to the flesh of a firstborn or a tithing animal, since the benefit accrues to the owners — in the case of the firstborn to the priest and in the case of a tithing animal to the Israelite owners — we do not allow them to be sold in the shop and by weight, as not in keeping with the treatment becoming to sacred things.

(15) The money acquires holiness and the animal becomes Hullin.

(16) In which a blemish occurred. They become Hullin and the money of redemption acquires holiness, after redemption.

(17) Blemished firstlings and tithing animals are not redeemable and remain sacred. The redemption money therefore does not acquire holiness, v. infra 21a.

(18) In the case of a blemished firstling or a blemished tithing animal.

(19) Who holds that a forbidden act has a legal effect.

(20) The Mishnah just quoted.

(21) So lit. E. V. ‘They are holy’; Num. XVIII, 17.

(22) Since he holds that a forbidden act is not valid, the redemption here of a firstling is of no legal effect. Consequently there is no need for the word ‘they’ to teach us the same thing.

(23) For they do not receive any holiness by substitution.

(24) That substitutes do not become sacred.

(25) So lit. E. V. ‘it is the Lord's’. Lev. XXVII, 26.

(26) Since we derive the ruling excluding the substitute of the firstling from holiness from the text ‘whether it be an ox, etc.’ what need is there for the text ‘holy they are’ to teach the same thing?

(27) That a substitute of a firstling is not sacred.

(28) ‘Whether it be an ox’.

(29) E.g., blood of several sacrifices that have become mixed up.

(30) And the flesh is rendered permissible by the sprinkling, for things which are offered up do not neutralize one another. From here we apply the same ruling to all cases of things which are offered up. The meaning of the text ‘holy they

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are' is therefore that they remain in their sacred status, even if the blood is mixed up with the blood of other sacrifices.

(31) Lev. XVI, 18. Scripture continuing: And put it upon the horns of the altar.

(32) Implying that the sprinkling is done from both the blood of the bullock and the goat after mixing.

(33) Since we derive the ruling that we may sprinkle the mixed blood of sacrifices from the text. 'And shall take from the blood of the bullock, etc.' what need is there for the words 'they are', used in connection with the law of a firstling?

(34) In the text: And shall take from the blood of the bullock, etc.

(35) Who says that we do not mix the blood of the bullock with the blood of the goat to sprinkle on the horns of the altar; v. Zeb. 81a.

(36) Lev. XXVII, 33.

(37) V. supra p. 25 notes. What is the difference between an animal tithed and a firstling on the one hand, and other sacrifices?

(38) For the Mishnah says it has no redemption.

(39) With reference to a tithed animal.

(40) Zeb. 9a.

(41) All that passes under the rod (Lev. XXVII, 32).

(42) That thou shall cause to pass (set apart); Ex. XIII, 12.

(43) And just as for a firstling there is no redemption (v. supra) so a tithed animal has no redemption. But elsewhere, Abaye maintains, it may be that a forbidden act has a legal effect.

(44) V. supra 3a, 4a and notes.

(45) 'Thou shalt not delay, etc.'

(46) Lit., 'what he has done is done'. Ter. III, 6.

(47) So Sh. Mek.

(48) Where Terumah was named before Bikkurim.

(49) Num. XVIII, 29, intimating that although you have named first tithe before Terumah you can still separate Terumah; and the same applies to Terumah and Bikkurim.

(50) Since he holds that a prohibited act can have legal effect, what need is there for the text 'Out of all your gifts, etc.'?

(51) In Bez. 13b if a Levite anticipated a priest by taking his first tithes from the grain still in the ear before the priest secures his Terumah (v. Glos.) although thereby he causes the priest a loss, for a priest in the normal way receives two portions for every hundred and now after the Levite has taken his first tithe, the Terumah will be only for the remaining ninety, nevertheless the Levite is not required to make good the priest's loss. The reason is because Scripture says the Levite must give a tenth part from the tithe (Num. XVIII, 26) implying that he need

give not only a tithe from the tithe but both tithe and Terumah. If, however, the Levite anticipated the priest when the grain was stacked up in piles, i.e., when it became liable to both Terumah and tithes, then the Levite must make up for the Terumah when he separates his tithe. Thereupon R. Papa said to Abaye: If you exempt the Levite from giving Terumah because of the text: A tenth part of the tithe.

(52) Why then is the Levite exempt from the obligation of Terumah only when the grain is in ear?

(53) Terumah. I.e., that he must, in certain circumstances, set aside Terumah as well as the tithe from the tithe.

(54) As requiring the Levite to give Terumah.

(55) As not requiring the Levite to give Terumah.

(56) Lev. XXI, 14.

(57) As a result, as e.g., in the case of a widow marrying a High priest.

(58) Lit., 'which is defective'. In this case, the widow or divorcee, and the child becomes a Halal (profane, unfit for the priesthood) v. Kid. 66b. Consequently we see here that a forbidden act has a legal effect, for it says that the betrothal is valid. For if a prohibited act has no legal effect, should the betrothal be valid?

(59) Lev. XXI, 15, implying that such marriages produce Halalim (unfit for the priesthood) but not Mamzerim (illegitimate children). Consequently we see that the betrothal in this case is valid.

(60) Since he holds that a prohibited act has a legal effect, what need is there for the text: Neither shall he profane, etc.

(61) Which would imply that it refers to the status of the child alone.

(62) יהלל the extra ל indicates a further teaching.

(63) That it becomes a Halal.

(64) That she becomes profaned (חללה) and therefore if she is the daughter of a priest, she cannot eat her father's Terumah. It is for this purpose that the text is necessary and not to teach that the betrothal is valid, despite the prohibition involved, as there is no need of an extra text to inform us of this, since in every case, according to Abaye, the ruling is that a forbidden act is valid.

(65) Lev. XXII, 20; which text is explained (infra) as meaning: Ye shall not consecrate.

(66) So Sh. Mek.

(67) And they are sacred to the extent of their value.

(68) Who holds that a forbidden act has no legal effect.

(69) Lev. XXII, 20. So Bah.

(70) To the extent of its value for the altar.

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- (71) Since he holds that a forbidden act has a legal effect, what need is there for this text?
(72) Of one who consecrates a blemished animal.
(73) That it cannot be offered up on the altar.
(74) But not for sacrifice on the altar.

T'murah 6a

[Anything too long or too short that mayest] thou offer for a freewill-offering,¹ that is, for dedications for Temple repairs,² and we have learnt: If one consecrates unblemished animals for Temple repairs, although he infringes a negative command,³ the act is valid? This refutes Raba?⁴ —

Raba can answer you: From the same verses⁵ from which you include the case of blemished animals dedicated for the altar,⁶ you include the case of unblemished animals dedicated for Temple repairs.⁷ But is there not the case of one who steals, concerning which the Divine Law says: 'Thou shalt not steal',⁸ and we have learnt: If one steals⁹ wood and makes it into vessels or wool and makes it into garments, he pays [the value of the object] as it was at the time of the theft?¹⁰ This refutes Raba?¹¹ —

Raba can answer you: The case is different there, since Scripture says: That he shall restore [that which he took by robbery],¹² intimating [that the restoration is to be] according to what he had robbed.¹³ And Abaye?¹⁴ — The text: That which he took by robbery¹⁵ is required in order to teach that he adds a fifth for his own robbery¹⁵ but not for that of his father.¹⁶ But is there not the case of one who takes the pledge,¹⁷ concerning which the Divine Law says: Thou shalt not go into his house to fetch his pledge¹⁸ and we have learnt: 'He [the creditor] returns the pillow at night and the plow in the day?'¹⁹ — This refutes Raba?²⁰ —

Raba can answer you: The case is different there,²¹ for Scripture says:²² Thou shalt surely restore [the pledge].²³ And Abaye?²⁴ — If the Divine Law had not stated 'thou

shalt surely restore [the pledge]', I might have thought that he has only broken a prohibition,²⁵ and if he wishes, he can restore the pledge, and if he wishes, he need not. The text therefore informs us [that it is not so].²⁶ But is there not the case of pe'ah,²⁷ concerning which the Divine Law says: Thou shalt not wholly reap the corner of thy field,²⁸ and we have learnt:²⁹ [The proper performance of] the command of Pe'ah is to separate from the standing corn. If he did not separate from the standing corn, he separates from the sheaves. If he did not separate from the sheaves, he separates from the pile [of grain] before he evens it. If he has evened it,³⁰ he tithes it and then gives Pe'ah to him [the poor man]. In the name of R. Ishmael it was said: He also separates from the dough?³¹ This refutes Abaye?³² —

Abaye can answer you: The case is different there,³³ since Scripture says: Thou shalt leave,³⁴ [and again] thou shalt leave³⁵ as redundant.³⁶ And Raba?³⁷ —

He can answer you:³⁸ There is another case of 'leaving' similar to this. And what is it? It is the case of one who renounces ownership of his vineyard, for it was taught: If one renounces ownership of his vineyard and wakes in the morning and harvests it, he is bound to give peret,³⁹ the defective grapecluster,⁴⁰ the forgotten sheaf⁴¹ and Pe'ah, but he is exempt from tithe.⁴²

Said R. Aha the son of Raba to R. Ashi: And now that you have given all these [various] answers,⁴³ wherein do Abaye and Raba really differ? — They differ in the case of stipulated usury⁴⁴ and will be on the lines of R. Eleazar's [statement]. For R. Eleazar said: Stipulated usury can be reclaimed through the judges,

(1) Lev. XXII, 23.

(2) From which it is inferred that only blemished animals are fit to dedicate for Temple

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repairs, but not unblemished animals; v. infra 7b.

(3) V. infra 7b.

(4) Who says that a forbidden act has no legal effect.

(5) From the text: 'But for a vow it shall not be accepted'.

(6) Which we explained above as implying that they are not acceptable but are consecrated, at least for their money value, for the altar.

(7) As being forbidden to offer; and we thus compare the case of unblemished animals dedicated for Temple repairs to the case of blemished animals dedicated for the altar. Just as in the case of the latter, we say although there is a negative command the act is valid, so in the case of the former, though there is a negative command, the act is valid. But elsewhere, Raba maintains, a forbidden act has no legal effect.

(8) Lev. XIX, 13.

(9) Lit., 'he robbed', 'he took it openly by force'.

(10) I.e., for the wood or wool alone, as we say that he obtains the ownership of the garment or vessel by reason of the change which he has effected, in spite of the forbidden act of stealing; v. B. K. 93a

(11) Who says that a forbidden act has no legal effect.

(12) Lev. V, 23.

(13) But not according to its value at present, after being improved and changed.

(14) Who holds that a forbidden act has a legal effect. What need is there for the text: 'That which he took by robbery'?

(15) For the text occurs in connection with the taking of a false oath and making a confession following a robbery, for which there is the extra penalty of adding a fifth to the value of the theft.

(16) Even if he swore falsely concerning it.

(17) For a debt, without the consent of the debtor.

(18) Deut. XXIV, 10.

(19) B. M. 113a. The law applies even if he took the pledge without the warrant of the court. We see therefore that a prohibited act is valid, otherwise the pledge would not be the creditor's at all and he would have to restore the pillow even in the day (Tosaf.).

(20) Who says that a forbidden act has no legal effect.

(21) In the Mishnah just quoted.

(22) Deut. XXIV, 13.

(23) Since the text repeats 'thou shalt surely restore, etc.' which teaches that the law applies also to the case where the pledge was taken without the warrant of the court; v. Tosaf.

(24) Who holds that a forbidden act has a legal effect; what need is there for the text 'thou shalt surely restore the pledge'?

(25) By taking the pledge without warrant.

(26) That the restoration is in every case compulsory.

(27) The corner of the field which belongs to the poor.

(28) Lev. XXIII, 22.

(29) B. K. 94a.

(30) When it becomes subject to tithes and Terumah.

(31) And the change of name from grain does not give him ownership so as to exempt him from Pe'ah. The Rabbis, however, differ from R. Ishmael and hold that the change in the name makes it exempt from Pe'ah; v. B.K. 94a.

(32) Who says that a forbidden act has a legal effect. The difficulty will arise if we accept the view of the Rabbis, for since he has not separated Pe'ah from the standing corn, he transgresses a negative command. He ought then, according to Abaye, to be exempt from Pe'ah, as a forbidden act is valid. The difficulty will even more certainly arise according to Abaye, if we adopt the view of R. Ishmael, for he goes even further than the Rabbis as regards the duty of giving Pe'ah. V. Sh. Mek.

(33) With reference to Pe'ah.

(34) Lev. XIX, 10.

(35) Ibid. XXIII, 22.

(36) The extra text therefore teaches us that although the grain has changed in his possession, he does not acquire possession of it, and is still bound to separate Pe'ah and to leave it for the poor.

(37) Who holds that a forbidden act is not valid. What will he do with the additional text 'thou shalt leave'?

(38) The object of the extra text 'thou shalt leave' is to teach the following.

(39) Grapes fallen off during cutting, v. Pe'ah VIII, 3.

(40) Heb. 'oleloth; which belong to the poor, v. ibid 4.

(41) Which also belongs to the poor. And although in the normal way renunciation of ownership exempts from the duty of giving all these things to the poor, this kind of renunciation does not exempt, on account of the additional command 'thou shalt leave' mentioned in connection with Peret, Pe'ah, etc.

(42) For in connection with tithes there is no text 'thou shalt leave'.

(43) The Baraitas and the Mishnahs quoted above in the Gemara either as questioning Abaye's or Raba's dictum, as the case may be, and the replies of each of these teachers explaining that, although elsewhere they maintain their own view on the subject as to whether a forbidden act has a legal effect or otherwise, the case of the particular Baraita or

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Mishnah adduced was different, inasmuch as there existed a text to render it an exception.

(44) Where the creditor arranges for a fixed amount as interest on loan. Abaye will hold that the action is valid and therefore the interest would not be reclaimed, in spite of transgressing the negative command relating to usury. Raba, however, will hold that the action has no legal effect and the interest therefore must be returned.

T'murah 6b

whereas the dust of usury¹ cannot be reclaimed through the judges. R. Johanan, however, says: Even stipulated usury is not reclaimed through the judges.² Thereupon he [R. Aha] said to him: But do they³ differ merely in opinion? Do they not differ in the interpretation of Scriptural texts? For R. Isaac said: What is the reason of R. Johanan? Scripture says: He hath given forth upon usury and hath taken increase: shall he then live? He shall not live,⁴ thus intimating that the taking of usury is a matter that affects lives but is not subject to restoration.⁶

R. Aha b. Adda says: From here:⁷ Scripture says, 'But fear thy God',⁸ intimating that the taking of usury is a matter of fearing God but is not subject to restoration. Raba says: From here:⁷ [Scripture says:] He hath done all these abominations: he shall surely die: his blood shall be upon him.⁹ Now, lo, if he begat a son that is a robber, a shedder of blood.¹⁰ Lenders on interest are compared to shedders of blood. Just as shedders of blood cannot make restoration [of the lives lost], so lenders on interest are not required to make restoration [of interest].

And R. Nahman b. Isaac said: What is the reason of R. Eleazar?¹¹ Scripture says: That thy brother may live with thee,¹² thus intimating that he must return the interest so that he [the borrower] may live with you. But then wherein do Abaye and Raba [really] differ? — On the question whether a change¹³ enables one to obtain

ownership.¹⁴ Another version: The difference will be¹⁵ in the various answers [given above].¹⁶ [Still] another version: The difference¹⁷ will be in the matter of stipulated usury.

According to Abaye he [the debtor] does not return the interest whereas according to Raba he is required to return the interest.¹⁸ But does not Abaye also hold that we reclaim stipulated usury through the judges? For Abaye said: If one claims four Zuz from his fellow as interest, and the latter gave the lender in his shop for it a garment to the value of five [Zuz], we recover four [Zuz] from him and the remaining [Zuz] we say he gave as a gift. Raba says however: We recover from him five [Zuz]. What is the reason? The whole [sum] came to him as interest.¹⁹ — Rather then the difference of opinion between Abaye and Raba is in whether a change confers ownership.²⁰

Our Rabbis taught: [Scripture says:] Whatsoever hath a blemish, that ye shall not offer.²¹ Now what does the text teach us? If it means that ye shall not kill, is this not stated below?²² Why then does the text state: 'Ye shall not offer'? It means, Ye shall not dedicate. Hence [the Sages] said: He who dedicates blemished animals for the altar²³ is guilty on all five counts; for transgressing the prohibitory laws with reference to offering,²⁴ to dedicating,²⁵ killing,²⁶ sprinkling and burning wholly or partly.²⁷

They [the Sages] said in the name of R. Jose: [He is guilty] also [on account of the prohibition of] the receiving of the blood. The Master said: 'If it means, Ye shall not kill, is not this mentioned below?' Where is this stated? — It has been taught: Blind or broken or maimed ye shall not offer these unto the Lord.²⁸ What does Scripture teach us here? If it means not to dedicate,²⁹ this is already stated above.³⁰ Then what does Scripture mean by 'Ye shall not offer'?

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[That] ye shall not kill. [The text:] Nor make an offering by fire of them²⁹ refers to the burning [of the sacrifices on the altar].³¹ From this I could only prove the burning of the whole sacrifice [as being prohibited]. Whence, however, will you deduce that the same applies to a part [of a sacrifice]? Because the text states: Of them.³² Whence will you deduce the prohibitory law for the sprinkling of the blood [of blemished animals]?

The text states: Upon the altar.³³ [The succeeding words:] ‘Unto the Lord’ include the case of a scapegoat.³⁴ But do [the words]: ‘Unto the Lord’ come to include [something additional]? Has it not been taught:³⁵ Now³⁶ if you expound the word Korban [offering], am I to understand it to include the case of animals dedicated for Temple repairs,³⁷ which are described as Korban as for instance when it says: We have therefore brought the Lord's korban?³⁸ The text, however, states: And hath not brought it unto the door of the tent of the meeting.³⁹ [We therefore argue as follows]: In respect of whatever is fit for the door of the tent of the meeting,⁴⁰ one may become liable on account of the prohibition of slaughtering consecrated animals outside the Temple court; but in respect of whatever is not fit for the door of the tent of the meeting,⁴¹ one cannot become liable on account of the prohibition of slaughtering consecrated animals outside the Temple court. Shall I therefore exclude these⁴² but not the Red Heifer⁴³ and the scapegoat, since they are fit for ‘the door of the tent of the meeting’?⁴⁴

Therefore the text states: ‘Unto the Lord’; [the law concerning slaughtering outside the Temple court applies] only to those designated as ‘unto the Lord’,⁴⁵ but these⁴⁶ are excluded, for they are not designated ‘unto the Lord’!⁴⁷ —

Said Raba: There we go according to the context [and⁴⁸ here we go according to the

context]. There,⁴⁹ since the text, ‘Unto the door of the tent of the meeting’ includes,⁵⁰ therefore the text, ‘Unto the Lord’ in that connection excludes.⁵¹ Here, however, as the text ‘by fire’ excludes,⁵² therefore the text, ‘Unto the Lord’ in that connection includes.⁵³ The reason then why a blemished scapegoat is not brought is because Scripture says, ‘Unto the Lord’. But if Scripture had not included [the case of a scapegoat] by means of the text, ‘Unto the Lord’, I might have thought that it was permissible to bring a blemished scapegoat. But consider: The lots⁵⁴ designates only such as are fit ‘for [the Lord]’?⁵⁵ —

Said R. Joseph: This represents the opinion of Hanan the Egyptian. [For it has been taught:] Hanan the Egyptian said: Even if there was blood⁵⁶ in the cup,⁵⁷ he brings another [goat]⁵⁸ to pair with it.⁵⁹ Granted that you can understand from Hanan the Egyptian that there is no rejection,⁶⁰ can you Understand that there is no casting of lots? Perhaps he brings two new goats and casts lots?⁶¹ Rather said R. Joseph: This⁶² will represent the view of R. Simeon, for it has been taught: If one [of the two animals] died, he brings the other without casting lots.⁶³

Raba says: [The text]⁶⁴ is not required save for the case where e.g., [the scapegoat] became blemished on that day⁶⁵ and he redeemed it for another [animal].⁶⁶

(1) I.e., indirect usury, e.g., when a man sells his field and says to the buyer that if he pays him at once he wants so much but if at a later date, he demands a larger sum. Therefore because he waits for the money, the buyer pays more, and this is called the ‘dust of usury’.

(2) Raba will therefore agree with R. Eleazar and Abaye with R. Johanan, for here there is no special text in virtue of which one or the other of these Amoraim can say that the case is different.

(3) Abaye and Raba.

(4) Ezek. XVIII, 13.

(5) That he shall not live who takes usury.

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- (6) Therefore even according to Raba who holds that a forbidden act has no legal effect, here the act will be valid, because of the text.
- (7) Where the Scriptural text makes the case of usury different, so that even Raba can agree that the forbidden act here is valid.
- (8) Lev. XXV, 36. The text occurs in connection with the law of usury.
- (9) Ezek. XVIII, 13.
- (10) Ibid. XVIII, 10. The passage, Now, etc. is omitted in Raba's statements in B.M. 61a.
- (11) Who holds that stipulated usury is reclaimed through the judges.
- (12) Lev. XXV, 36.
- (13) By transgressing a Scriptural command.
- (14) Abaye and Raba differ as to whether a change wrought in a thing brings about ownership, e.g., one who stole wood and made it into a vessel or wool and made it into a garment. According to Abaye the action is valid, for he acquires ownership and therefore he only pays the price of the wood or wool; whereas according to Raba the act is not valid, for he does not acquire ownership of the article and therefore must return the garment or the article. And when in the Gemara above we raise a difficulty for Raba from the relevant Mishnah: If one steals, etc. do not reply that the case is different from the Mishnah because of a text, but answer that Raba will hold according to one Tanna in B.M. 61a who says that a change in an object does not confer ownership, whereas Abaye holds with another Tanna there who holds that a change does confer ownership. For other interpretations v. Rashi.
- (15) Between Abaye and Raba,
- (16) There will not actually be a difference in any specific case except in the kind of explanation each of these teachers will give in answer to the Baraita or Mishnah as quoted above in the Gemara. Abaye, who says a forbidden act has a legal effect will explain any particular Baraita or Mishnah which appears to contradict this according to his view, and Raba, who holds that a prohibited act has no legal effect, will explain any particular Baraita or Mishnah according to his point of view.
- (17) Between Abaye and Raba.
- (18) As the action is not valid.
- (19) We therefore see that even according to Abaye the interest is recovered.
- (20) V. supra p. 33. n. 11.
- (21) Lev. XXII, 20.
- (22) That a blemished animal must not be killed for the altar. The Gemara explains this subsequently.
- (23) Burnt them wholly on the altar.
- (24) Blemished animals.
- (25) The word 'dedicating' is omitted by Sh. Mek. and by Rashi, in Hul. 80b, where the passage is cited.
- (26) Blemished animals.
- (27) Whether he burnt the whole or part of the animal, he is guilty of breaking the prohibitory law of burning a blemished animal on the altar.
- (28) Lev. XXII, 22.
- (29) Blemished animals for the altar.
- (30) But whatsoever hath a blemish that ye shall not offer (ibid. 20).
- (31) This is the prohibition of burning.
- (32) The continuation of the text, 'Nor make, etc.'
- (33) The continuation of the text 'Of them'.
- (34) That he who dedicates it blemished is guilty of breaking the prohibition 'Ye shall not offer'. Lit., 'the goat that is sent away'.
- (35) Zeb. 113a and infra 13a.
- (36) The Baraita opened as follows: One might think that if one kills Hullin (an unconsecrated animal) inside a Temple court one is guilty of excision? Scripture, however, says: Korban (offering) Lev. XVII, 4, thus implying that guilt is only incurred in connection with a Korban. Now if you expound, etc.
- (37) That if one killed them outside the Temple court he would be liable to the penalty of excision.
- (38) Num. XXXI, 50. And the offerings mentioned here were for the Sanctuary, as it speaks of jewels of gold, chains, bracelets, etc.
- (39) Lev. XVII, 4.
- (40) I.e., to be offered up on the altar.
- (41) I.e., dedications for Temple repairs because they are blemished.
- (42) Dedicated animals for Temple repairs.
- (43) Lit., 'the cow for expiation'.
- (44) For they are unblemished, as both a red heifer and a scapegoat must be unblemished for their several purposes.
- (45) Actually offered up on the altar.
- (46) The red heifer and the scapegoat.
- (47) We therefore see that the text, 'Unto the Lord' implies exclusion and yet above you say the text 'Unto the Lord' is intended to include.
- (48) So Sh. Mek.
- (49) In connection with slaughtering outside the Temple court.
- (50) All unblemished animals to incur guilt for slaughtering them outside the Temple court.
- (51) It can only be to exclude something and we therefore exclude the cases of the scapegoat and the red heifer.
- (52) That only in respect of an offering which is burnt is there liability for dedicating a blemished animal, and that in respect of a sacrifice which is not burnt and is dedicated in its blemished state, one does not incur any guilt

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for its dedication. I might therefore have thought that a scapegoat, since it is not burnt, is in the same category.

(53) The case of a scapegoat, so that if one dedicates it in its blemished state one is guilty of transgressing the prohibitory law of 'Ye shall not offer it'.

(54) Which determines which goat was to be offered on the altar, and which the scapegoat, which was sent to Azazel.

(55) I.e., the two animals must be unblemished. For since we do not know on which will fall the lot 'for the Lord' and on which 'for Azazel', then necessarily both must be fit, as either may be destined 'for the Lord'.

(56) Of the goat 'for the Lord',

(57) The sprinkling of the blood not having yet taken place and the scapegoat was either lost or became blemished.

(58) For a scapegoat.

(59) With the slaughtered goat. This obviously must be without casting lots, since he cannot do so as the animal 'for the Lord' has already been slaughtered. Now just as according to Hanan one can bring a second animal for the scapegoat without casting lots, so it might be assumed he can bring it in a blemished condition. The special text therefore, 'Unto the Lord' is necessary to inform us that this is not so.

(60) That although the goat 'for the Lord' has been already slaughtered, since the sprinkling had not yet taken place, it is not denied as having suffered a disability in the process of the ritual, thus becoming rejected from the altar. We can consequently proceed with the selection of another animal for the scapegoat. The first Tanna, however, will hold that the blood is poured out, since there was a break in the ritual.

(61) Perhaps the casting of lots still takes place in the following manner. He brings two fresh animals and casts lots as to which shall be 'for the Lord' and which for the scapegoat. The animal which is designated 'for the Lord' he leaves to pasture until blemished, and the other one, on which the lot for Azazel has fallen, he brings and pairs it with the slaughtered goat. Now since he must cast lots, the second animal, in order to become a scapegoat, must be unblemished.

(62) The view that without the text 'Unto the Lord' I might have thought that a scapegoat could be brought even in a blemished state.

(63) Yoma 40a, 63b, I might therefore have thought since lots are not required in these circumstances, there is no need that the scapegoat should be unblemished. The Scriptural text 'Unto the Lord' therefore teaches us that it is not so.

(64) 'Unto the Lord'.

(65) After the lots had been cast.

(66) Which was also blemished and there would be a penalty for the dedication.

T'murah 7a

You might argue that we can well understand why at the outset [we require both animals to be unblemished] because we do not know which one will be designated 'for the Lord'. But here, since the animal designated 'for the Lord' is recognized, there is no punishment of lashes.¹ The text ['Unto the Lord' mentioned above] therefore informs us [that it is not so].²

The Master said: 'It is reported in the name of R. Jose son of R. Judah: [There is] also [the case of the prohibitory law relating to] the receiving of the blood'. What is the reason of R. Jose son of R. Judah? Scripture says: That which hath its stones bruised or crushed or torn or cut, etc. [ye shall not offer unto the Lord];³ this refers to the receiving of the blood mentioned by R. Jose son of R. Judah.⁴ And according to the first Tanna,⁵ what need is there for this text: 'Ye shall not offer'? — It is necessary for the case of the sprinkling of the blood of a blemished animal.⁶ But do we not deduce this from the text: Upon the altar?⁷ —

This is simply Scripture's manner of speaking.⁹ But may it not also be, according to R. Jose son of R. Judah, Scripture's manner of speaking?¹⁰ — Yes, it is so.¹¹ Then whence does he deduce the prohibition in respect of receiving the blood?¹² — He derives [this ruling] from the following: 'Neither from the hand of a foreigner shall ye offer';¹³ this refers to the receiving of the blood [mentioned by R. Jose son of R. Judah]. And what does the first Tanna do with this text, 'Neither shall ye offer'? — He needs it for this: It may occur to you to think that since the Noahides¹⁴ were only commanded concerning the loss of limbs,¹⁵ it is therefore

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immaterial whether the sacrifice is for their altar¹⁶ or ours.¹⁷ [The text]¹⁸ therefore informs us [that this is not so].

Another version: R. Jose son of R. Judah says: '[There is] also [the prohibition relating to] the receiving of the blood'. What is the reason? — Since Scripture says: 'That which hath its stones bruised or crushed, etc. ye shall not offer unto the Lord', this refers to the receiving of the blood and the prohibition of sprinkling¹⁹ is derived from the text, 'Upon the altar'. And according to the Rabbis, why not also derive the prohibition of sprinkling from the text, 'Upon the altar'? — In fact they do. Then what does the text, 'Ye shall not offer' stated in connection with the text, 'Bruised or crushed' come to teach? — It is required to teach us the case of a private bamah.²⁰ And according to R. Jose son of R. Judah, do we not require the text²¹ to teach us the case of a private Bamah? —

Yes, it is so, Then whence does he derive [the prohibition of] offering with reference to the receiving of the blood? — He derives it from the text, 'Neither from the hand of a foreigner shall ye offer', this meaning the receiving of the blood. And the Rabbis?²² — There is need for the text. You might think that since the Noahides are only commanded concerning the loss of a limb for their own bamah,²³ we too may therefore accept from them [a permanently blemished animal].²⁴ The text, 'Of any of these' therefore informs us that we do not accept.²⁵

To this Resh Lakish demurred:²⁶ Perhaps this²⁷ is stated only in connection with the case of an unblemished animal which became blemished,²⁸ in which case there is a transgression, but if it is an originally blemished animal, it is then a mere palm-tree!²⁹ —

Thereupon R. Hiyya b. Joseph said to him: [Scripture says:] 'Too long or too short'³⁰ in

the section³¹ and these are originally blemished animals.³² He [Resh Lakish] said: Perhaps we have learnt this³³ only with reference to substitutes,³⁴ for we have learnt: There is a restriction in the law regarding substitutes which does not apply to original sacrifices, in that holiness can attach [as substitute] to an animal permanently blemished!³⁵ —

R. Johanan replied to him: Have you not heard what R. Jannai said: At the college a vote was taken and it was decided: He who dedicates a blemished animal for the altar is guilty on five counts.³⁶ Now if [this passage] deals with substitutes, then there are six, for there is also the prohibition of exchanging?³⁷ — What then? Do you maintain that he deals with a case of an animal originally blemished? Then why should there be the punishment of lashes, since it is merely a palm-tree? — He replied, There is nothing irreverential about a palm-tree [as] it is a kind of wood. But in dedicating an originally blemished animal, there is something irreverential [as regards consecrations], since he ignores unblemished animals and dedicates blemished ones, and therefore he is guilty.

Another version: He [R. Hiyya] said to him [Resh Lakish]: Even so the act is irreverential.³⁸ For the dedication of a palm-tree, as there is nothing in its class [fit for the altar] there is no punishment of lashes. But the case is otherwise with reference to a blemished animal, since there exists in the class of animals [those fit for the altar], and he is therefore punishable with lashes.³⁹

Said Raba: Now that you say that the reason why [one who dedicates] a blemished animal incurs the punishment [of lashes] is because the act is irreverential,⁴⁰ then even if one dedicates it [a blemished animal] for the value of its drink-offerings, one should incur the punishment [of

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lashes]. [Raba's⁴¹ is a point at issue among Tannaim.]

- (1) For breaking the prohibitory law of 'Ye shall not offer' if the scapegoat were dedicated in a blemished state.
- (2) To include the case of a blemished scapegoat as infringing the prohibition of 'Ye shall not offer'.
- (3) Lev. XXII, 24.
- (4) Deduced from the repetition of the phrase, 'Ye shall not offer'
- (5) R. Jose's disputant, who does not hold that there is an infringement of a prohibitory law in receiving the blood of a blemished dedicated animal.
- (6) In order to teach us that there is an infringement of a prohibitory, law in doing so.
- (7) Ibid. XXII, 22.
- (8) The text, 'Ye shall not offer'.
- (9) As a summing up of the law relating to blemishes, and we do not infer some special ruling therefrom.
- (10) Alluding to the text, 'Ye shall not offer', quoted above.
- (11) It is Scripture's way of speaking.
- (12) If this text, 'Ye shall not offer' is not to be specially interpreted.
- (13) Ibid. XXII, 25.
- (14) I.e., Gentiles who are the descendants of Noah.
- (15) That only such a defect disqualifies a sacrifice for their altar, but a mere blemish is no disqualification.
- (16) I.e., which a Gentile had erected to offer upon it to God.
- (17) That we may offer up a blemished animal belonging to a Gentile on our altar so long as it is not short of a limb.
- (18) 'Neither shall ye offer'.
- (19) Of a blemished animal.
- (20) That it is forbidden to offer up a blemished animal on one. Bamah is a high place.
- (21) 'Ye shall not offer' occurring in connection with the text 'Bruised or crushed, etc.'
- (22) Who differ with R. Jose what need have they for this text?
- (23) For they are not forbidden to offer up a blemished sacrifice on their Bamah.
- (24) To offer up on our altar.
- (25) For a Gentile's blemished animal is compared with our own. Just as in our case, we do not offer up a blemished animal on the altar, even without the loss of a limb, so we do not accept for sacrifice a permanently blemished animal from the Gentiles.
- (26) Referring to the Baraita above which says that one who dedicates blemished animals for

the altar is guilty of transgressing five negative commands.

(27) That the punishment of lashes is inflicted for transgressing the prohibition of 'Ye shall not offer'.

(28) As one might be under the impression that since it was once holy, the fact that it subsequently became blemished should not disqualify it from being offered up on the altar.

(29) He could not possibly have imagined that it would be fit for the altar except for its money value, and therefore one might think that there would not be any punishment of lashes.

(30) Lev. XXII, 23.

(31) Dealing with the various permanent blemishes which render an animal unfit.

(32) Concerning which Scripture says, 'Ye shall not offer' which indicates as explained above, that one is guilty in dedicating these blemished animals.

(33) Which says that there is a penalty for dedicating.

(34) Where the substituted animal is blemished.

(35) For this reason there is the penalty of lashes, but if he dedicated an animal originally blemished, there may perhaps be no penalty for the dedication, unless he later offered it up.

(36) I.e., he breaks five negative commands.

(37) 'Nor change it'.

(38) Where one dedicates an animal which became blemished. There is therefore a degradation of holy things.

(39) For dedicating something which is not fit.

(40) To dedicate an animal which has become blemished.

(41) So Sh. Mek. Cur. edd. It has been taught like Raba.

T'murah 7b

[Scripture says:] That mayest thou offer for a freewill-offering;¹ this refers to dedications for Temple repairs. Now I have here mentioned only the case² of a freewill-offering.³ Whence do we derive that the same applies to a vow?⁴ Scripture says: And for a vow.⁵ One might think [that the blemished animals vowed for offering are fit] even for the altar? The text, however, states: 'And for a vow it shall not be accepted', thus referring to dedications for the altar.⁶ I here mentioned only the case of a freewill-offering.⁷ Whence can we derive that it is the same with reference to a vow?⁸ The text states: A freewill-offering'.⁹

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Rabbi said: [Scripture says:] ‘It shall not be accepted’, the text thus speaks of accepting its body [for sacrifice on the altar].¹⁰ But is not this opinion precisely that of the first Tanna? Must we not say that they differ¹¹ in this: The first Tanna holds that even if he dedicates the blemished animal for the value of drink-offerings, he also incurs the punishment of lashes, whereas Rabbi says: The punishment only applies to the acceptance of the body,¹² but not if the dedication is for the value of a drink-offering? It stands proved.¹³ But why then is the word ‘that’¹⁴ inserted? —

It is needed to intimate what has been taught: Scripture says, That mayest thou offer for a freewill-offering, thus intimating: that you may offer as a freewill-offering [for Temple repairs], but you may not offer unblemished animals as a freewill-offering [for Temple repairs]. Hence the Rabbis say: He who dedicates unblemished animals¹⁵ for Temple repairs is guilty of transgressing a positive command.¹⁶ And whence do we derive that one is guilty of transgressing a negative command? Because it says: ‘And the Lord spake unto Moses saying’,¹⁷ thus teaching us that the whole section is regarded as having the force of a prohibitory law. This is the teaching of R. Judah. Said Rabbi to Bar Kappara: How do you understand this?¹⁸ He replied to him: Because of the word ‘saying’,¹⁹ which indicates that a negative command has been said in connection with these statements.²⁰

The School of Rabbi says: The word ‘saying’ means, tell²¹ [the children of Israel] a negative command.²² It is stated: If one burns on the altar the limbs²³ of blemished animals, Raba says: He transgresses the prohibitory laws of burning the whole and burning a part.²⁴ Abaye says: There is no punishment of lashes for a comprehensive prohibition.²⁵

They raised an objection: He who dedicates blemished animals for the altar is guilty on five counts,²⁶ This refutes Abaye?²⁷ — Said R. Kahana:²⁸ It refers to different individuals.²⁹ But if it [the Baraitha] refers to different individuals, [why then does the Baraitha say,] ‘He incurs, etc.’? Is not ‘they incur’ required? Then obviously the Baraitha refers to one individual. Shall we say that this refutes Abaye? —

Abaye can answer you: Exclude [from the Baraitha] the prohibition for burning part [of the blemished animal on the altar] and include [the prohibition for] receiving the blood [of the blemished animal]. [You say] the receiving of the blood; this prohibition is maintained only by R. Jose son of R. Judah,³⁰ but not by the Rabbis?³¹ — This is a difficulty.

Another version: Since the latter part [of the Baraitha]³² is the opinion of R. Jose son of R. Judah,³³ the first part will be the opinion of the Rabbis.³⁴ Shall we say this refutes Abaye? This is a final refutation.

MISHNAH. PRIESTS HAVE POWER TO EXCHANGE [AN ANIMAL] BELONGING TO THEMSELVES³⁵ AND ISRAELITES ALSO HAVE POWER TO EXCHANGE AN ANIMAL BELONGING TO THEMSELVES. PRIESTS HAVE NOT THE POWER TO EXCHANGE A SIN-OFFERING,³⁶ A GUILT-OFFERING³⁶ OR A FIRSTLING.³⁷ SAID R. JOHANAN B. NURI: WHAT IS THE REASON WHY [PRIESTS] HAVE NOT THE POWER TO EXCHANGE A FIRSTLING?³⁸ R. AKIBA SAID TO HIM: A SIN-OFFERING AND A GUILT-OFFERING ARE PRIESTLY GIFTS AND A FIRSTLING IS ALSO A PRIESTLY GIFT. JUST AS IN THE CASE OF A SIN-OFFERING AND GUILT-OFFERING [PRIESTS] HAVE NO POWER TO EXCHANGE THEM,³⁹ SO IN THE CASE OF A FIRSTLING [PRIESTS] HAVE NO POWER TO EXCHANGE IT. SAID R. JOHANAN B. NURI: IT IS RIGHT THAT PRIESTS SHOULD HAVE NO POWER TO EXCHANGE A SIN-OFFERING AND A

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GUILT-OFFERING BECAUSE THEY HAVE NO CLAIM ON THESE [OFFERINGS] WHILE THESE ARE ALIVE. WILL YOU, HOWEVER, SAY THAT THE SAME APPLIES TO A FIRSTLING ON WHICH [THE PRIESTS] HAVE A CLAIM WHEN IT IS ALIVE?⁴⁰ R. AKIBA THEREUPON REPLIED TO HIM: HAS NOT SCRIPTURE ALREADY SAID: THEN IT AND THE EXCHANGE THEREOF SHALL BE HOLY?⁴¹ NOW WHERE DOES THE HOLINESS ARISE?⁴² IN THE HOUSE OF THE OWNERS.⁴³ SIMILARLY EXCHANGE IS NOT EFFECTED EXCEPT IN THE HOUSE OF THE OWNERS.⁴⁴

GEMARA. We have learnt elsewhere: An unblemished firstling may be sold alive,⁴⁵ but a blemished firstling whether alive or slaughtered; and [the priest] may also betroth a woman with it.⁴⁶ Said R. Nahman in the name of Rabbah b. Abbuha: This⁴⁷ was taught only for nowadays,⁴⁸ since a priest has a claim upon it.⁴⁹ But in Temple times, since an unblemished firstling is destined to be offered up, we may not sell it alive unblemished.⁵⁰

Raba raised an objection to R. Nahman: An unblemished firstling may be sold alive. [It says,] ‘alive’, implying, but not slaughtered. Now to what period does this refer? Shall I say that this refers to nowadays?⁵¹ Is there an unblemished animal that may be slaughtered [nowadays]?⁵² Then obviously you must say that the term ‘alive’ refers to Temple times⁵³ and yet it says: An unblemished firstling may be sold alive.⁵⁴—

No! One can still maintain that it refers to nowadays, for does it state: One may sell it unblemished alive, but not slaughtered?⁵⁵ It wishes to inform us of this very thing, that a firstling [nowadays] may be sold unblemished alive.⁵⁶

(1) Lev. XXII, 23; referring to a blemished animal.

(2) That a blemished animal can become holy for Temple repairs.

(3) E.g., where he says: ‘Behold this animal shall be dedicated for Temple repairs’.

(4) If one says: ‘I vow to dedicate an animal for Temple repairs’, that it is a duty to set aside the animal even if blemished.

(5) And we interpret the text thus: That mayest thou offer for a freewill-offering and also for a vow.

(6) For the term ‘accepted’ can only mean for the purpose of offering up on the altar.

(7) If one said, ‘I vow to dedicate this blemished burnt-offering’, such dedication is not fit for the altar, as being not ‘accepted’, for this kind of dedication is mentioned next to the text, ‘It can not be accepted’.

(8) That one cannot say in connection with a blemished animal: ‘Behold, this is for the altar’.

(9) The meaning of the text will therefore be as follows: The freewill-offering which you may dedicate for Temple repairs and the blemished animal vowed for Temple repairs are not acceptable for the altar.

(10) That it must not be offered up.

(11) Between the first Tanna and Rabbi.

(12) I.e., sacrifice on the altar.

(13) That Raba’s ruling above is a matter of dispute between Tannaim.

(14) That (אומר) mayest thou, etc. Since you say that the words ‘vow’ and ‘freewill-offering’ are linked together as meaning that a blemished animal either as vow or freewill-offering is not acceptable for the altar, the word ‘that’ which possesses a restrictive meaning, is not needed (Wilna Gaon).

(15) Which are fit for sacrifice on the altar.

(16) The prohibition derived by implication from the positive command that mayest thou, and which has the force only of a positive command.

(17) Lev. XXII, 17.

(18) How do you gather that the section has the force of a prohibitory law?

(19) לאמר

(20) The word לאמר is split into לא אמר ‘he said, not’.

(21) אמר.

(22) לא which with the previous word forms לאמר.

(23) The pieces, in accordance with the law of a burnt-offering.

(24) Derived from the text, ‘Nor make an offering by fire’, for when we burn the whole, this also includes a portion of it.

(25) The prohibition comprises both the burning of the whole and a part, and in such a case there is only punishment on one count only (v. Rashi).

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(26) I.e., he breaks five prohibitory laws, the Baraitha enumerating as two prohibitions the burning of the whole, and a part of the burnt-offering.

(27) Who holds that there is only one prohibitory law for burning the whole on the altar.

(28) V. Sh. Mek.

(29) In the case where one person burns the whole of an animal and another burns a part of an animal, each is separately liable to one count of lashes for his own particular transgression. Where, however, one person is the offender he would not be liable on the count of burning a part.

(30) Who adds in the Baraitha the case of receiving the blood as yet another prohibitory law.

(31) Who do not agree with R. Jose, and there would thus not be five prohibitions.

(32) Which speaks of the receiving of the blood.

(33) V. supra 6b.

(34) Who hold that there is no prohibitory law against receiving the blood of a blemished dedicated animal. We cannot therefore include in the Baraitha receiving the blood as a prohibitory law. In order therefore to make up the five prohibitions, we must include burning a part of the burnt-offering as a prohibitory law, which will be at variance with the view of Abaye.

(35) Which they set aside for themselves, and if they substituted an unconsecrated animal for them, then the animal and the substitute become sacred.

(36) Which an Israelite gave to a priest for a sacrifice. If a priest exchanged this the exchange is not valid, since he has no share in the animal except from the time it is burnt and onwards, and we learn later in this chapter that a man cannot cause a substitution of a thing which is not his.

(37) Which an Israelite gave to him.

(38) Since the whole belongs to the priest and the firstling is given to him while alive, the Israelite not being atoned for therewith.

(39) For we are sure that they do not legally acquire possession of them until the time of the burning of the sacrifices.

(40) The case of a firstling is different and there should therefore be power to exchange it, the priest having a claim on it while it is alive.

(41) Lev. XXVII, 10; thus comparing the substitute with dedication itself.

(42) In connection with things dedicated.

(43) But it does not take place at all in the house of a priest and therefore a priest has not the power to exchange a firstling.

(44) I.e., in the house of an Israelite in whose possession the holiness of a firstling arises and therefore if an Israelite exchanged a firstling, the substitute is sacred, but not if a priest made the exchange.

(45) Ma'as. Sh. I, 2; B.K. 12b.

(46) For it is considered his money.

(47) That a priest can sell it alive.

(48) When the Temple is no longer in existence, and the firstling is consequently not destined for the altar.

(49) Alive, for even nowadays a firstling belongs to the priest.

(50) For a priest has no claim on it except from the time when the parts of the sacrifice are burnt on the altar.

(51) The buyer waiting till a blemish occurs to the animal in order to be able to eat it.

(52) For it would be slaughtering sacrifices outside the Temple wall.

(53) When, however, it may not be sold slaughtered, for it is an abuse of holy things to make an ordinary transaction with its flesh.

(54) We therefore see that one may sell an unblemished firstling alive in Temple times, contrary to the opinion of R. Nahman.

(55) For us to infer that we are not dealing with the present time, since nowadays there can be no unblemished slaughtered firstling.

(56) For it might have occurred to you to think that the priest has no claim on it until the firstling is blemished. It is not, however, the object of the Mishnah that we should deduce therefrom that we may not sell a slaughtered firstling, as we are dealing with the present time and nowadays there is no unblemished slaughtered firstling.

T'murah 8a

He raised [a further] objection: With reference to a firstling it is said: Thou shalt not redeem¹ implying but it may be sold.² Now with what case are we dealing? Shall I say that [the Baraitha] refers to nowadays? Read the second part [of the text]: Thou shalt sprinkle their blood upon the altar!³ Now is there in existence an altar nowadays [for sacrifice]? Then obviously [it] refers to Temple times. Of what then does it speak? Shall I say of a blemished firstling? Read the second part [of the text]: Thou shalt sprinkle their blood upon the altar and shalt burn their fat.³ Now if we are dealing with a blemished firstling, is it fit for

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sacrifice? Then we must be dealing with an unblemished firstling, and it says, ‘but it may be sold’!⁴ —

But is this an argument?⁵ The first part [of the text]⁶ refers to a blemished [animal]⁷ and the latter part of the text⁸ refers to an unblemished [firstling]!

R. Mesharsheya raised an objection: If the child of a priestess became mixed up with a child of her slave,⁹ when the children grow up they free one another;¹⁰ both may eat terumah;¹¹ they take their share simultaneously at the threshing floor;¹² their firstling¹³ is left to pasture until blemished¹⁴ and it is eaten blemished by their owners. Now with what case¹⁵ are we here dealing? Shall I say that we are dealing with a firstling of nowadays? For then what is the difference between [a firstling] belonging to ourselves¹⁶ and [a firstling] belonging to them,¹⁷ since [a firstling] belonging to ourselves also requires a blemish to be eaten?¹⁸ Then you must admit that we are dealing with a firstling in Temple times.¹⁹ Now if you say that the priest has a claim on a firstling [alive],²⁰ there will be no difficulty.²¹ But if you say that he has no claim on a firstling alive, then let the Temple treasurer come and take it?²² —

One can still say that we are dealing with a firstling of nowadays.²³ And as regards the difficulty you raise as to why [a firstling] belonging to ourselves is different from [a firstling] belonging to them, [the answer is] we give ours to the priest in its blemished condition,²⁴ but with [a firstling] belonging to them, since there is an element of priesthood,²⁵ priests are excluded from claiming [this firstling].²⁶

Another version: [Now if we are dealing with a firstling of] nowadays, why mention firstlings belonging [to persons] of uncertain priesthood?²⁷ Even firstlings belonging to ourselves also are left to

pasture [until blemished]? Then obviously we are dealing with a firstling of Temple times. Now if we are referring to a blemished firstling, why do we say, let them be left to pasture until blemished? Are they not already blemished? Then obviously we are dealing with unblemished firstlings; and only these²⁸ may not sell;²⁹ [but persons who are certainly priests may sell]?³⁰ —

It may still be that we are dealing with firstlings of nowadays. What is your difficulty? That even [firstlings] belonging to ourselves should also be left to pasture! [The answer is:] We cannot disregard the priest,³¹ for there exists no uncertainty of the priesthood, but these persons of uncertain [priesthood] can put off the priest, each one saying to the priest. ‘I am a priest’, ‘I am a priest’.³²

An objection was raised. R. Simeon said: [Scripture says:] And the cattle thereof.³³ This excludes a firstling animal and an animal tithed³⁴ in it [the city]. ‘The spoil of it’; this excludes the money of the second tithes.³⁵ Now with what case are we dealing? Shall I say that we are dealing with nowadays? For is the law of an apostate city in force [nowadays]? Have we not learnt: We do not practice the law of an apostate city except where there is in existence a Beth din of seventy-one?³⁶ Then obviously we are dealing with Temple times. And in what condition [was the firstling]?³⁷ If it was blemished, is this not the same as the text, ‘The cattle thereof’?³⁸ Then obviously we are dealing with an unblemished firstling. Now there will be no difficulty if you say that the priest has a claim on the firstling alive.³⁹ But if you say the priest has no claim on a firstling alive, what need is there for the text ‘The cattle thereof’?⁴⁰ Why not derive this from the text, ‘The spoil of it’, from which we can deduce, But not the spoil of heaven?⁴¹ —

One can still maintain that we are dealing with a blemished animal,⁴² and as regards

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the difficulty you raise that this is the case covered by the text, 'The cattle thereof',⁴³ [the answer is] this implies, Whatever is eaten in the manner of 'The cattle thereof',⁴⁴ excluding the cases of the firstling and animals tithed, for they are not covered by the words, The cattle thereof'. For we have learnt in a Mishnah: All dedications rendered unfit for sacrifice may be sold in the market and by the pound,⁴⁵ with the exception of a firstling and an animal tithed, for their benefit belongs to the owners.⁴⁶

An objection was raised. [Scripture says:] And committed a trespass against the Lord.⁴⁷ This includes sacrifices of minor grades of holiness,⁴⁸ which are considered the money of the owners.⁴⁹ These are the words of R. Jose the Galilean.

Ben Azzai says: [This text comes] to include peace-offerings.⁵⁰ Abba Jose the son of Dosai says: R. Jose the Galilean only refers to a firstling.⁵¹ Now what period are we dealing with? Shall I say that of nowadays? Surely the case [of the firstling referred to by Abba Jose] is compared with peace-offerings?⁵² Then obviously we are dealing with Temple times. Now what are the circumstances? Shall I say that we are dealing with a case of a blemished firstling? Surely the case [of a firstling referred to by Abba Jose] is compared with peace-offerings?⁵³ Then you must say that you are dealing with the case of an unblemished firstling.⁵⁴ Deduce therefore from here that a priest has a claim on a firstling [alive].⁵⁵

(1) Num. XVIII, 17; that the redemption money should become holy and the firstling become Hullin.

(2) And it is eaten in a sacred condition, i.e., must not be killed to be sold in a market or weighed by the pound; v. supra 5b, B.K. 13a, Bek. 32a.

(3) Num. XVIII, 17.

(4) We therefore see that an unblemished firstling in Temple times may be sold, contrary to the opinion of R. Nahman.

(5) That the two parts of the text must necessarily deal with an unblemished firstling.

(6) 'Thou shalt not redeem'.

(7) And we may therefore deduce therefrom that a firstling may be sold.

(8) 'Thou shalt sprinkle, etc.'

(9) And it is not known which is the child of the priestess and which is the child of her slave.

(10) Each one writes: 'If I am the master and you are the slave: Behold you are a free man', and both may marry a daughter of an Israelite.

(11) So long as they had not freed one another, for in any case each can say: 'If I am a priest then I eat Terumah in my own right, and if I am a slave, then give me Terumah as the slave of a priest', for the slave of a priest is permitted to partake of Terumah.

(12) When they are both together they are given Terumah, but one of them by himself does not receive Terumah without the other present, in case the recipient is the slave, and this Tanna holds that we do not give Terumah to the slave of a priest unless the master be present, for fear lest the slave might eventually claim a higher pedigree for himself, i.e., that of being a priest.

(13) Animal born in the pen of the mixed-up offspring.

(14) And are rendered unfit for sacrifice.

(15) Of their firstling required to pasture until blemished.

(16) To persons who are certainly priests.

(17) To the mixed-up offspring, as mentioned in the Baraitha above.

(18) For even in our case, even a person who is certainly a priest cannot eat a firstling nowadays unless it is blemished.

(19) A firstling therefore which belongs to us, i.e., to a genuine priest, is given to the priest for sacrifice, whereas theirs i.e., a firstling belonging to the mixed-up offspring must pasture until blemished. For although even a priest is required to carry out the law of a firstling, here the firstling must be left to pasture, because in the case of any other priest who set aside a firstling, there is no loss, as he himself offers it up and eats the flesh, but in the case mentioned by the Baraitha above, if the firstling is offered up, then no-one can eat it, since one of the offspring is not a priest but a slave and only a priest can eat a firstling unblemished in Temple times. Therefore the Baraitha above says a firstling must be left to pasture until blemished, for each one can say to the priest who claims, 'I am a priest and shall eat the firstling'.

(20) I.e., that he may sell it alive in its unblemished state even in Temple times.

(21) Therefore he can retain the firstling, saying, 'perhaps I am a priest and I have therefore a

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prior claim, and do not wish to give it to another priest, but shall wait till I am able to eat it’.

(22) And give it to a genuine priest, since the priest has no claim on the firstling till it is brought to the altar. This shows that even in Temple times the priest has a claim on the unblemished firstling, for we are undoubtedly dealing here with an unblemished animal, since the Baraitha says it is left to pasture, etc. which contradicts R. Abbuha.

(23) And therefore the firstling is left to pasture, for it is unfit for sacrifice and the priest has a claim upon it while it is alive.

(24) For although blemished and permissible to be eaten by non-priests, it must be given to the priests, otherwise it would be stealing the priestly due.

(25) In the case mentioned in the Baraitha above, where one of them is certainly a priest.

(26) And it is not stealing what is due to the priest, for each one of the mixed-up persons can claim, ‘I am a priest’ and since there is a doubt concerning money, the claimant must bring the necessary evidence to prove his case.

(27) As in the case in the Baraitha above, where there was a mixing-up between the offspring of a priestess and her slave.

(28) Persons of uncertain priesthood, as mentioned in the Baraitha above.

(29) The firstling.

(30) We therefore see that a priest may sell an unblemished firstling alive in Temple times, contrary to the opinion of R. Nahman in the name of R. Abbuha above.

(31) We have no option but to surrender a Firstling even blemished, otherwise it would be robbing the priestly due.

(32) And therefore they retain the firstling.

(33) Deut. XIII, 16; in connection with an apostate city which is totally destroyed on account of its inhabitants worshipping idols.

(34) The text ‘And the cattle, etc.’ implies that one’s own cattle is destroyed where there is no part which belongs to heaven (the Sanctuary), unlike the case of a firstling and tithes.

(35) This will represent the view of the teacher who maintains that the second tithes is money which belongs to heaven; v. Sanh. 112b.

(36) And as there is no Beth din of such a character in existence to-day, the law of an apostate city is inoperative.

(37) Or the tithed animal.

(38) Where the animal belongs entirely to a person and heaven has no share in it. Here, too, where a priest eats the firstling and an Israelite his tithe, there is no element which belongs to heaven.

(39) Therefore the exclusion of a firstling is derived from the text ‘The cattle thereof’ and

not from the text ‘The spoil of it’, since it is not altogether the spoil of heaven, as the priest has a claim upon it.

(40) To exclude the case of a firstling and tithes from the law of an apostate city.

(41) Since therefore we exclude the case of a firstling and an animal tithed from the text ‘The cattle thereof’, this proves that the priest has a claim on the firstling. This will therefore raise a difficulty for the ruling of R. Nahman in the name of R. Abbuha, for we see here that an unblemished firstling may be sold in Temple times.

(42) In which there is no share for heaven and which therefore should be burnt in fire.

(43) Why therefore do we exclude the case of a firstling and an animal tithed?

(44) Where the animal belongs entirely to the owner.

(45) In order to fetch more money and we do not consider this degrading holy things.

(46) Therefore for the extra benefit in favor of the owners, we do not allow selling in the market and by the pound of a firstling, v. Bek. 32a, Bez. 28a. Hence a firstling and tithed animal are spared in an apostate city.

(47) Lev. V, 21.

(48) That if one deposited dedications of a minor grade of holiness with his neighbor, and the latter denied the deposit, took a false oath and subsequently confessed, he has to pay the principal plus a fifth as a fine, also to bring an offering on account of the false oath.

(49) And we can therefore apply the text mentioned in this connection: ‘And lie unto his neighbor’.

(50) Which are certainly considered his money, but the case is not the same with regard to an animal tithed, for one cannot sell it either alive, slaughtered, unblemished or blemished.

(51) Where a priest deposited his firstling with another, the latter denying the deposit, taking an oath and then confessing. He pays the principal together with the fine of a fifth and brings a trespass-offering, the reason being because a priest can sell a firstling alive unblemished and it is therefore considered his money (R. Gershom).

(52) And the peace-offering cannot be brought nowadays.

(53) For as regards a firstling and a priest, we can make a distinction between an unblemished and a blemished animal, as in the former case one might say that the priest has no claim on it until the time of offering it up on the altar, whereas in the latter case the priest might claim it immediately, as the animal is unfit for sacrifice. But with reference to a peace-offering, one cannot say that the owner has a claim on the

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animal from the time of its burning and therefore there is no distinction between an unblemished and a blemished peace-offering, in each case the owner having a claim on it alive.

(54) And we impose a trespass-offering for one who denied a deposit of the firstling with a false oath. We see therefore that it is regarded as the priest's money.

(55) And therefore we can apply the text, 'And lie unto his neighbor', the firstling being considered his own money.

Hence we see that an unblemished live firstling may be sold in Temple times, contrary to the opinion of R. Abbuha reported by R. Nahman above.

T'murah 8b

Said [Rabina]:¹ One may still say that we are dealing with an unblemished firstling² and we are alluding here to a firstling outside the Holy Land,³ and [the Tanna of this Baraitha] is R. Simeon who Says: If unblemished firstlings came from outside Palestine they may be offered up.⁴

An objection was raised: R. JOHANAN B. NURI SAID TO HIM: GRANTED THAT ONE HAS NO POWER TO EXCHANGE A SIN-OFFERING AND A GUILT-OFFERING SINCE [PRIESTS] HAVE NO CLAIM ON THEM WHILE [THE ANIMALS] ARE ALIVE, CAN WE SAY THAT THE SAME APPLIES TO A FIRSTLING WHERE [THE PRIEST] HAS A CLAIM ON IT WHILE IT IS ALIVE? Now what case is here referred to? Shall I say it is the case of a blemished animal? But [the Mishnah] compares a firstling with a sin-offering and a guilt-offering?⁵ Then you must say that the case is that of an unblemished animal, and it states: THEY HAVE A CLAIM ON THE FIRSTLING ALIVE!⁶ —

Said Rabina: Here too⁷ the case is of a firstling outside Palestine,⁸ and [the Tanna of this Mishnah] is R. Simeon who says: If they came unblemished, they are offered up. Shall we say that Tannaim differ on that point?⁹ [For it was taught:] 'With a

firstling in the house of the owners there can be effected an exchange, but there can be no exchange effected when in the house of a priest.

R. Simeon b. Eleazar says: Since it comes into the house of a priest, there can be no exchange effected'. But is not this¹⁰ the identical opinion of the first Tanna? Then must you not say that the first Tanna means this: In the house of a priest the priest alone can effect the exchange but not the owner, and consequently we see that the priest has a claim on the firstling?¹¹ —

No. The difference of opinion here is the same as the difference of opinion between R. Johanan b. Nuri and R. Akiba. The first Tanna will hold the view of R. Johanan b. Nuri¹² whereas R. Simeon will hold the view of R. Akiba.¹³

Said R. Hisda: They have taught this¹⁴ only with regard to a case of a priest selling to a priest, but a priest is forbidden [to sell] to an Israelite. What is the reason? Lest an Israelite should go and cast a blemish on it [the firstling] and bring it to a [Sage] and say: 'A priest gave me this firstling with its blemish'.¹⁵ But can a Sage permit it in such circumstances?¹⁶ Has not Rab said:¹⁷ One may not sell a firstling belonging to an Israelite unless the priest be present with him?¹⁸ —

Said R. Huna the son of R. Joshua: The reason why it is forbidden [for a priest to sell] to an Israelite¹⁹ is because this appears similar to the case of a priest who assists in the threshing-floor.²⁰

Mar Zutra once visited R. Ashi. They²¹ said to him: 'Let the Master partake of something'. They set meat before him. They said to him: 'Let the Master eat it because it is healthy²² for it comes from a firstling'. He [Mar Zutra] asked them: 'How did you get this?'²³ They answered him: 'A certain priest sold it to us with its blemish'. He said

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to them: ‘Do you not hold with what R. Huna the son of R. Joshua said: ‘Because²⁴ this appears similar to the case of a priest who assists in the threshing-floor’? —

They replied to him: ‘We do not hold this opinion, since we have indeed bought [the firstling].²⁵ He said to them: And do you not hold what we have learnt: How long is an Israelite required to look after a firstling?²⁶ In the case of small cattle, thirty days and in the case of large cattle, fifty days. If the priest said to the Israelite, ‘Give it to me within this period’, the Israelite must not give it to him. And R. Shesheth said:²⁷ Now what is the reason?²⁸ Because it appears similar to the case of a priest who assists in the threshing floor!²⁹ —

They replied to him: ‘There,³⁰ the thing is obvious,³¹ whereas here, we do indeed buy it’. Another version: They replied to him [Mar Zutra]: There,³² he does not give any money but here,³³ money was paid. Perhaps you will still say that the priest lowers the price to him,³⁴ thinking to himself, ‘When the Israelite has another firstling, he will give it to me’. No,³⁵ for he will rather reflect

(1) So Sh. Mek.; cur. edd. Abaye.

(2) And there is no difficulty as regards R. Nahman's opinion, for the reason why the priest has a claim on the firstling alive is as follows.

(3) Which usually is not destined for sacrifice even in Temple times. It is however compared with a peace-offering, since if one desires, it is fit to be offered up.

(4) I.e., only if they are brought, but they are not to be brought directly. Now since we must not directly bring these unblemished animals to be offered up, therefore they are considered his own money and he can sell them alive, but a firstling of a priest which is destined for sacrifice may not be sold according to R. Abbuha, as the priest has no claim on it alive.

(5) And the sin-offering, etc. referred to are unblemished animals, for the Mishnah states that the priest has no claim on them while alive, but has a claim after they are slaughtered. Hence we see that we are dealing with animals which are fit for sacrifice.

(6) Contrary to the view of R. Abbuha reported by R. Nahman above.

(7) In the Mishnah just quoted.

(8) Therefore the firstling is considered his own money and he has the power to make a substitute, but with a firstling of the Holy Land which is destined for sacrifice you cannot make a substitute, since he has no claim on it alive, as R. Abbuha holds.

(9) Whether a priest has a claim on an unblemished live firstling in Temple times or not.

(10) That no exchange can be effected with a firstling in a priest's possession.

(11) And since the priest has the power to effect an exchange he can also sell it, unlike the opinion of R. Abbuha. R. Simeon, however, says that the priest cannot effect an exchange with a firstling in his possession and therefore he may not sell it, the reason being because he has no claim on it alive, which is the opinion of R. Abbuha. We see therefore that these two Tannaim differ as regards R. Abbuha's ruling reported above.

(12) Who says that a priest can effect an exchange with a firstling because he has a claim on it alive, since as we have explained above, the Mishnah deals with a firstling outside Palestine, which is usually not destined for sacrifice.

(13) That although the priest has a claim on the firstling alive, he cannot effect an exchange, as we infer from an analogy (v. Rashi, first version).

(14) That an unblemished firstling alive may be sold even in Temple times.

(15) Whereas in the case of a priest selling to a priest one cannot say this, since a priest who brings a firstling to show it to an expert is required to bring witnesses that a blemish befell it of itself, as priests are suspected of maiming firstlings in order to eat them.

(16) Even if there is a permanent blemish, can the expert permit the use of the firstling without the priest being in attendance?

(17) Bek. 36a: ‘Rab Judah’.

(18) For fear lest if the Israelite learnt from the expert that the blemish was a permanent one and that there was thus no fear of holy things being eaten without the Temple walls, he will eat it and will disregard the fact that he would be robbing the priest of his due. Therefore a priest is required to be present with the Israelite and the latter cannot then say, ‘A priest gave me this firstling with its blemish’, for we say to him, ‘Produce the priest who gave it to you’, and so long as he does not do so, we do not allow the use of the firstling. Another explanation (R. Gershom): If you permit a priest to sell a firstling to an Israelite, the Israelite might detain the firstling among the herd till a blemish occurs to it and he then say: ‘A priest has sold

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me this firstling with its blemish', thus evading his duty to the priest.

(19) An unblemished firstling; for all the authorities concerned agree that a blemished firstling may be sold (Wilna Gaon). Now a firstling of nowadays is usually sold at a lower price, for the purchaser is compelled to wait till the animal is blemished before he can eat it.

(20) To winnow or bind the sheaves. Now this is forbidden, for it looks as if the priest is helping in order to receive the reward of Terumah. Similarly, if a priest sells an unblemished firstling to an Israelite at a lower price (and still more if he makes him a present of it), it appears as if he does so in order to receive all the future firstlings born in the herd of the Israelite.

(21) Those waiting on him.

(22) More fat than other flesh (R. Gershom).

(23) Seeing you are not priests.

(24) That the reason why a priest may not sell an unblemished firstling to an Israelite is because, etc.

(25) And have not received it as a gift. Consequently we do not consider that it is on a par with the case of a priest who assists in the threshing-floor.

(26) To rear it before giving it to the priest.

(27) V. Bek. 26b.

(28) Why cannot an Israelite give the firstling to the priest within the period specified above.

(29) It might appear that the reason why the priest is taking the firstling from the Israelite before the time of its tending expires, thus relieving the Israelite of further trouble with the animal, is because the priest expects him to give him future firstlings. We see therefore that there is a Mishnah holding this reason in the case of assisting in the threshing-floor.

(30) In the case of a priest who asks for the firstling from the Israelite before the time for its tending has terminated.

(31) That it is in consideration for letting him have future firstlings.

(32) In the case of the priest who relieves the Israelite of the firstling, before the specified period mentioned above.

(33) In the case of the firstling whose flesh was placed before Mar Zutra to eat.

(34) In order that the Israelite might give future firstlings to this priest and not to any other.

(35) He will not do so.

T'murah 9a

that a young pumpkin [now] is better than a full-grown pumpkin [to-morrow].¹

MISHNAH. ONE CAN EFFECT AN EXCHANGE WITH SMALL CATTLE FOR OXEN AND WITH OXEN FOR SMALL CATTLE; WITH SHEEP FOR GOATS AND WITH GOATS FOR SHEEP; WITH MALE [ANIMALS] FOR FEMALE [ANIMALS] AND WITH FEMALE [ANIMALS] FOR MALE [ANIMALS]; WITH UNBLEMISHED ANIMALS] FOR BLEMISHED ANIMALS AND WITH BLEMISHED [ANIMALS] FOR UNBLEMISHED [ANIMALS], SINCE SCRIPTURE SAYS:² HE SHALL NOT ALTER IT NOR CHANGE IT, A GOOD³ FOR A BAD⁴ OR A BAD⁵ FOR A GOOD. WHAT KIND IS MEANT BY 'A GOOD FOR A BAD'?⁶ BLEMISHED ANIMALS WHOSE DEDICATION WAS PRIOR TO THEIR BLEMISH.

GEMARA. Whence is this proved?⁷ — Our Rabbis have taught: Scripture says, 'Beast for beast'; 'hences we infer that one can effect an exchange with small cattle for oxen and with oxen for small cattle; with sheep for goats and with goats for sheep; with male [animals] for female [animals] and with female [animals] for male [animals]; with blemished [animals] for unblemished [animals] and with unblemished [animals] for blemished [animals]. One might think that this is so even if they had a permanent blemish prior to their dedication? The text therefore States: 'He shall not alter it nor change it, a good for a bad or a bad for a good'. What kind is meant by 'a good for a bad'? Blemished animals whose dedication was prior to their blemish [but⁹ not where the blemish was prior to their dedication]. How is this implied [in the Scriptural text]?¹⁰ —

Said Abaye: Let Scripture say, 'He shall not alter it nor change it, a good for a bad or a bad for it'.¹¹ What need is there for the second text, 'a good'? Deduce therefore from here that only if the animal is originally 'good'¹² the exchange takes effect.¹³ , but the exchange takes no effect in respect of an animal originally 'bad'.¹⁴

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Raba says: Both the expressions ‘a good’ are indeed superfluous.¹⁵ [Scripture] might simply have written: ‘He shall not alter it nor change it¹⁶ for a bad or a bad for it’?¹⁷ What need is there then for both the expressions ‘a good’? One ‘a good’ teaches us that even if one exchanges a good [animal] for a good [one], there is the punishment of lashes for substituting, and the other ‘a good’ teaches us that exchange takes effect only when the animal was ‘good’ originally, but where it was originally ‘bad’, exchange takes no effect. And whence will Abaye [derive¹⁸ that it is forbidden to exchange a good for a good]?¹⁹—

He holds that it is derived a minori. If where ‘a good’ [an unblemished Hullin] is exchanged for ‘a bad’ [a blemished animal], in which case an improve is effected,²⁰ the punishment of lashes is inflicted, how much more so should there be the punishment of lashes if one exchanges ‘a good’ for ‘a good’, which are alike [in holiness]! And Raba?²¹ — An offence established by inference [from minor to major] is not punishable.²² And Abaye? — He can answer you thus: This²³ is no conclusion from [minor to major, but²⁴ is merely an intimation of a thing];²⁵ for is the case of ‘a good’ [an unblemished consecrated animal] worse than the case of ‘a bad’ [blemished animal]?²⁶

Our Rabbis taught: ‘He shall not alter it’²⁷ [for Hullin]²⁸ belonging to others.²⁹ ‘Nor change it’ [for Hullin] belonging to himself. But let it write [simply]: ‘He shall not alter it’ and there will then be no need for the expression ‘nor change it’? If it had written so, I might have said that where [the intention is for the original animal] to lose its holiness and the [substituted one] to acquire holiness,³⁰ there is the punishment of lashes, but in the case of exchanging [the consecrated animal for his own Hullin], where [if he wishes] he can consecrate

both,³¹ I might have thought there is no punishment of lashes. [Scripture] therefore informs us [that it is not so].³² As to the expression, ‘[for Hullin] belonging to others’, how is this to be understood? Shall we say [that it means] his own consecrated animal and Hullin belonging to another? But can he consecrate [Hullin in such circumstances]?³³

The Divine Law says: When a man shall sanctify his house to be holy unto the Lord.³⁴ Just as his house is his own possession, so everything³⁵ must be in his possession! Again if the case then is of a consecration belonging to another and his own hullin,³⁶ can one cause the substitution³⁷ of a thing which is not his? — One can still maintain that the case is of a consecrated animal belonging to another person and his own Hullin and when e.g., the owner of the consecrated animals says: ‘Whoever wishes to exchange with this animal may come and do so’.³⁸

MISHNAH. ONE CAN EFFECT AN EXCHANGE WITH ONE [HULLIN] FOR TWO [CONSECRATED ANIMALS],³⁹ AND WITH TWO [HULLIN] FOR ONE [CONSECRATED ANIMAL]; WITH ONE [HULLIN] FOR A HUNDRED [CONSECRATED ANIMALS] AND WITH A HUNDRED [HULLIN] FOR ONE [CONSECRATED ANIMAL]; R. SIMEON, HOWEVER, SAYS: NO EXCHANGE CAN BE EFFECTED EXCEPT WITH ONE [HULLIN] FOR ONE [CONSECRATED ANIMAL], FOR IT SAYS: ‘THEN IT AND THE EXCHANGE THEREOF SHALL BE HOLY’, THUS TEACHING US THAT JUST AS ‘IT’ [THE CONSECRATED ANIMAL] IS ONLY ONE,⁴⁰ SO [ITS SUBSTITUTE] ALSO MUST BE ONLY ONE.

GEMARA. Whence is this proved? — Our Rabbis taught: [Scripture says:] ‘Beast for beast’. Hence we infer⁴¹ that one can effect an exchange with one [Hullin] for two [consecrated animals] and with two [Hullin]

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for one [consecrated animal]; with one [Hullin] for a hundred [consecrated animals] and with a hundred [Hullin] for one [consecrated animal]. R. Simeon, however, says: One cannot effect exchange except with one [Hullin] for one [consecrated animal], since it Says: ‘Beast for beast’, [implying] but not beast for beasts or beasts for beast. They⁴² said to him: We find [in the Scriptures] that beasts are also called behemah,⁴³ since it says: And also much cattle [Behemah].⁴⁴ And what does R. Simeon say to this? —

Many animals are described as Behemah Rabbah [much], but not simply as behemah.⁴⁵ But is R. Simeon's reason⁴⁶ because of the expression ‘beast’? Is not the reason of R. Simeon because of the expression ‘it’, [his reasoning being] just as ‘it’ is only one, so its [substitute] must be only one?⁴⁷ —

At first, R. Simeon said to them that his reason was based on the text, ‘Then it and the exchange thereof’. When he saw, however, that the Rabbis interpreted the text ‘beast for beast’, he said to them: ‘I also can derive the reason for my ruling from the same source

Said Resh Lakish: R. Simeon agrees⁴⁸ that one can effect an exchange repeatedly.⁴⁹ What is the reason? — For where has the holiness of the first dedicated animal gone?⁵⁰ But R. Johanan says: Just as one cannot effect an exchange with two Hullin for one [consecration], so one cannot effect an exchange repeatedly [with the same animal]. There is a teaching in agreement with R. Johanan; there is a teaching in agreement with Resh Lakish. ‘There is a teaching in agreement with R. Johanan’: Just as one cannot effect an exchange with one Hullin for two [consecrations], so one cannot effect an exchange repeatedly. There is a teaching in accordance with the opinion of Resh Lakish: One might have thought that just as R. Simeon holds that one cannot

effect an exchange with two [Hullin] for one [consecrated animal], so one cannot effect an exchange repeatedly. The text therefore states: ‘Then it and the exchange thereof’, implying, even for a hundred [animals of Hullin].⁵¹

R. Abin asked: How is it according to the authority who says⁵² that one cannot effect an exchange repeatedly, if he set aside a guilt-offering with which to obtain atonement and made an exchange for it,

(1) The priest would rather sell the firstling for its equivalent value, for fear that if he were to reduce its price, he may after all not gain anything by it, as he may not receive the future firstlings. The additional gain of the moment will appeal to him more than the uncertain prospects of future gain.

(2) Lev. XXVII, 10.

(3) An unblemished animal of Hullin (unconsecrated) must not be substituted.

(4) A blemished consecrated animal. We therefore see that the law of substitute applies to consecrated blemished animals.

(5) Thus ‘a bad’ i.e., a blemished Hullin may be exchanged for ‘a good’ i.e., an unblemished consecrated animal. This shows that substitution has effect on a blemished animal.

(6) Which are subject to the law of substitute.

(7) The various rulings mentioned in the Mishnah.

(8) From the repetition of the word ‘beast’.

(9) Inserted with Sh. Mek.

(10) That there is a difference as regards the law of exchange where the blemish occurs before dedication.

(11) And we could infer: Or a bad Hullin could not be exchanged either for ‘a good’ or for ‘a bad’ consecrated animal.

(12) Unblemished when consecrated, a blemish occurring to it subsequently.

(13) The substitute becoming sacred.

(14) I.e., blemished when consecrated.

(15) For the purpose of deducing that a permanent blemish prior to consecration does not permit of an exchange taking effect.

(16) Which would have implied ‘a good’ i.e., an unblemished animal, since the text later on says ‘for a bad’ i.e., a blemished one.

(17) ‘A bad’ (unconsecrated blemished animal) must not be exchanged for it i.e., ‘a good’ (unblemished) or a bad (blemished) consecrated animal.

(18) Inserted with Sh. Mek.

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- (19) Since according to him there is only one superfluous 'a good'.
- (20) As a better animal is being substituted for the dedicated blemished animal.
- (21) Since there is an a minori conclusion, what need is there for an extra 'a good'?
- (22) But it must be stated positively and therefore the text is required to derive the case of one exchanging 'a good' for 'a good'.
- (23) The ruling that it is forbidden to exchange 'a good' for 'a good'.
- (24) Inserted with Sh. Mek.
- (25) It is naturally implied and there is no need for a specific interpretation.
- (26) If it is forbidden to substitute an unblemished animal for a blemished one it is obvious that the same applies if the animal for which substitution is made is 'a good' (unblemished one), for Scripture is only concerned that no exchange should be made with something which is holy.
- (27) לא יהליפנו
- (28) So R. Gershom.
- (29) The word הילוף indicates that the exchange concerns two people.
- (30) Although the exchange does not succeed in removing holiness from the unblemished consecrated animal, he is nevertheless punished with lashes, for his intention was to release it from its sanctity.
- (31) So R. Gershom. The passage about 'others' is subsequently explained in the Gemara.
- (32) That even if the substitution was for his own animal of Hullin, he incurs the punishment of lashes.
- (33) Where it does not belong to him.
- (34) Lev. XXVII, 14.
- (35) In order to receive holiness.
- (36) And he said: This Hullin of mine shall be a substitute for that man's dedication.
- (37) Lit., 'cause to seize'.
- (38) In such circumstances the Biblical text informs us that the substitute is sacred although there is a prohibitory law against the act.
- (39) By saying: This animal shall be exchanged for these two dedications.
- (40) Since the text says: 'It', thus alluding to only one.
- (41) Because the word Behemah (beast) is repeated (Sh. Mck.).
- (42) The disputants of R. Simeon.
- (43) The term used in the text denoting beast.
- (44) Jonah IV, 11.
- (45) The word Behemah therefore by itself denotes only one animal.
- (46) Why he holds in the Mishnah that exchange can only be effected with one Hullin for one consecrated animal.
- (47) As stated in the Mishnah.

- (48) Although he holds in the Mishnah that exchange cannot be effected except with one Hullin for one consecrated animal.
- (49) The same dedicated animal can be exchanged again and again with different animals. Lit., 'one has power to exchange and again to exchange'.
- (50) So that another animal should be able to receive holiness, even up to a thousand, since Scripture declares: 'Then it and the exchange thereof shall be holy'.
- (51) The substitutions are sacred.
- (52) V. infra 13b.

T'murah 9b

and it became blemished and he redeemed it for another¹ [which became lost], and he obtained atonement through another guilt-offering, and [the lost animal was then found] and it was [automatically] transformed into a burnt-offering?² What is the ruling as regards making an exchange for it?³

Said Abaye: What is [R. Abin's] inquiry? If it [the inquiry] is concerning two bodies and one kind of holiness,⁴ why not put the question without stating that he obtains atonement?⁵ If the inquiry is concerning two kinds of holiness and one body,⁶ why not put the question without stating that the first animal became blemished?⁷ —

And R. Abin?⁸ — His question is really in the form of one inquiry arising out of another [as follows]: And if you will adopt the opinion that there can be no [exchange] in a case of two bodies and one kind of holiness, since [an animal] has already been once exchanged in that holiness, what of two bodies and two kinds of holiness?⁹ — Let it stand undecided.

Another version: R. Abin inquired, According to the opinion of R. Johanan who holds that one has no power to exchange repeatedly [the same dedicated animal], if he set aside a guilt-offering with which to obtain atonement and exchanged it, and after [the first animal] became

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blemished he redeemed it for another, what is the ruling as regards exchanging again [this second guilt-offering]?¹⁰ Or,¹¹ if he obtained atonement through another guilt-offering¹² and the [first guilt-offering] was transformed into a burnt-offering,¹³ what is the ruling as regards changing it again?¹⁴

Said Abaye: What is [R. Abin's main inquiry]? If as regards [the exchange] of another kind of holiness but in the same body, then there is no need to mention that he redeemed it [for another].¹⁵ If as regards [the exchange] of another body in the same kind of holiness,¹⁶ then there is no need to mention the atonement through another guilt-offering.

And R. Abin? — His [question] is really one inquiry arising out of another: If [the guilt-offering] became blemished and he exchanged it and redeemed it for another, what is the ruling as regards exchanging it again? Do we say that there is no further exchange only with regard to the first guilt-offering but with a separate body [animal], though it remains in the same kind of holiness [of a guilt-offering], there can again be an exchange? Or, perhaps, all animals in the same kind of holiness cannot be exchanged again? And if you will adopt the opinion, that since this other body remains in the same holiness, there can be no further exchange, then if he obtained atonement through another guilt-offering and the first guilt-offering was transformed into a burnt-offering, what is the ruling as regards exchanging it again? Do we say that we hold that one cannot exchange again only with reference to the same body [animal] in the same kind of holiness,¹⁷ but the same body possessing another kind of holiness can be changed again? Or, perhaps, although there is another kind of holiness, since it is the same body, there can be no exchange again? — Let it remain undecided.

Said R. Joshua b. Levi:¹⁸ One adds a fifth¹⁹ for the first dedication but not for the second dedication.²⁰ Said R. Papa: What is the reason of R. Joshua b. Levi? Scripture says: And if he that sanctified it will redeem his house then he shall add the fifth part of the money,²¹ the text saying, 'he that sanctified', implying, but not one who causes holiness [to an animal through another dedicated animal].²²

R. Abin inquired: If one set aside a guilt-offering to obtain atonement and [after] it became blemished [he redeemed it for another animal], added a fifth and obtained atonement through another guilt-offering,²³ and [the first guilt-offering] was transformed into a burnt-offering,²⁴ what of adding a fifth to it?²⁵ —

Said Abaye: What is [R. Abin's] main inquiry?²⁶ If the inquiry is [as regards adding a fifth for the redemption] of two bodies and one kind of holiness, then why not make the inquiry without mentioning that he obtained atonement?²⁷ And if the inquiry is [as regards] two kinds of holiness and one body, then why not formulate an inquiry without mentioning that [the first animal] became blemished?²⁸

And R. Abin? — His inquiry is really one question arising out of another. If you will adopt the opinion that there is no fifth added [when redeeming] in the case of two bodies and one kind of holiness, since a fifth has already been once added in that holiness, what is the ruling as regards two bodies and two kinds of holiness? — Let it stand undecided.

Another version: R. Abin inquired: If one set aside a guilt-offering to obtain atonement through it and after it became blemished, he redeemed it for another, [what²⁹ is the ruling as regards] adding a fifth?³⁰ [Or,]³¹ if he obtained atonement through another guilt-offering, and [the first animal being found] was transformed

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into a burnt-offering,³² what is the ruling as regards adding a fifth?³³ —

Said Abaye: Which is the main inquiry [of R. Abin]? If his inquiry relates to another kind of holiness but in the same body, then what need is there to mention that the [first] guilt-offering became blemished [and he redeemed it for another]? If it relates to [another] body in the same holiness, [then³⁴ what need is there to mention that he was atoned for through another guilt-offering]?

And R. Abin? — His inquiry is really one question arising out of another question [as follows]: If it became blemished and he redeemed it for another, what is the ruling as regards adding a fifth?³⁵ Is it only in redeeming the first guilt-offering that one does not add a fifth but in the case of [another]³⁶ body, although it remains in the same kind of holiness, one adds³⁷ a fifth [in redeeming it, if blemished]?

- (1) Which in turn became the second guilt-offering.
- (2) For the law is that an animal dedicated for a guilt-offering whose owner has otherwise obtained atonement, is usually destined to be used as a communal burnt-offering.
- (3) Do we say that as an exchange took place for the first guilt-offering, there cannot be another exchange made for the second guilt-offering now found, for it would be like making a number of exchanges for the same animal, which according to the view of the authority on whose behalf we are propounding this question, is not permissible; or, since the second guilt-offering is another animal altogether and it receives a different kind of holiness, do we say that there can therefore be an exchange made, for in the case of the first animal it was a guilt-offering which was exchanged and we are considering now the exchange of a burnt-offering.
- (4) And the question will then be: Shall we say that since there is another body i.e., a different animal, therefore it can be exchanged or, perhaps, since there is the same holiness, there can be no further exchange.
- (5) Let R. Abin state his inquiry as follows: One separated his guilt-offering and exchanged it and the first animal became blemished and was redeemed for another. What of exchanging this last animal? Shall we say since it is a different

body, i.e., a different animal, there can therefore be a second exchange, or perhaps since the last animal comes in place of the first and has the same kind of holiness, both being a guilt-offering, there can be no exchange again.

(6) I.e., where one set aside a guilt-offering and exchanged it, and the first animal was lost and he obtained atonement through another guilt-offering, and the first guilt-offering was then found and is now regarded as a burnt-offering. Here we have, with reference to the first animal, one body with two kinds of holiness, and the question is, since there is here only one body, can exchange be effected again.

(7) And was subsequently redeemed, for the inquiry can be formulated without these conditions.

(8) What exactly is the nature of his inquiry which calls for all the circumstances which he enumerates.

(9) When e.g., the second guilt-offering was lost and he obtained atonement through a different animal, the second guilt-offering becoming a burnt-offering after being found. What of the second guilt-offering as regards exchanging? Do we say since it was brought in virtue of the first, there can therefore be no exchange, or, as it is a different animal with a different kind of holiness, there can be exchange?

(10) Do we say that as it was brought in the place of the first guilt-offering, as the first animal has once been exchanged, there can be no further exchange, or else, as it is a different animal, there can be a further exchange?

(11) V. Sh. Mek.

(12) Where the first animal did not become blemished and was not redeemed but was lost and the owner brought a second guilt-offering.

(13) According to the law.

(14) This burnt-offering. Now according to this version there will not be any reference to two kinds of holiness and two bodies, and there will really be here two inquiries (Rashi.)

(15) It would be sufficient to formulate the inquiry as follows: He set aside a guilt-offering which he exchanged, the first animal became lost and he obtained atonement through another guilt-offering. The first guilt-offering was then found and automatically became a burnt-offering, and the question was as regards making exchange again with the same animal which has now received another kind of holiness.

(16) Whether there can be a further exchange of the second animal possessing the same kind of holiness as the first, i.e., when the guilt-offering was exchanged, became blemished and was redeemed for another.

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(17) The same animal all the time, without a change to a different kind of holiness.

(18) B.M. 54b.

(19) When redeeming a dedication.

(20) When e.g., the first animal became maimed and he redeemed it for another, this second animal being described as a second dedication. A substitute animal would be a second dedication.

(21) Lev. XXVII, 15.

(22) As in the case of a substitution, where the animal exchanged is not itself dedicated and only becomes holy by reason of exchange.

(23) The first guilt-offering was then found.

(24) In accordance with the rule that if an animal has been dedicated for a guilt-offering and the owner has obtained atonement through another, the original animal is changed into a burnt-offering.

(25) Would it be regarded as a second dedication, although it is the same animal, so that if it became blemished, there would be no need to add a fifth.

(26) For the present, R. Abin's words have no reference to the case of two bodies and two kinds of holiness, but he divides his inquiry into two parts, the first part being where there are two bodies and one kind of holiness, and the other, where he obtained atonement through another guilt-offering, i.e. where the first guilt-offering was not maimed but was lost and the owner obtained atonement through another guilt-offering. The first guilt-offering was then transformed into a burnt-offering and we have, as a result, two kinds of holiness but in one body (Rashi). Therefore Abaye's query is: What is, etc.

(27) Through another guilt-offering. He need only state that the first guilt-offering became blemished, he redeemed it for another and added a fifth in redeeming, since there can be no redemption of an unblemished animal which is fit for the altar. The second animal in turn became blemished and the inquiry will therefore be as follows: Do we say that since the second animal possesses the same kind of holiness as the first, there cannot be the addition of the second fifth in redeeming, as it is a second dedication? Or, perhaps, since they are two separate bodies (animals) he adds a fifth when he redeems the second blemished guilt-offering? R. Joshua's dictum will therefore only apply in the case where one dedicated a blemished animal for Temple repairs and redeemed it for another blemished animal, no change being brought about, as both are blemished. In redeeming therefore the second animal, we say it is a second dedication and therefore a fifth is not added when redeeming. But in our case, where

we redeem a blemished guilt-offering for an unblemished one which is fit for the altar, we consider this second animal a first consecration, since the first guilt-offering was only useful for its value alone, whereas the second animal is suitable for the altar. It is therefore a fresh consecration, requiring the addition of a fifth should it become blemished and be redeemed (Rashi).

(28) Before it became lost, and the case here is where the guilt-offering became lost, and he set aside another guilt-offering and obtained atonement through it. The first animal then becomes a burnt-offering. What is then the ruling? Do we say it is a second dedication, since the owner obtained atonement through another and this first animal is considered as subsidiary to it and, consequently, if it became blemished, there will be no need for the adding of a fifth in redeeming, or not?

(29) V. Wilna Gaon Glosses.

(30) If the second animal became blemished and was redeemed.

(31) Inserted with Sh. Mek.

(32) In accordance with the law.

(33) If it became blemished and was redeemed.

(34) Inserted with Z.K.

(35) If it became blemished and he redeemed it.

(36) Inserted with Z.K.

(37) V. Sh. Mek.

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Or perhaps, all [dedications] of the same holiness do not require the addition of a fifth?¹ And if you will say that since this [other] body [animal] remains in the same holiness, there is no addition of a fifth, then if [the owner] obtained atonement through [a guilt-offering] and the first [automatically] was transformed into a burnt-offering,² what is the ruling? [Do we say that] one does not add a fifth only in the case of the same body possessing the same holiness, but where there is another holiness,³ it is not so? Or, perhaps, since it is the same body,⁴ one is not required to add a fifth? — Let it remain undecided.

Rami b. Hama inquired: Is the consecrator required to add a fifth [when redeeming], or is the one who is atoned for required to add a fifth?⁵ —

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Said Raba: Scripture says, And if he that sanctified it will redeem his house:⁶ ‘He that sanctified’, but not the person who is atoned for.

Rami b. Hama inquired: Can a consecrator effect an exchange, or the one for whom atonement is obtained? —

Said Raba: [Obviously the person for whom atonement is made has power of effecting exchange, for if only the consecrator has power of effecting exchange],⁷ then we find that a congregation or partners have power of effecting exchange when, e.g., they charge an agent to dedicate?⁸

And moreover R. Nahman reported: Huna informed me: It has been taught, Scripture says: And of his offering unto the Lord for his separation, beside that his hand shall get.⁹ Now is the offering of a Nazirite according to his pecuniary means?¹⁰ How then are we to explain this? The words, ‘His offering unto the Lord for his separation’ refer to where he is able to set aside [the prescribed offering] from his own [means]. The words, ‘Beside that his hand shall get’ refer to where others set aside [the prescribed offering].¹¹ For what practical ruling?¹² Shall I say with reference to atonement?¹³ Surely it is obvious that he obtains atonement [with another sacrifice] seeing that they give it to him as a gift! Then must you not say that it is with reference to making exchange, and [the Baraitha above] means this: [Just as when he set aside an offering from his own means only he alone has power of effecting exchange],¹⁴ so if others set aside [an offering] on his behalf he alone can effect exchange?¹⁵ Deduce therefore from here that we go by the person for whom atonement is made!¹⁶ —

No. One can still maintain that [the Baraitha above] refers to atonement, and as to your difficulty, do not [the others who set

aside the offering] give it to him as a present? Had the Divine Law not included this in the text ‘beside that his hand shall get’, I might have thought that it is a Divine decree that [the Nazirite] can obtain atonement only with an offering brought from his own means but not from that [set apart] by others, [although it is given to him as a gift]. The text [‘beside that, etc.’] therefore informs us [that it is not so]. What is the decision in the matter? —

Come and hear: For R. Abbuha reported in the name of R. Johanan: He who dedicates [and wishes to redeem his dedication] must add a fifth. The exchange of one for whose atonement [an animal is dedicated] is sacred. If one separates [the priestly due] from his own [grain] for [the untithed grain] of his neighbor the right of disposal belongs to him [who separates].¹⁷ What is the reason? Scripture says: All the tithes of thine increase.... and hast given it, etc.¹⁸

MISHNAH. WITH LIMBS [OF HULLIN] NO EXCHANGE CAN BE EFFECTED FOR [DEDICATED] EMBRYOS,¹⁹ NOR WITH EMBRYOS [OF HULLIN] FOR [DEDICATED] LIMBS;²⁰ NOR WITH EMBRYOS AND LIMBS [OF HULLIN] FOR WHOLE [DEDICATED ANIMALS];²¹ NOR WITH WHOLE [ANIMALS OF HULLIN] FOR THEM. R. JOSE SAYS: WITH LIMBS [OF HULLIN] EXCHANGE CAN BE EFFECTED FOR WHOLE [DEDICATED ANIMALS],²² BUT NOT WITH WHOLE [ANIMALS OF HULLIN] FOR THEM.²³ SAID R. JOSE: IS IT NOT THE CASE IN RESPECT OF DEDICATIONS,²⁴ THAT IF ONE SAYS: ‘THIS FOOT SHALL BE A BURNT-OFFERING, THE WHOLE [ANIMAL] BECOMES A BURNT-OFFERING? SIMILARLY, IF ONE SAYS, ‘THIS FOOT SHALL BE INSTEAD OF THIS [WHOLE DEDICATED ANIMAL]’, THE WHOLE [ANIMAL] SHOULD BECOME A SUBSTITUTE IN ITS PLACE.

GEMARA. It was stated: Bar Padda says, Dedication has no effect on embryos,²⁵

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whereas R. Johanan says: Dedication has effect on embryos. And R. Johanan²⁶ follows the opinion he expressed elsewhere. For R. Johanan said: If one dedicates a pregnant sin-offering and it gave birth, if he wishes, he may obtain atonement through it [the mother], and if he wishes, he may obtain atonement through its offspring.²⁷ [And both statements of R. Johanan] are necessary. For if he had made only the first statement,²⁸ [I might have said] that here, where he dedicated

- (1) Although the second guilt-offering is a different animal.
- (2) V. Sh. Mek.
- (3) Where, as here, the animal becomes a burnt-offering.
- (4) The same animal, although now possessing a different holiness.
- (5) For the rule is that only the owner adds a fifth in redeeming but not a stranger. Now if one set aside an offering on behalf of one's neighbor and it became blemished, who is considered the owner in respect of adding a fifth? Is the consecrator considered the owner and therefore the person for whom atonement is made does not require to add a fifth, as he is regarded as a stranger, or is the person for whom atonement is made considered the owner?
- (6) Lev. XXVII, 15.
- (7) V. Sh. Mek.
- (8) For then it becomes a private offering to which exchange is applicable, and we have learnt that a congregation or partners are not competent to effect an exchange. Hence we can deduce from this that we go by the person for whom atonement is made, and in the case of a congregation or partners it is the congregation or partners who are making the exchange and consequently in this case no exchange will be effected.
- (9) Num. VI, 21.
- (10) Like the case of the sacrifice of higher or lower value, for the sacrifice of a Nazirite is fixed and specified.
- (11) Where he is unable at the moment to bring a sacrifice and meanwhile others separate one on his behalf.
- (12) Is there need for the text to inform us concerning others setting aside an offering on his behalf.
- (13) To teach us that one can obtain atonement by means of an offering which others have set aside.
- (14) But not another.

- (15) He can effect exchange but not the others.
- (16) For we see that although others have set aside the offering, only the owner, for whose benefit it was, can effect exchange.
- (17) V. supra 2b notes.
- (18) Deut. XXVI, 12. Thus a person who gives and separates the tithes has the right to give them to the priest he chooses, and the privilege is not in the hands of the person on whose behalf the grain is tithed. We see, however, from R. Abbuha that the person for whom atonement is made can effect exchange and this is the answer to Rami b. Hama's query above.
- (19) If a person said: 'Let the foot of this animal be exchanged for a dedicated embryo inside this animal', dedication has no effect on the limb.
- (20) If one said: 'Let the embryo in the inside of this Hullin be exchanged for the foot of this dedicated animal', the embryo is not holy.
- (21) If, for example, one said: 'Let this embryo or limb be exchanged for this whole dedicated animal', there is no exchange.
- (22) If one says: 'Let the foot of this animal of Hullin be exchanged for this dedicated animal', the exchange takes effect in regard to the limb and it spreads to the entire animal. Thus the whole animal becomes sacred and is offered up.
- (23) For a limb of a dedicated animal has not the power to effect exchange.
- (24) At the beginning when one dedicates.
- (25) If one dedicates an embryo inside an animal, it is not holy to be offered up, and if he offered it up when it was born without a special dedication from its birth, he brings Hullin to the Temple court. If, therefore, he separates a pregnant sin-offering, we do not consider it as a case of two sin-offerings set aside for security, for the embryo is sanctified by virtue of its mother and not on its own account, and therefore is regarded as the offspring of a sin-offering which is left to die. Similarly, as regards the matter of dedication, the embryo is regarded as the offspring of a dedication and not as a separate dedication.
- (26) Who holds that dedication has effect on embryos.
- (27) For we say that the offspring of sin-offerings is left to die only in the case where one set apart a sin-offering which became pregnant and gave birth, it being a Sinaitic law that the offspring in such circumstances is condemned to die (v. infra 21b). But where he set apart a pregnant sin-offering, the embryo is regarded as a different animal and therefore holiness attaches to it independently of its mother. We regard this as a case of one who sets apart two sin-offerings for security in which case he can obtain pardon with whichever one he chooses, the other being left to pasture. We thus see that

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holiness attaches to an embryo and no special dedication is required after its birth.

(28) That dedication has effect on an embryo.

T'murah 10b

the embryo by itself, a dedication has effect on it, but there, where he dedicated the mother, it [the embryo] is included [in the dedication of the mother], and therefore it [the embryo] is not holy on its own account. And if he made only the second statement,¹ [I might have said] that there he dedicated it [the mother] and all connected with it [the embryo], but here where he dedicated it [the embryo], since it is not [emerged] outside, it is not holy.² [Both statements of R. Johanan] are therefore necessary.

Another version: What does [R. Johanan] inform us?³ That if one left over [the embryo]⁴, his act is valid⁵, and that an embryo is not considered as the thigh of its mother.⁶ But what need is there for the two statements [of R. Johanan]?⁷ — [Both] are necessary. For if the statement had been made in connection with this case only,⁸ [I might have said] that there, where the mother herself is fit [for dedication], since holiness attached to it [the mother], it also attached to the embryo. But in the other case,⁹ [I might have said] that it was not so. [R. Johanan] therefore informs us [otherwise].¹⁰ And if R. Johanan had stated the law only in this case,¹¹ [I might have said] that there the reason was because he expressly dedicated the embryo, but here¹² the case is otherwise. [Both statements of R. Johanan are therefore] necessary.

R. Zera was once sitting and repeating this tradition [of Bar [Padda]. R. Jeremiah raised an objection to R. Zera.¹³ What device does one adopt¹⁴ in connection with a firstling? If a pregnant animal was giving birth for the first time, one can say: 'Whatever is in the inside of this animal shall become a burnt-offering'. If now the animal gives birth to a male it is a burnt-

offering.¹⁵ Consequently we see that an embryo is holy on its own account!¹⁶ —

He [R. Zera] replied to him: This was taught with reference to a consecration for its value.¹⁷ But is a consecration for its value strong enough to release from the holiness of a firstling? — Yes. And we have learnt likewise: All dedications which have received a permanent blemish prior to their dedication and were redeemed, are subject to the law of the firstling¹⁸ and the priestly gifts.¹⁹ Now the reason why they are subject to the law of the firstling is because they were redeemed, but if they were not redeemed, they would be exempt from the law of the firstling. Consequently we see that a consecration for its value is strong enough to release the holiness of a firstling.²

He raised an objection: If one says, 'Whatever is in the inside of this animal shall be a burnt-offering', [the mother] may be shorn for its wool but must not be worked, because the embryo within is thereby weakened!²¹ — He said to him: Here²² too it is a case of consecration for its value. But is a consecration for its value strong enough to forbid [shearing and work of an animal]? —

He replied to him: Yes. And we have learnt likewise: They²³ become Hullin as regards shearing and working.²⁴ Now the reason is because they were redeemed, but before they were redeemed they must not be worked. Consequently we see that a consecration for its value makes it forbidden to work [the animal].

He [R. Jeremiah] raised an objection to him [R. Zera]. Our Mishnah says: WITH LIMBS [OF HULLIN] NO EXCHANGE CAN BE EFFECTED FOR [DEDICATED] EMBRYOS, NOR WITH EMBRYOS FOR LIMBS.²⁵ Now it says that one has no power to exchange with them [the embryos],²⁶ but they [the embryos] can indeed become holy!²⁷ —

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He [R. Zera] replied to him: [Our Mishnah] is dealing with dedicated offspring which are already holy. If we are dealing with dedicated offspring, it is only in the inside of their mother that they do not effect exchange. We infer then that outside [their mother] they do effect exchange. But have we not learnt: One cannot effect exchange with the offspring of a dedicated animal?²⁸—

[The Mishnah above] will represent the opinion of R. Judah who holds²⁹ that an animal's offspring effects exchange. If [the first part of our Mishnah above] is the opinion of R. Judah, it is only exchange which cannot be effected [with limbs],³⁰ but they [limbs] are indeed dedicated.³¹ But has not R. Judah stated: Limbs do not become holy?³² — The case here³³ is where he dedicated a limb the removal of which results in death.³⁴

He [R. Jeremiah] raised an objection to him [R. Zera]: One can dedicate limbs and embryos but one has no power to exchange [them].³⁵ — Here³⁶ also we are dealing with offspring of dedications. If the case is that of offspring of dedications, why does the Baraitha say above: 'one can dedicate', for are they not already holy? —

- (1) If one set apart a pregnant sin-offering, etc. as stated above.
- (2) Requiring a special dedication when it emerges from the inside of its mother.
- (3) In the case where one dedicates a sin-offering, etc.
- (4) For another kind of holiness, v. infra 19a.
- (5) E.g., if one says: 'This shall be a sin-offering and its embryo a burnt-offering', his words are valid. Or, if he says: 'The mother shall be a sin-offering and its embryo Hullin', it is Hullin. Lit., 'it is left over'.
- (6) According to Bar Padda, however, an embryo is not considered something apart, and where one dedicated the mother and left over the embryo for another kind of holiness, it does not receive holiness and is regarded as an offspring from a sin-offering which is left to die. And if one says that the embryo should be

Hullin his words are nugatory. According to the authority who holds that an embryo inside a dedicated animal is holy, holiness attaches immediately, while according to the other authority, holiness only commences when the embryo is born.

(7) Can we not infer this from the other case mentioned by R. Johanan, when he says that dedication has an effect on an embryo, thus teaching us that the animal and its embryo are considered as independent on one another in respect of dedication?

(8) Where one separates a sin-offering.

(9) Where one dedicates an embryo.

(10) That holiness rests on an embryo.

(11) Concerning where one dedicates an embryo.

(12) Where one separates a sin-offering.

(13) Infra 24b.

(14) To evade the duty of giving a firstling to the priest, so as thus to derive the benefit for himself.

(15) He carries out his obligation if he is required to bring a burnt-offering, for the holiness of a firstling only commences when it leaves the womb of its mother. Consequently the dedication for a burnt-offering preceded the holiness of a firstling.

(16) Unlike the opinion of Bar Padda who says that an embryo possesses no holiness on its own account.

(17) Where he sells it and buys a burnt-offering for the money. But the embryo itself is not consecrated as such and is sold unblemished.

(18) If they are female animals and gave birth for the first time after their redemption.

(19) V. infra 33a.

(20) For since a permanent blemish was prior to the consecration, the consecration at the outset was only for the value.

(21) For working with the mother enfeebles the embryo, Tosef. III. Consequently we see that holiness has effect on an embryo, unlike the view of Bar Padda above.

(22) In the passage just cited.

(23) This passage is the second clause of the Mishnah cited above: All dedications where a permanent blemish, etc. the latter clause therefore says that they i.e., these blemished dedications, etc.

(24) So that it is permitted to shear and work them.

(25) And the Mishnah goes on to say: **NOR WITH WHOLE ANIMALS [OF HULLIN] FOR DEDICATED EMBRYOS.**

(26) For in connection with exchanging, Scripture says 'beast' but not an embryo.

(27) For if embryos cannot become holy, it is obvious that one has no power to exchange

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whole animals of holy with them, since they are Hullin.

(28) Born after its mother's dedication, and the status of one exchanged with the young is not altered. We must then be dealing with a case where one consecrated directly an embryo, which is regarded as a first dedication. Hence we see that dedication has effect on an embryo, unlike the opinion of Bar Padda.

(29) *Infra* 11a, 12a, 14a.

(30) Of Hullin for whole dedicated animals, so that holiness should spread to the entire animal the limbs of which are being substituted.

(31) One can dedicate limbs, so that if one consecrated a limb of an animal, holiness spreads to the entire animal. For the first Tanna of the Mishnah must share this opinion, since R. Jose, his disputant in the Mishnah, retorts: IS IT NOT THE CASE WITH REFERENCE TO DEDICATIONS, etc. thus implying that the first Tanna agrees with him that if one dedicated a limb the whole animal becomes holy, and it is R. Simeon who opposes R. Jose later in the Baraitha, saying that at the beginning the consecration of one limb makes the whole animal a burnt-offering, but the case of exchanging is different, as it has no effect on limbs.

(32) Later in the Baraitha, R. Judah says that holiness does not spread to the whole animal where their limbs are dedicated.

(33) Where we deduce from the Mishnah that the entire animal becomes holy if one limb is dedicated.

(34) Lit., 'on which the soul depends'; e.g., if he dedicated a foot from the joint upwards, the removal of which would render the animal Trefah (v. *Glos.*). Here, even R. Judah, the Baraitha says later, agrees that in such circumstances the whole animal becomes sacred.

(35) *Infra* 15a. We therefore see that dedication has an effect upon embryos, unlike the opinion of Bar Padda.

(36) In the case of the Mishnah just quoted.

T'murah 11a

What is meant is this:¹ One can dedicate limbs,² and can effect exchange for them,³ but one can effect no exchange with limbs for them [dedicated animals].⁴ And embryos which were dedicated while they were inside their mother cannot be exchanged.⁵

Now if the case [in the Mishnah just quoted] refers to offsprings of dedications, it is only in the inside of their mothers that they do not effect an exchange, but outside [their mother]⁶ they do effect exchange. But have we not learnt: Offspring [of dedicated animals] do not effect an exchange? — This⁷ is the opinion of R. Judah.⁸ If it is the opinion of R. Judah, then how can limbs become holy,⁹ for R. Judah does not hold that if one says: 'The foot of this animal shall be a burnt-offering' the whole becomes a burnt-offering? — He replied to him: Here¹⁰ also the case¹¹ is one of the dedication of a limb [the loss of] which renders the animal Trefah.

Must it be said that Tannaim differ [on that point]?¹² [For it was taught:] If one¹³ slaughtered a sin-offering and found a four months' old¹⁴ [embryo] alive inside, one [Baraitha] states: It is only eaten by the males of the priesthood,¹⁵ within the hangings of the court, and for one day [and a night];¹⁶ while another [Baraitha] taught: It is eaten by all people, it is eaten everywhere [in the Temple court] and [is eaten at all times].¹⁷ What [does this mean]? Is it not that there is a difference of opinion among Tannaim, one Master holding that dedication has effect on embryos,¹⁸ and the other Master holding that dedication has no effect on embryos?¹⁹—

No.²⁰ These Tannaim [of the Baraitha above] differ on this point, one Tanna²¹ holding that the offspring of dedications are holy at birth,²² while the other Tanna²³ holds that [the offspring of dedications] are holy even in the inside of their mother. Or if you prefer [another solution] I may say: Both [Baraithas quoted above] are the teaching of one Tanna.²⁴ One of these Baraithas²⁵ deals with a case where one dedicates an animal and then it becomes pregnant,²⁶ and the other,²⁷ where he dedicates it in a pregnant condition.²⁸ We have learnt:²⁹ R. Eliezer says, Kil'ayim,³⁰

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trefah³¹ and a fetus extracted by means of the caesarean section, a tumtum³² and a hermaphrodite do not themselves become holy nor cause holiness.³³ And Samuel said: The expression, ‘Do not themselves become holy’ means as regards becoming a substitute,³⁴ and the expression, ‘Nor cause holiness’ means to effect an exchange.³⁵

And it has been taught: Said R. Meir:³⁶ Since they³⁷ do not become holy, how can they cause holiness? You cannot find a case³⁸ except where one dedicated an animal and then it became trefah,³⁹ or where one dedicated an embryo⁴⁰ and it was then extracted through the caesarean section. Consequently we see that an embryo can become holy [contrary to the opinion of Bar Padda above]! —

To this the answer was given: As regards an unblemished [embryo] in the inside of an unblemished animal, even Bar Padda also agrees that it becomes hullin.⁴¹ They⁴² only differ as regards an unblemished [embryo] in the inside of a blemished animal. Bar Padda holds since the mother is not holy as such,⁴³ it [the embryo] is also not holy, whereas R. Johanan holds: These⁴⁴ are two independent animals; the mother is indeed not holy but the embryo is.

Another version: But the cases of Kil’ayim, Tumtum and a hermaphrodite you can only explain with reference to the offspring of dedication and in accordance with the opinion of R. Judah who used to say that one can effect an exchange with an offspring [of dedications]. Now only these are not consecrated as such, but other embryos become holy, [unlike the opinion of Bar Padda]! —

Said Abaye: Regarding an unblemished [embryo] in the inside of an unblemished animal, all the authorities agree that it [the embryo] is holy as such. The point at issue is with reference to an embryo in the inside of a blemished animal, Bar Padda, holding

that since the mother is not holy as such, except for its value, the embryo also is not holy as such [except for its value], whereas R. Johanan says: An embryo is not considered the thigh of its mother, and although its mother is not holy as such, the embryo nevertheless is holy as such.

SAID R. JOSE: IS IT NOT THE CASE WITH REFERENCE TO DEDICATIONS THAT IF ONE SAYS: ‘THIS FOOT SHALL BE, etc.

(1) The words ‘One can dedicate’ of the Mishnah just quoted do not refer at all to embryos.

(2) Separate limbs and parts of the animal.

(3) The limbs of the same animal permit of exchange with another animal, for the consecration of one limb renders the whole animal holy, since one cannot effect exchange for one consecrated limb. For even R. Jose in our Mishnah above only says that one has power to exchange limbs of Hullin for whole dedicated animals but not the whole animal for a dedicated limb and certainly not limbs of Hullin for dedicated limbs.

(4) And the latter part of the Mishnah quoted which says: ‘But one has no power to effect exchange’ informs us that one has no power to exchange limbs for whole animals, so that if e.g., one says: ‘Let the limb of this animal be a substitute for this whole dedicated animal’ it is not holy. This is a restriction which applies to dedications, for if one dedicated a limb, the whole animal becomes holy, whereas if one says: ‘Let this limb be a substitute for this whole animal’ there is no substitute.

(5) E.g., the offspring of a dedicated animal, although they are holy, cannot be exchanged for an animal so long as they are inside the animal. This will be in accordance with the opinion of R. Judah who holds that an offspring can effect an exchange, for according to the Rabbis, even if the offspring were outside their mother's body, they could not effect an exchange.

(6) After their birth.

(7) The Mishnah just explained.

(8) Who holds that the offspring of a dedicated animal can effect exchange.

(9) For the first clause in the Mishnah just explained above says that one can consecrate limbs and effect exchange with them, thus implying that holiness spreads to the entire animal, otherwise there could be no substitution for limbs.

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- (10) In the Mishnah just quoted.
- (11) Sh. Mek. The case here is where he dedicated a limb, the loss of which results in death, v. p. 71, n. 7.
- (12) Whether dedication has effect on embryos.
- (13) *Infra* 25b.
- (14) For if it is five months old, it has finished its months of pregnancy in the case of small cattle and is not rendered permissible through the slaughtering of its mother, according to R. Meir, who holds that if an animal has concluded its normal months of pregnancy it requires a separate Shechitah.
- (15) According to the law of a sin-offering. At present we interpret the Baraitha as dealing with a case where one separates a pregnant animal. For if pregnancy followed dedication, all the authorities concerned will agree that since the consecration of the embryo was through its mother, it is regarded as Hullin, as the offspring of dedications are only holy at their birth and not while inside the animal.
- (16) So Sh. Mek.
- (17) So Sh. Mek. For any length of time.
- (18) In their own right. When the animal is dedicated while pregnant it becomes holy immediately and is not subject to the law of the offspring of dedication.
- (19) Except by virtue of the mother and is subject to the law of other offspring of dedications which are holy at birth.
- (20) The Baraitha above is not a case at all of setting apart a pregnant animal but of dedicating an animal which subsequently became pregnant.
- (21) The last one, mentioned above in the difference of opinion.
- (22) But not while inside the animal.
- (23) The first Tanna, mentioned above in the Baraitha.
- (24) And all the authorities concerned agree that dedication has effect on embryos immediately, in accordance with the opinion of R. Johanan.
- (25) Which says that the embryo is not holy as a sin-offering.
- (26) It is therefore like an offspring of dedications which is sacred at birth.
- (27) Which says that the embryo has the law of a sin-offering.
- (28) It therefore becomes holy immediately and has not the law of the offspring of dedications.
- (29) *Yeb.* 83b, *Bek.* 42a, etc.
- (30) A hybrid.
- (31) An animal afflicted with an organic disease, v. *Glos.*
- (32) An animal whose genitals are hidden or undeveloped.
- (33) This passage is explained subsequently.

- (34) So that if they are Hullin and were substituted for a dedicated animal, they do not become sacred; and though the law of exchange has effect on permanent blemished animals, it has no effect on these cases. This is certainly the case, that they are not holy, if one actually consecrated them.
- (35) If they are holy, there can be no exchange effected with them so as to cause holiness to another animal of Hullin.
- (36) Sh. Mek., 'Rabbi'.
- (37) *Kil'ayim*, etc.
- (38) That they should be holy.
- (39) The animal is holy, for its consecration was prior to its defect.
- (40) Holiness attaching to it immediately.
- (41) Agreeing with R. Johanan, the case of consecrating an embryo and then extracting it through the caesarean section being the same as the case of an unblemished embryo in the inside of an unblemished animal.
- (42) Bar Padda and R. Johanan.
- (43) Because it is blemished.
- (44) The mother and its embryo.

T'murah 11b

Our Rabbis have taught: Are we to suppose that if one says: 'This foot shall be a burnt-offering' the whole animal becomes a burnt-offering? The text states: All that any man giveth of it unto the Lord shall be holy:¹ 'Of it² unto the Lord', but not the whole of it [the animal] 'unto the Lord'. I might think that it [the animal] becomes Hullin, therefore the text states: 'It shall be holy'.³ How is one to act?⁴ It must be sold for the requirements of burnt-offerings, and its money is Hullin except for the value of its limb. This is the teaching of R. Meir and R. Judah.

R. Jose and R. Simeon, however, say: Whence do we derive that if one says, 'The foot of this animal shall be a burnt-offering', the whole animal becomes a burnt-offering? Because [Scripture] says, 'All that any man giveth of it [shall be] unto the Lord';⁵ when it further says, 'It shall be holy' this includes the whole of it [the animal].⁶

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The Master said: 'It shall be sold for requirements of a burnt-offering'. But does not he [the purchaser] bring an animal [for a burnt-offering] with the loss [of limb]?⁷ — Said 'Raba: It is a case where he [the purchaser] says: 'I undertake to bring a burnt-offering which can live'.⁸

Said R. Hisda: R. Judah⁹ agrees where [he dedicated] a part [of the animal the removal of which] renders the animal trefah.¹⁰ Raba says: A part [the removal of which] renders the animal nebelah.¹¹ And R. Shesheth says: A part [the removal of which] kills the animal. What is the practical difference between R. Hisda and Raba? —

The difference is whether a Trefah can live. R. Hisda holds according to the one who says that a Trefah cannot live,¹² whereas Raba will hold according to the one who says that a Trefah can live.¹³ And what is the practical difference between Raba and R. Shesheth? —

The difference between them is as regards the ruling of R. Eleazar. For R. Eleazar says: If the thigh of an animal was removed and the hollow [thereof], it [the animal] is nebelah.¹⁴ Raba will agree with R. Eleazar,¹⁵ whereas R. Shesheth will not agree with R. Eleazar.¹⁶

They raised an objection. 'Said Rabbi: I favor the opinion of R. Judah¹⁷ where [the dedication] is a part of the animal [the removal of which] will not result in death, and the opinion of R. Jose¹⁸ where the dedication is of a part [of the animal the removal of which] results in death'. Now can we not infer from this that [R. Jose differs] with R. Judah [even in connection with the removal of a vital limb]? —

There is no difficulty as regards the words: 'I favor the opinion of R. Judah¹⁹ where [the dedication] is of a part [of the animal] the removal of which will not result in

death,'²⁰ since R. Jose does differ in this.²¹ But from the words: 'And the opinion of R. Jose where the dedication is of a part [of the animal the removal of which] will result in death', cannot we infer from this that²² R. Judah differs?²³ Shall we say this refutes all?²⁴ —

No. The statement is defective²⁵ and must be read thus: The teaching of R. Jose is acceptable to R. Judah regarding a part [of the animal the removal of which] results in death, for even R. Judah does not differ with R. Jose save in regard to the dedication of a part [of the animal the removal of which] does not result in death, but in regard to the [dedication of] a part [the removal of which] results in death, he agrees with him.²⁶

Raba inquired: What of the bird?²⁷ [Shall we say,] Scripture says 'beast,'²⁸ and this is not a 'beast'? Or perhaps shall we note that Scripture says Korban ['offering']²⁸ and a bird is also an offering?²⁹ Let it remain undecided.

Raba inquired: If one dedicated a limb for its value,³⁰ what of holiness as such³¹ resting on it? Does one say, since one limb is dedicated the whole becomes holy for value,³² and since there rests upon the animal the holiness for its value, there also rests on it dedication as such?³³ Or perhaps we use a single miggo³⁴ but not a double Miggo! —

But why cannot Raba solve [the inquiry] from his own teaching?³⁵ For Raba said: If one dedicated a male³⁶ [a ram] for its value,³⁷ it is dedicated as such?³⁸ — There,³⁹ he dedicated the whole animal,⁴⁰ but here,⁴¹ he only dedicated one limb. What therefore is the ruling? — Let it stand undecided.

[Abaye⁴² inquired of Rabbah:] If one dedicated a limb, what of the shearing?⁴³ — Why not solve it from what has been

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taught: [Scripture said:] Nor shear the firstling of thy sheep,⁴⁴ thus implying that you may shear where the firstling belongs to thee and to others [gentiles]?⁴⁵ — There,⁴⁶ no holiness rested on it at all,⁴⁷ but here, holiness rested on it [the limb]. Another version: There,⁴⁸ he has not the power to dedicate it,⁴⁹ whereas here,⁵⁰ he has the power to dedicate [the rest of the animal].

Abaye inquired of Rabbah: If one dedicated the skin of an animal, what of working [the animal]?⁵¹ — Come and hear: If one says, ‘Whatever is in the inside of this animal shall be a burnt-offering’, shearing is permitted, but work [with it] is forbidden on account of the weakening of the embryo within!⁵² — He replied to him: When [the Baraitha just quoted] states ‘but work with it is forbidden’, it means Rabbinically.⁵³ If so, the shearing too should be forbidden?⁵⁴ — He said to him: Work [with the embryo] which weakens it, the Rabbis prohibited, but shearing, the Rabbis did not prohibit.

Abaye inquired of R. Joseph: If it [the mother] is a peace-offering and its embryo is hullin⁵⁵ and he slaughtered [the mother] within [the Temple court], what is the ruling?⁵⁶ According to the one who holds that offspring of dedications are holy at birth and not before, have we here a case of [slaughtering] Hullin in the Temple court⁵⁷ or not?

- (1) Lev. XXVII, 9.
- (2) Taken in the partitive sense.
- (3) That limb, and since that limb is holy, he can no longer kill the animal as Hullin.
- (4) Since there is a blending of Hullin and dedication in the animal.
- (5) This is how the verse is rendered by R. Jose and R. Simeon.
- (6) As being holy, because the holiness spreads to the entire animal.
- (7) The limb belongs to the seller who dedicated it. Therefore it is found that the purchaser is not offering up a whole burnt-offering while he vowed to offer up a whole animal.

(8) And even if there was a loss of that limb which had already been dedicated, since even without the limb the animal can live, his vow was fulfilled. But if the dedication was of a limb the removal of which would kill the animal, then holiness spreads to the whole animal, even according to R. Judah.

(9) Who holds elsewhere that only the limb which is dedicated is holy.

(10) That in such circumstances holiness spreads to the whole animal.

(11) An animal that has died a natural death without Shechitah.

(12) The difference of opinion is mentioned in Hul. 42b. Consequently since the animal cannot live, then he dedicated something the removal of which results in the death of the animal, and therefore he holds that R. Judah will agree in such a case.

(13) It is not therefore something the removal of which will result in the death of the animal. And R. Judah will maintain his opinion in the case of a Trefah.

(14) Although it is still alive it causes ritual uncleanness like Nebelah, for it is considered as already dead.

(15) And therefore if one dedicated the thigh and the region around, it is something the removal of which results in death, and the holiness spreads to the whole animal.

(16) And therefore he says: With the part that kills at once, and not with a thing the removal of which will not kill the animal outright, but will leave it struggling for a while.

(17) Who says above that the dedication of one limb does not render the whole animal holy.

(18) Who says above that the dedication of one limb makes the entire animal holy.

(19) Implying but not that of R. Jose.

(20) V. Sh. Mek.

(21) Where the loss of a limb does not result in death.

(22) V. Sh. Mek.

(23) And holds that even in such a case the dedication of one limb does not make the whole animal holy.

(24) I.e., R. Hisda, Raba, and R. Shesheth.

(25) There is a clause missing in the passage cited in the name of Rabbi.

(26) R. Jose, that the dedication of one vital limb makes the entire animal holy.

(27) According to R. Jose who holds that the consecration of a limb spreads to the whole animal, what if one consecrated a limb, e.g., a leg of a bird; does holiness spread to the whole bird or not?

(28) In the cited verse, ‘if it be a beast whereof men bring on offering (Korban) unto the Lord’ (Lev. XXVII, 9).

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- (29) Like a turtle-dove, pigeon, etc.
(30) But not for dedication as such.
(31) Does the animal eventually become holy itself, and offered as a burnt-offering?
(32) The dedication in value for one limb having spread to the dedication in value for the whole animal.
(33) We go further and say, since the whole animal is dedicated for its value we extend it so that we consider it dedicated as such. For since the animal is unblemished and is fit for a burnt-offering, what is the difference whether we sell it and for the money purchase a burnt-offering or we use the animal directly as a burnt-offering?
(34) Lit., 'since' i.e., we have to argue thus: 'Since' one limb is dedicated for its value, therefore we regard the whole animal as dedicated for its value, and 'since' the animal is dedicated for its value, we consider it also as dedicated as such.
(35) That holiness as such certainly rested on it.
(36) The reason why Raba mentioned a male is because we are dealing with a burnt-offering, which cannot be other than a male.
(37) In order to purchase a burnt-offering for the money.
(38) It became dedicated as such and cannot be sold, for since the animal itself is fit for a burnt-offering, we use it as a burnt-offering.
(39) With reference to Raba's ruling.
(40) And therefore there is one Miggo. i.e., since it is dedicated for its value, we say that holiness spreads to the body itself.
(41) With reference to Raba's inquiry.
(42) Inserted with Sh. Mek.
(43) There is no question about working it, for it is certainly forbidden, since work weakens the limb.
(44) Deut. XV, 19.
(45) So here too in the case of Abaye's inquiry, since there is Hullin and dedication in the animal, the shearing should be permitted.
(46) In connection with a firstling, in which a Jew and a non-Jew were partners.
(47) The law of a firstling not applying in this instance.
(48) With reference to the firstling.
(49) Since the gentile has a share in the firstling.
(50) Where he dedicates a limb of an animal.
(51) There is no question about shearing, as the skin is not weakened thereby, whereas working the animal does weaken the skin. The inquiry can be even according to R. Jose, for although if one dedicated a foot the whole animal becomes holy, the reason may be because a foot can be offered up, unlike the skin (sh. Mek).
(52) And here too there is a weakening of the skin and therefore work should be forbidden.

- (53) Whereas our inquiry here as regards the dedication of the skin is whether it is forbidden Scripturally, so as to incur the penalty of lashes.
(54) Rabbinically, in the case of the embryo.
(55) If one dedicated a pregnant animal without its embryo, when according to all the authorities concerned, the embryo is not holy.
(56) Is the embryo forbidden because he slaughtered Hullin in the Temple court. Tosaf. suggests that this inquiry can be solved from the Baraitha, supra 11a, where it says: 'If one slaughtered a sin-offering and found a four months' old embryo alive', implying that there is no prohibition here of slaughtering Hullin in the Temple court. Sh. Mek. however, comments in this connection that there may be a difference between an embryo which has not completed its months of pregnancy, as in the case of the Baraitha, and an embryo which has completed its months of pregnancy, which is the case of our inquiry here.
(57) Since he did not dedicate the embryo, for he dedicated the animal before its pregnancy and therefore the embryo remains Hullin until its birth.

T'murah 12a

He [R. Joseph] said to him [Abaye]:¹ Can we apply here the text: If the place be too far for thee, then thou shalt kill?²

Abaye inquired of R. Joseph: If it [the mother] is Hullin and its embryo is a peace-offering³ and one slaughtered it [the mother] without [the Temple court], does he incur the penalty for slaughtering dedicated animals without [the Temple court] or not? — He replied to him: Can we apply here the text: Even that they may bring them unto the Lord?⁴

Another version: He [R. Joseph] replied to him: [If the animal] is fit for the tent of meeting,⁵ one incurs a penalty for slaughtering it outside [the Temple court, but⁶ for an animal which is not fit for the tent of meeting,⁷ there is no penalty incurred for slaughtering without the Temple court].

MISHNAH. [ANYTHING WHICH HAS BECOME SUBJECT TO THE LAW OF

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TERUMAH THROUGH] AN ADMIXTURE CAN AFFECT A [SECOND] MIXTURE ONLY IN PROPORTION.⁸ [DOUGH] LEAVENED [THROUGH TERUMAH] CAN AFFECT [ANOTHER DOUGH] ONLY IN PROPORTION.⁹ DRAWN WATER CAN DISQUALIFY A MIKWEH¹⁰ ONLY IN PROPORTION. WATER OF PURIFICATION BECOMES RITUALLY FIT¹¹ ONLY WITH THE PUTTING OF ASHES [IN THE WATER].¹² A GRAVE AREA¹³ CANNOT CREATE A GRAVE AREA.¹⁴ [THE SEPARATION OF] TERUMAH CANNOT BE REPEATED.¹⁵ AN EXCHANGE CANNOT BE USED TO EFFECT ANOTHER EXCHANGE.¹⁶ THE OFFSPRING OF A DEDICATED ANIMAL CANNOT EFFECT AN EXCHANGE. R. JUDAH SAYS: THE OFFSPRING OF A DEDICATED ANIMAL CAN EFFECT AN EXCHANGE.¹⁷ THEY SAID TO HIM: A DEDICATED ANIMAL CAN EFFECT EXCHANGE, BUT NEITHER THE OFFSPRING OF A DEDICATED ANIMAL [NOR¹⁸ AN EXCHANGE] CAN EFFECT EXCHANGE.

GEMARA. Whose opinion is here¹⁹ represented? R. Hiyya b. Abba reported in the name of R. Johanan: It will not be that of R. Eliezer. For we have learnt: If a se'ah of Terumah has fallen into less than a hundred se'ah of hullin,²⁰ [the admixture becoming forbidden to non-priests], and something fell from the mixture into another place [of Hullin] , R. Eliezer says: The mixture is considered certain terumah,²¹ whereas the Sages say: The [first] mixture can affect the [second] only in proportion.²²

[DOUGH] LEAVENED [THROUGH TERUMAH] CAN AFFECT [OTHER DOUGH] ONLY IN PROPORTION. R. Hiyya b. Abba reported in the name of R. Johanan: The Mishnah will not be the opinion of R. Eliezer.²³ For we have learnt: If leaven of Hullin and of Terumah fell into dough and there was in neither a sufficient quantity to leaven [the dough] but both

were capable of leavening when combined, R. Eliezer says: We go by the last [leaven],²⁴ whereas the Sages say: Whether the forbidden thing [Terumah] fell first [into the dough] or last, a quantity capable of leavening is always required [in order that the dough should] become forbidden.

DRAWN WATER CAN DISQUALIFY A MIKWEH ONLY IN PROPORTION. Whose opinion is here represented? — R. Hiyya b. Aba reported in the name of R. Johanan: It is that of R. Eliezer b. Jacob. For it has been taught:²⁵ R. Eliezer b. Jacob said: If a Mikweh contains twenty-one se'ah of rain-water, one can bring²⁶ nineteen se'ah²⁷ and open a sluice [near it],²⁸

(1) One does not incur the penalty for slaughtering Hullin in the Temple court.

(2) Deut. XII, 21; from which text we derive in Kid. 57b that it is forbidden to slaughter Hullin in the Temple court, for we interpret the text as follows: You may kill Hullin away from the Temple court, but you may not kill Hullin near the Temple court. Here you cannot apply the text, for you cannot kill the animal except in the Temple court, for it is a peace-offering and therefore the embryo is not regarded as Hullin in the Temple court.

(3) And according to the authority who says that dedication has effect on an embryo, is there excision on account of the embryo, its mother having been slaughtered without the Temple court?

(4) Lev. XVII, 5, stated in connection with the prohibition of bringing dedications without the Temple court. For one is guilty of bringing dedications without the Temple court only with regard to an animal fit for an offering, but not an embryo which is not fit at present for an offering.

(5) And one offers it without the Temple court.

(6) Inserted with Sh. Mek.

(7) And here it is Hullin and can only be brought outside the tent of meeting. Therefore the text is not applicable.

(8) If, for example, a se'ah of Terumah fell into a se'ah of Hullin so that the mixture became subject to Terumah and if subsequently one se'ah of this mixture fell into Hullin, the second mixture is subject to the law of Terumah only in proportion of the Terumah contained in the first mixture.

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(9) If, for example, Terumah the size of an egg has leavened Hullin also the size of an egg and then there fell from the mixture the size of an egg into some other dough, if half an egg is capable of leavening the dough, then the latter is forbidden, but if not, it is permitted, for we say that in the egg that fell into the dough there was only half an egg of Terumah.

(10) Ritual bath.

(11) Lit., 'become waters of purification'.

(12) Which was there already, but if he first put the ashes in the vessel and then the water, the water is disqualified because, when he put in the ashes, there was no water in the vessel.

(13) Beth ha-Peras, a field in which a grave has been plowed up; v. Keth. (Sonc. ed.) p. 154, n. 6.

(14) If the plow passes over and beyond it.

(15) I.e., once Terumah has been separated from the heap, it cannot be separated again. Lit., 'there is no Terumah after Terumah'.

(16) A substitute which is sacred cannot itself be exchanged for another animal, so as to cause holiness to the latter.

(17) One can exchange an animal for the offspring and the substitute becomes holy.

(18) Inserted with Sh. Mek.

(19) In the Mishnah which says that anything which has become subject to the law of Terumah, etc.

(20) For if it fell into one hundred se'ah of Hullin, the Terumah would be neutralized.

(21) So that if a se'ah from the admixture fell into other Hullin there must be a hundred se'ah beside it in order to neutralize the Terumah.

(22) We require a hundred times the proportion of Terumah in the se'ah which fell into the second mixture and not more. If e.g., in the beginning there fell one se'ah of Terumah into twenty-four se'ah of Hullin, each se'ah of the mixture contains one twenty-fourth of Terumah, i.e., one log. Now if a se'ah of this mixture fell into other Hullin, seventy-seven log of Hullin combine with the twenty-three log of Hullin contained in the se'ah which fell in order to neutralize the Terumah (Rashi).

(23) For according to R. Eliezer there is no need that the forbidden thing should be capable of leavening, and the forbidden thing, i.e., Terumah, together with what is permissible, i.e., Hullin, both combine in order to render the dough forbidden.

(24) Which causes the leavening, and if the forbidden thing fell last, the admixture is prohibited. And according to our Mishnah too, although from the first dough leavened exclusively by Terumah, there fell into the second dough only a sufficient quantity to leaven the second dough, and hence the greater part of the leaven came from Hullin, the second

dough is still forbidden, because R. Eliezer holds that the product of combined causes i.e., of Terumah and Hullin joined together is forbidden (Rashi). Rashi adds that even if the Terumah fell first but it was not removed, and both the Terumah and the Hullin leavened the dough, the latter is forbidden, because it is a product of combined causes. Tosaf. however, explains that the case dealt with by the Mishnah is where the leaven of Terumah the size of an olive and Hullin the size of an olive fell separately into a dough of Hullin and leavened the latter, there being neither in the Hullin by itself nor in the Terumah by itself a sufficient quantity to leaven.

(25) Tosef. Mik. IV.

(26) Lit., 'fill with the shoulder'.

(27) Of drawn water to make up the minimum required of forty se'ah.

(28) Since to pour from a bucket directly into a Mikweh which contains less than forty se'ah of rain water would disqualify the water, even if only three log, but he makes a cavity into which he pours water from the bucket and the water flows from this cavity into the Mikweh.

T'murah 12b

and [the collected waters] are clean ritually,¹ for collected drawn waters are rendered clean by the greater part [in the Mikweh being rain-water] and by being conducted through a channel.² We can infer from this that according to the opinion of the Rabbis [drawn waters are not rendered clean] by the greater part [of rain-water] and by being conducted through a channel.³ Then the ruling which when Rabin came he reported in the name of R. Johanan: Collected water which has been drawn entirely through a channel is ritually clean, will represent neither the opinion of the Rabbis nor that of R. Eliezer? —

Rather said R. Papa: [The words IN PROPORTION] mean according to the number of the vessels, and it [the Mishnah] is the opinion of Joseph b. Honi. For it has been taught: If three⁴ log of collected water fell into a mikweh,⁵ if [the waters] came from two or three vessels or even from four or five vessels, they disqualify the Mikweh. Joseph b. Honi says: If the waters came

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from two or three vessels,⁶ they disqualify the Mikweh, but if from four or five vessels,⁷ they do not disqualify the Mikweh.

THE WATERS OF PURIFICATION BECOME RITUALLY FIT, etc. Whose opinion is here represented? — R. Hiyya b. Abba reported in the name of R. Johanan: It is not the opinion of R. Simeon.⁸ For it has been taught: If one puts the ashes [into the vessel] first before the water, it [the water of purification] is disqualified, whereas R. Simeon says: It is fit. What is the reason of R. Simeon? —

Since it is written: And for the unclean they shall take the ashes [‘afar] of the burning of the purification from sin [and the running water shall be put thereto].⁹ And it has been taught: R. Simeon says, Now is it ‘afar [dust]?¹⁰ Is it not Efer [ashes]?¹¹ The text departs from the natural expression¹² in the matter in order to permit of a Gezarah shawah.¹³ We read here ‘afar¹⁴ and we read there ‘afar.¹⁵ Just as there¹⁶ the ‘afar is placed upon the water, so here¹⁷ also the ‘afar is placed upon the water. And just as here¹⁸ if the dust¹⁹ is placed in the vessel before the water the ritual is fit, so there²⁰ if he placed the dust before the water, it [the water] is ritually fit.²¹ And whence do we derive this [in connection with waters of purification]?²² —

There are two Scriptural texts. It first says: And [running water] shall be put thereto,²³ from which we see that ashes are put first in the vessel, and then the text continues: Running water... in a vessel.²⁴ How [do we reconcile these texts]? If he wishes [he puts] ‘afar²⁵ at the bottom [of the vessel],²⁶ and if he wishes, he puts ‘afar on top [of the water].²⁷ And what is the reason of our Tanna?²⁸ —

He can answer you: The latter part of the verse²⁹ is to be strictly interpreted,³⁰ and [the text]: ‘And [running water] shall be put thereto teaches us that one must mix

[the ashes and the water together].³¹ But why do you see fit to say that the latter part of the verse is to be strictly interpreted? perhaps the first part of the text is to be strictly interpreted,³² [and the text, ‘in a vessel’ teaches us that³³ the waters must be fresh in the vessel]?³⁴ —

You cannot interpret the text in this way: Just as we find with regard to all other cases³⁵ that which makes [the water] ritually fit³⁶ is placed on top,³⁷ so here³⁸ that which makes [the water of purification] ritually fit is put on top.³⁹

A GRAVE AREA CANNOT CREATE A GRAVE AREA, etc. Our Mishnah will not represent the opinion of R. Eliezer. For we have learnt: R. Eliezer says: A grave area creates a grave area,⁴⁰ [whereas⁴¹ the Sages say: A grave area does not create a grave area].⁴² According to the Rabbis, up to how much?⁴³ —

When R. Dimi came [from Palestine] he reported in the name of Resh Lakish who reported in the name of R. Simeon b. Abba:

- (1) Fit to immerse therein.
- (2) This is therefore what the Mishnah means by the expression in this connection of ONLY IN PROPORTION, since collected drawn water does not disqualify a Mikweh when it is conducted through a channel, unless there is twenty se'ah of this in the Mikweh.
- (3) Since you say that the Mishnah is the view of R. Eliezer and not that of the Rabbis, and since the Mishnah gives a lenient ruling in this connection for the very language DRAWN WATER ONLY IN PROPORTION proves that the object of the Mishnah is to be lenient in the matter — we can conclude that the Rabbis, in differing with R. Eliezer, adopt a stricter view.
- (4) Tosef. Mik. III.
- (5) Not by being conducted through a channel.
- (6) So that a whole log of drawn water fell at once into the Mikweh.
- (7) So that there was no whole log of drawn water which fell at once into the Mikweh.
- (8) For according to R. Simeon, if one puts the ashes first into the vessel before the water, the water is ritually permitted.

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- (9) Num. XIX, 17. In connection with the waters of purification.
- (10) Which is mixed with the waters of purification.
- (11) אפר.
- (12) I.e., the word 'ashes'.
- (13) An analogy established on the basis of verbal congruities in the text, v. Glos. s.v.
- (14) With reference to the waters of purification.
- (15) With reference to the waters of jealousy given to a woman suspected of faithlessness.
- (16) In connection with the waters of jealousy, since Scripture says: And of the dust... and put it into water (Num. V, 17).
- (17) With reference to the waters of purification. This procedure is at the outset the proper performance of the ritual.
- (18) In connection with the waters of purification.
- (19) Really the ashes.
- (20) With reference to the waters of jealousy.
- (21) we thus see that according to the opinion of R. Simeon in connection with the waters of purification, if one puts first the ashes into the vessel before the water, the water is ritually fit.
- (22) That the putting of ashes before the water into the vessel does not disqualify the water.
- (23) Ibid. XIX, 17. Implying that the ashes are already in the vessel and the water was then added.
- (24) Implying that the water was poured directly into the vessel and not on the ashes, and that if the ashes were put first in the vessel prior to the water, the water would not be ritually fit for the purpose.
- (25) The word here really means 'ashes'.
- (26) And then the water is poured on the ashes.
- (27) It is permissible either way.
- (28) I.e., the first Tanna who disputes with R. Simeon. This Tanna holds that if one should put the ashes first and then the water into the vessel, the water is not ritually fit. Now what may be his reason?
- (29) 'Running water... in a vessel'.
- (30) As implying that the water must be put direct into the vessel, and if he put the ashes first, then the water does not cleanse ritually.
- (31) The object of the text is not to teach us that if he first put ashes in the vessel and then the water, the water cleanses, but to warn us that after putting the ashes in the water he must mix them well with his finger so that the water below may come on top.
- (32) The text: 'And (running water) shall be put thereto', thus implying that the ashes were put first in the vessel.
- (33) Inserted with Sh. Mek.

- (34) That he draws the water in the vessel direct and fresh from a fountain and the water is not poured into it from another vessel.
- (35) E.g., with reference to the waters of jealousy.
- (36) I.e., the ashes.
- (37) For all the authorities concerned agree that it is the proper performance of the ritual to put the water first into the vessel.
- (38) In connection with the waters of purification.
- (39) Therefore inevitably the latter part of the text 'running water in a vessel' is interpreted in the exact sense, and the first part of the text refers to the need for effective mixing of the water and the ashes.
- (40) All the four fields surrounding a grave area if plowed become unclean, for the dust of the grave area causes uncleanness (Rashi). Tosaf, however, explains R. Eliezer's teaching as follows: If one plows a grave area and beyond it to another field, the latter becomes a grave area. If this second field in turn was plowed and beyond it, the latter field becomes a grave area. Similarly from the third to the fourth, all making each other a grave area.
- (41) Inserted with Sh. Mek.
- (42) Oh. VII, 2.
- (43) According to the Sages, how far does uncleanness extend to other fields.

T'murah 13a

Three fields¹ and two furrows' length.² How much is a furrow's length? A hundred cubits, as it has been taught:³ He who plows a grave creates a Beth ha-peras⁴ the length of a furrow. And how much is the length of a furrow? A hundred cubits.

[THE SEPARATION OF] TERUMAH CANNOT BE REPEATED, etc. Our Mishnah is the opinion of R. Akiba. For we have learnt: If partners separated Terumah one after the other, R. Eliezer says: The Terumah of both of them is valid;⁵ whereas R. Akiba says: The Terumah of both of them is not valid.⁶ The Sages however say: If the first of the partners separated Terumah according to the right quantity,⁷ then the Terumah of the second one is not valid. But if the first one did not separate Terumah according to the right quantity,⁸

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then the Terumah of the second [partner] is valid.⁹

AN EXCHANGE CANNOT BE USED TO EFFECT ANOTHER EXCHANGE, etc. What is the reason? Since Scripture says: ‘And the exchange thereof’,¹⁰ implying, but not the exchange of an exchange.

THE OFFSPRING OF A DEDICATED ANIMAL CANNOT EFFECT AN EXCHANGE. Since Scripture says: ‘It’¹⁰ implying, it can effect exchange but not the offspring of a dedicated animal.

R. JUDAH SAYS: THE OFFSPRING OF A DEDICATED ANIMAL EFFECTS AN EXCHANGE. For Scripture says: Shall be,¹⁰ thus including the offspring of a dedicated animal. And the Rabbis?¹¹ [The object of the text is] to include [an exchange] in error as [possessing the same validity as a] deliberate [exchange].¹²

MISHNAH. BIRDS AND MEAL-OFFERINGS DO NOT EFFECT EXCHANGE,¹³ SINCE [THE LAW OF] EXCHANGE ONLY APPLIES TO AN ANIMAL.¹⁴ A CONGREGATION OR PARTNERS CANNOT EFFECT EXCHANGE, SINCE IT SAYS: HE SHALL NOT ALTER IT NOR CHANGE IT,¹⁵ THUS IMPLYING¹⁶ THAT AN INDIVIDUAL CAN EFFECT EXCHANGE BUT A CONGREGATION OR PARTNERS CANNOT EFFECT EXCHANGE. ONE CANNOT EFFECT EXCHANGE WITH [OBJECTS]¹⁷ DEDICATED FOR TEMPLE REPAIRS.¹⁸ SAID R. SIMEON:¹⁹ NOW IS NOT TITHE²⁰ [ALREADY] IMPLIED?²¹ FOR WHAT PURPOSE THEN IS TITHE SPECIALLY MENTIONED?²² IT IS IN ORDER TO MAKE A COMPARISON WITH IT AND TO TEACH US THAT JUST AS TITHE IS A PRIVATE OFFERING, [SO ALL EXCHANGE OF DEDICATIONS MUST BE A PRIVATE OFFERING] THUS EXCLUDING CONGREGATIONAL OFFERINGS.²³ AND JUST AS TITHE IS A DEDICATION FOR THE ALTAR, [SO EXCHANGES CAN BE EFFECTED ONLY WITH DEDICATIONS

FOR THE ALTAR] THUS EXCLUDING OFFERINGS DEDICATED FOR TEMPLE REPAIRS.

GEMARA. Our Rabbis have taught: One might think that one can effect exchange with dedications for Temple repairs? The text however says: Korban²⁴ [offering] implying that [exchange only applies] to what is called Korban, thus excluding dedications for Temple repairs which are not called Korban. And are not [dedications for Temple repairs called Korban]? Has it not been taught:²⁵ If²⁶ you interpret the word Korban, I can understand it as including even dedications for Temple repairs²⁷ which are called Korban, since it says: And we have brought the Lord's offering, etc.²⁸

The text however states: And bringeth it not unto the door of the tent of meeting.²⁹ [We therefore say as follows:] In respect of anything which comes to the door of the tent of meeting, one is guilty [of the transgression] of slaughtering dedicated animals without the Temple court, but in respect of anything which does not come to the door of the tent of meeting, one is not guilty [of the transgression] of slaughtering dedicated animals without the Temple court.³⁰ Consequently we see that [dedications for Temple repairs], are called korban!³¹ —

Said R. Hanina: This offers no difficulty. This³² is the opinion of R. Simeon and that³³ is the opinion of the [Rabbis].³⁴ According to R. Simeon, dedications for Temple repairs are called Korban and according to the Rabbis they are not called Korban. And are not [dedications for Temple repairs called it Korban]? Surely it is written: And we have brought the Lord's Korban [offering]?³⁵ — [Dedications for Temple repairs] are called the Lord's offering, but they are not called an offering for the Lord.³⁶

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Our Rabbis have taught: He shall not search whether it be good or bad.³⁷ Now why is this mentioned?³⁸ Has not Scripture already said: He shall not alter it nor change it, a good for a bad or a bad for a good, etc.³⁹ Because it says: 'He shall not alter it nor change it', implying either a private offering or a congregational offering, either a dedication for the altar or a dedication for Temple repairs, and [that which is brought obligatorily].⁴⁰ [In order to avoid this interpretation] Scripture says: 'He shall not search'.⁴¹

Said R. Simeon: Now was not tithe implied? And for what purpose was tithe specially mentioned? In order to teach you that just as tithe⁴² is a private offering, a dedication for the altar, something which comes obligatorily and something which does not come through a partnership, so all [animals exchanged] must be a private offering, a dedication for the altar, something which comes obligatorily

- (1) The field actually containing the grave which was plowed and the field on the one side of the grave area and on the other side, i.e., either east and west or north and south, as it is not customary to plow on all the four sides of a field but only east and west or north and south.
- (2) I.e., the field containing the grave is entirely unclean but the other two fields, either on the east and west or north and south are only unclean to the extent of two furrows' length. For the Rabbis have estimated that this is the distance the plow in the field is capable of moving the bones into another field.
- (3) Tosef. Oh. XVII.
- (4) A grave area.
- (5) For both have a share in it. Lit., 'the Terumah of both is Terumah'.
- (6) Even of the first one, for since the second proceeded to tithe again, he shows thereby that he was not satisfied with the tithing of his partner. Therefore the tithing of the first partner was not with the consent and approval of the second partner. The same applies to the tithing of the second.
- (7) One in fifty.
- (8) E.g., if he was niggardly in his tithing, giving less than one in fifty, i.e., one in sixty.
- (9) Whereas according to R. Akiba in either case the Terumah is not valid, and our Mishnah too,

as it does not specify whether the Terumah was given generously by the first partner or otherwise, must be the view of R. Akiba.

- (10) Lev. XXVII, 10.
- (11) What will they do with the text 'shall be'?
- (12) If one intends to effect an exchange for a black animal and he exchanged the dedicated animal in error for a white one, the exchange is valid, unlike the case of dedication, where if one intended to dedicate a black animal and he dedicated in error a white one, the dedication is not valid.
- (13) One cannot make an exchange for a dedicated bird or meal-offering.
- (14) Since Scripture says: And if he shall at all exchange beast for beast.
- (15) Ibid.
- (16) The word 'he', etc.
- (17) Supra 31a. Another version is: Dedications for Temple repairs.
- (18) Since in connection with 'exchange' Scripture says Korban ('offering') and dedications for Temple repairs are not described as Korban.
- (19) R. Simeon holds that a dedication for Temple repairs is called Korban and therefore there is need for a text to exclude dedications for Temple repairs from the law of exchange.
- (20) Animals tithed.
- (21) In the word 'beast' used in connection with the law of exchange.
- (22) As being capable of effecting exchange.
- (23) Partners are also excluded, since partners are exempt from the law of tithing animals.
- (24) And if it be a beast whereof men bring an offering (Korban), Lev. XXVII, 9.
- (25) Supra 6b.
- (26) In connection with slaughtering and offering without the Temple court, the word Korban is expounded as meaning that there is no penalty of excision incurred for slaughtering Hullin in the Temple court. The passage then continues: If you, etc.
- (27) Usually blemished animals unfit for the altar, which yet are described as Korban.
- (28) Num. XXXI, 50.
- (29) Lev. XVII, 4.
- (30) And dedications for Temple repairs are usually such animals which are unfit for the door of the tent of meeting.
- (31) Unlike the view in the Mishnah.
- (32) The Baraitha just quoted.
- (33) The Mishnah.
- (34) Another version has here the name of Rabbi, who will hold that the name of Korban does not apply to dedications for Temple repairs. Our Mishnah will therefore be entirely the opinion of R. Simeon and the reason why dedications for Temple repairs do not effect

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exchange will not be because of the word Korban but as R. Simeon explains subsequently in the Mishnah.

(35) Num. XXXI, 50. We see therefore that the word Korban applies also to objects other than dedications for the altar.

(36) This would have implied an offering in the ordinary sense, i.e., a sacrifice for the altar.

(37) Lev: XXVII, 33.

(38) The passage refers to animal tithe.

(39) Lev. XXVII, 10, in connection with the law of exchange, thus implying that all dedications including animal tithe effect exchange.

(40) All these effect exchange. Inserted with Sh. Mek.

(41) The reason therefore why the text again mentions the law of exchange in connection with animal tithe is in order to compare all other exchanges to animal tithe, as R. Simeon explains.

(42) For which exchange is effected.

T'murah 13b

and something which does not come through a partnership.¹

Rabbi says: And for what purpose now is tithe specially mentioned?² In order to infer the cases of [one which became tithe through] a change of name³ and the exchange of actual tithe.⁴ [And further] to teach you that that which becomes tithe through a change of name is offered up,⁵ whereas the exchange of actual tithe is not offered up;⁶ that which becomes tithe through a change of name is redeemed,⁷ whereas the exchange of actual tithe is not redeemed;⁸ an exchange of actual tithe has effect both on what is fit [unblemished], and what is not fit [blemished],⁹ whereas a change of name [of tithe] has effect only on what is fit.¹⁰ The question was asked:¹¹ Because the Divine Law includes the case of that which became tithe through a change of name, should it therefore be inferior [in holiness]?¹² — Yes, for we say what [the Law] has included is included, but what it has not included, is not included. And whence do you derive this?¹³ —

Said R. Huna the son of R. Joshua: Because it¹⁴ is made the subject of a fresh statement, and therefore we do not go beyond the anomalous feature.¹⁵

Said R. Nahman b. Isaac to Raba: According to R. Simeon who says: [Exchange is effected with] something which comes obligatorily, is it only an obligatory burnt-offering that can effect exchange but not a freewill burnt-offering? — He answered him: A freewill burnt-offering also; since he took upon himself [to offer it up],¹⁶ it can effect exchange, and [R. Simeon's teaching]¹⁷ is necessary only for the case of a burnt-offering which comes from surpluses [of sacrificial appropriations].¹⁸ Now what is his view? If he holds with the authority who says that the surpluses go for freewill gifts of the congregation, then actually exchange cannot be effected, since a congregation cannot effect exchange! —

Then R. Simeon will hold with the authority who says that the surpluses go for freewill gifts of individuals.¹⁹ Now from whom have we heard this opinion? From R. Eliezer.²⁰ But have we not heard him explicitly [state] that exchange is effected?²¹ For it has been taught: A burnt-offering which came from the surpluses can effect exchange. This is the teaching of R. Eliezer! —

R. Simeon agrees with him on one point and differs from him on another. [He²² agrees with him on one point, that surpluses are applied to gifts for individuals],²³ and differs from him on another point, for R. Eliezer holds: A burnt-offering brought from surpluses can effect exchange, whereas R. Simeon holds it cannot effect exchange. If so,²⁴ as regards the inquiry of R. Abin:²⁵ If he set apart a guilt-offering with which to obtain atonement and made an exchange for it, and [the²⁶ first animal then became blemished and he redeemed it for another

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which became lost], and he obtained atonement through another guilt-offering, and the lost animal was then found and was [automatically] transformed into a burnt-offering, what is the ruling as regards making an exchange with it [the burnt-offering]? Whose opinion does this inquiry presuppose? It can hardly be that of R. Simeon, for you say that R. Simeon holds that a burnt-offering which comes from surpluses cannot effect exchange! —

R. Abin's inquiry is thus: If you can find a Tanna who holds R. Simeon's opinion who says that one cannot exchange repeatedly and holds also R. Eliezer's opinion who says that a burnt-offering which comes from the surpluses can effect exchange, what of exchanging it again? With reference to two bodies [different animals] and one kind of holiness,²⁷ what is the ruling? And if you adopt the opinion that one kind of holiness cannot²⁸ [effect exchange again], what is the ruling in the case of two kinds of holiness and one body?²⁹ Let this question remain.³⁰

(1) Since Scripture says 'shall be to thee', thus excluding partners.

(2) Subject to the law of exchange, since all dedications are included in the law of exchange. For Rabbi holds that for declaring a private offering subject to the law of exchange there is no need for a special mention of tithe, since Scripture says, 'he shall, etc.' in the singular. That the dedication must be one for the altar is also inferred from the word *Korban* mentioned in connection with the law of exchange. We therefore see that Rabbi holds that dedications for the Temple repairs are not called *Korban*. Also as regards R. Simeon's exception from the law of exchange of the case of a burnt-offering brought from the surpluses of sacrificial appropriations because dedications must be something which come obligatorily, Rabbi will maintain that surpluses can go for communal offerings. The ruling also concerning partners and congregations not being able to effect exchange can be inferred from the text, He shall not alter, etc. since it is couched in the singular number (Rashi).

(3) Where e.g., one called the tenth animal the ninth and the eleventh the tenth, the law being that both are holy and are offered up as peace-

offerings. We derive this from the text: 'And all the tithe'. The animal is therefore not actually tithe but has been named tithe in error.

(4) Where one put a *Hullin* alongside tithe and said that the first shall be exchanged for the latter, the exchange in this case having effect. There is need for the special mention of tithe, for otherwise I might have said that there is no exchange in this case, as the rendering of an animal tithe by a change of name is itself an anomaly and therefore one cannot go beyond it (Rashi).

(5) V. Bek. 61a.

(6) V. supra 5b.

(7) For it is a peace-offering and a peace-offering is redeemed when blemished.

(8) Since Scripture says: 'Then both it and the change thereof shall be holy, it shall not be redeemed'.

(9) Like tithe which has effect on blemished animals so far as to restrict the killing of them in the market place and weighing the flesh by the pound.

(10) To receive holiness, like other dedications which do not receive holiness where the blemish was prior to the dedication.

(11) Lit., 'they said'.

(12) Why then does not holiness have effect on a blemished animal in this connection? There is all the more reason that the case of tithe through change of name should be more strict and take effect even when the animal is blemished.

(13) That we do not include anything beyond what the Torah actually includes.

(14) The tithe through change of name.

(15) And therefore we do not go any further to include any other case.

(16) Although he said 'Let this, etc.'

(17) That exchange must be something which comes obligatorily.

(18) Where e.g., one separated money for a sin-offering or a guilt-offering and some of it was left over and with this money we purchased a burnt-offering.

(19) The owners themselves bring a burnt-offering as a gift but not to carry out an obligation.

(20) Who holds that surpluses are applied to gifts for individuals.

(21) What case therefore does R. Simeon exclude in respect of the law of exchange?

(22) Inserted with Sh. Mek.

(23) The text therefore is required to exclude this case from the law of exchange.

(24) That according to R. Simeon a burnt-offering coming from surpluses cannot effect exchange.

(25) V. supra 9a and notes.

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(26) Inserted with Sh. Mek.

(27) I.e., if one separated a guilt-offering in order to obtain atonement and exchanged it and then it became blemished and was redeemed for another. The second animal, although another body, possesses the same kind of holiness as the first, i.e., the holiness of a guilt-offering.

(28) Inserted with Sh. Mek.

(29) I.e., if one were atoned for through another guilt-offering and the first lost guilt-offering was then found and transformed into a burnt-offering. Thus here there are two kinds of holiness with the same body.

(30) תיבעי is the term of the Jerusalem Talmud and has the same meaning as תיקו in the Babylonian Talmud.

T'murah 14a

CHAPTER II

MISHNAH. THERE ARE [LAWS RELATING] TO THE SACRIFICES OF AN INDIVIDUAL WHICH DO NOT APPLY TO CONGREGATIONAL SACRIFICES AND [LAWS RELATING] TO CONGREGATIONAL SACRIFICES WHICH DO NOT APPLY TO THE SACRIFICES OF INDIVIDUALS. FOR SACRIFICES OF AN INDIVIDUAL CAN EFFECT EXCHANGE WHEREAS CONGREGATIONAL SACRIFICES CANNOT EFFECT EXCHANGE; SACRIFICES OF AN INDIVIDUAL CAN BE BOTH MALES AND FEMALES, WHEREAS CONGREGATIONAL SACRIFICES CAN BE ONLY MALES;¹ RESPONSIBILITY REMAINS² FOR THE SACRIFICES OF INDIVIDUALS³ AND⁴ THEIR DRINK-OFFERINGS, WHEREAS RESPONSIBILITY DOES NOT REMAIN FOR CONGREGATIONAL SACRIFICES NOR FOR THEIR DRINK-OFFERINGS, ALTHOUGH RESPONSIBILITY REMAINS FOR THEIR DRINK-OFFERINGS WHEN THE SACRIFICE IS OFFERED UP.⁵

THERE ARE [LAWS RELATING] TO CONGREGATIONAL SACRIFICES WHICH DO NOT APPLY TO THE SACRIFICES OF INDIVIDUALS, FOR CONGREGATIONAL SACRIFICES SUPERSEDE THE SABBATH

AND [THE LAWS] OF RITUAL UNCLEANNESS⁶ WHEREAS SACRIFICES OF INDIVIDUALS DO NOT SUPERSEDE EITHER THE SABBATH OR [THE LAWS] OF RITUAL UNCLEANNESS. SAID R. MEIR: BUT ARE THERE NOT THE CASES OF THE OFFERING OF THE BAKED CAKES OF A HIGH PRIEST⁷ AND THE BULLOCK FOR THE DAY OF ATONEMENT⁸ WHICH ARE SACRIFICES OF INDIVIDUALS AND YET SUPERSEDE THE SABBATH AND [THE LAWS] OF RITUAL UNCLEANNESS? THE MATTER THEREFORE DEPENDS ON [WHETHER] THE TIME [FOR THE OFFERING UP] IS FIXED.⁹

GEMARA. SACRIFICES OF AN INDIVIDUAL CAN EFFECT EXCHANGE, etc. But is this a general rule? Is there not the case of birds which are a sacrifice of an individual and yet they do not effect exchange? — [The Mishnah]¹⁰ speaks only of animals. But is there not the case of the offspring of a dedicated animal which is a sacrifice of an individual and yet does not effect exchange? — This view represents the opinion of R. Judah who says: The offspring of a dedicated animal effects exchange. But is there not the case of a substitute itself which is a sacrifice of an individual and a substitute cannot effect an exchange?¹¹ — [The Mishnah] only refers to the principal sacrifice.¹² And now that you have arrived at this explanation,¹³ you can even say that [the Mishnah] will be in agreement with the opinion of the Rabbis,¹⁴ for [the Mishnah] only refers to the principal sacrifice.¹⁵

SACRIFICES OF AN INDIVIDUAL CAN BE BOTH MALES AND FEMALES. But is this a general rule?¹⁶ Is there not the case of a burnt-offering which is a sacrifice of an individual and can only be a male and not a female? — There is the case of the burnt-offering of a bird,¹⁷ for it has been taught: Unblemished condition and male sex [for purposes of sacrifice] are required only of cattle but unblemished condition and male

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sex are not required of birds. But is there not the case of a sin-offering which is a sacrifice of an individual and is a female-and not a male? — There is the goat offered by a prince, which is a male. But is there not the case of a guilt-offering which is a sacrifice of an individual and is a male and not a female?¹⁸ —

We¹⁹ mean [in the Mishnah]²⁰ a sacrifice which can be brought equally by an individual and a congregation,²¹ whereas a guilt-offering can be brought only by an individual but not by a congregation. And if you prefer [another solution] I may say: Does the Mishnah say [there are laws which relate] to all sacrifices? It says [there are laws which relate] to sacrifices.²² And what are these? peace-offerings; and [it tells us] that if one wishes to bring a female [animal] one may do so and if one wishes to bring a male [animal] one may do so.

RESPONSIBILITY REMAINS FOR SACRIFICES OF AN INDIVIDUAL, etc. Whence is this proved?²³ — For our Rabbis have taught: [Scripture says:] Everything upon his day.²⁴ this teaches us that the additional offerings may be [offered up] all day.²⁵ The text, ‘upon his day’ teaches us that if the day passed and he did not offer them, he is not responsible for them.²⁶ One might think that one is not responsible for their drink-offerings although he offered up the sacrifice? The text, however, states: And their meal-offering and their drink-offerings,²⁷ [their meal-offerings and drink-offerings]²⁸ even by night and their meal-offerings and drink-offerings even on the morrow.²⁹

Resh Lakish says: [We derive this] from here: Scripture says, Beside the Sabbaths of the Lord.³⁰ And both [texts]³¹ are necessary. For if the Divine Law had Only written: ‘Besides the Sabbaths of the Lord’, I might have thought that the drink-offerings may be only offered by day³² but not by night. Therefore Scripture says:

‘And their meal-offering and their drink-offerings’ — And if the Divine Law had written only. ‘Their meal-offering and their drink-offerings’ and had not written. ‘Besides the Sabbaths of the Lord’, I might have thought that the drink-offerings are only offered by night³³ and not by day.³⁴ But wherein lies the difference?³⁵ —

Because in respect of dedication, the night follows the day.³⁶ Therefore [both texts] are necessary. But are drink-offerings offered by night? Surely it has been taught: I can only infer from the text³⁷ that such things as it is customary to offer up by night, e.g., limbs, fat-pieces, are [brought to the altar, burnt]³⁸ with the setting of the sun and consumed all through the night. Things, however, which it is customary to offer by day, e.g., the fistful of the meal-offering, frankincense and drink-offerings, whence do I know that he may bring them to the altar and burn them with the setting of the sun. ‘With the setting of the sun’ say you? Did you not just say things which it is customary to offer by day?³⁹ —

Say therefore: Before the setting of the sun. — Whence do we derive that these can be consumed all through the night? The text states: This is the law of the burnt-offering;⁴⁰ this implies something additional.⁴¹ Now in any case the above passage mentions ‘the drink-offerings’ as something which is offered by day?⁴² —

Said Rami b. Hama: There is no difficulty; here,⁴³ the reference is to dedication,⁴⁴ and there,⁴⁵ to offering.⁴⁶ Said Raba to him: If [the drink-offerings] indeed can become dedicated⁴⁷ [by night] they can be offered [by night]. For it has been taught: ‘This is the general rule: Whatsoever is offered by day is rendered holy only by day; whatsoever is offered by night is rendered holy only by night; whatsoever is offered both by day and night is rendered holy by day and night!’ Rather said R. Joseph:

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Delete 'drink-offerings' [from the Baraita above].⁴⁸

When R. Dimi went up [from Babylon to Palestine] he found R. Jeremiah sitting and lecturing in the name of R. Joshua b. Levi: Whence do we deduce that drink-offerings which accompany a sacrifice⁴⁹ can only be offered by day? The text states: And for your drink-offerings and for your peace-offerings;⁵⁰ and we say: Just as peace-offerings [are offered] by day, so drink-offerings [are offered] by day. He [R. Dimi] said: If I could have found [a messenger]⁵¹ I would have written a letter and sent it to R. Joseph [in Babylon]

(1) For the majority of such sacrifices are burnt-offerings and a burnt-offering must be a male animal. A congregation also do not bring peace-offerings, save lambs on Pentecost and these are males. Also their sin-offerings are he-goats.

(2) Lit., 'one is responsible', for the whole time until they are offered.

(3) Some of these offerings have a fixed time for their sacrifice and even if their time is passed the offering is not void, e.g., the sacrifice of a leper after the eighth day from his cleanliness, or that of a woman after childbirth. In the case, however, of congregational sacrifices which have appointed times, if their time has passed the sacrifices are void.

(4) Lit., 'and one is responsible for'.

(5) If the sacrifice was offered up at the correct time and the drink-offerings did not accompany the sacrifice, they can be brought within a period of ten days.

(6) They can be brought even in a state of ritual uncleanness.

(7) V. Lev. VI, 13. These have the law of the daily sacrifice which supersedes the Sabbath and ritual uncleanness; v. Men. 50b.

(8) Brought by Aaron, v. Lev. XVI, 3.

(9) The superseding of the Sabbath and ritual uncleanness is determined not by whether a sacrifice is of an individual or congregation, but whether there exists a set time for the particular sacrifice.

(10) which states that a sacrifice of an individual effects exchange.

(11) One cannot say: 'Let that animal be in place of this exchange' in order to acquire holiness.

(12) The first animal dedicated and not to one consecrated as a result of this dedication.

(13) That the Mishnah refers to the principal sacrifice.

(14) Who differ from R. Judah and hold that the offspring of a dedicated animal cannot effect exchange.

(15) And the offspring of a dedication, not being the principal dedication, is not included in the rule mentioned in the Mishnah.

(16) For the moment the Mishnah's statement is understood as meaning that all sacrifices of individuals can be males as well as females.

(17) We have here an example of a burnt-offering which can even be a female.

(18) For in connection with it Scripture says a sheep or a ram but not a ewe.

(19) V. Sh. Mek.

(20) By the statement SACRIFICES OF AN INDIVIDUAL CAN BE BOTH MALES AND FEMALES.

(21) Then we say that such a type of sacrifice which can be brought by the individual as well as by the congregation; when however an individual brings it, it can come both from males and females.

(22) Implying that there are some sacrifices which do come from females and males.

(23) That there is no compensation for the bringing of congregational sacrifices, should there be a postponement for some reason.

(24) Lev. XXIII, 37. The text refers to the additional offerings of the festivals.

(25) Provided that they are offered up before the daily sacrifice of the evening.

(26) There is no compensation.

(27) Num. XXIX, 18.

(28) Inserted with Sh. Mek.

(29) If he offered up the sacrifice in its time, he can bring the drink-offerings within a period of ten days, because

Scripture uses the plural 'their drink-offerings', thus intimating that drink-offerings may be offered at other times as well (R. Gershom).

(30) Lev. XXIII, 38. Scripture says: To offer an offering made by fire, a burnt-offering and a meal-offering, a sacrifice and drink-offerings everything upon his day, 'and this is followed by the words, Beside the Sabbaths, etc. And we adopt here the interpretation based on textual proximity as follows: Drink-offerings, etc. everything upon his day, besides, etc. i.e., besides those Sabbaths followed by a Festival where it was forgotten to offer the drink-offerings on the Sabbath, for then they can be offered on the following day on the Festival.

(31) Besides the Sabbaths of the Lord and Their meal-offering and their drink-offerings.

(32) Since Scripture says: Everything upon his day followed by the text, Beside the Sabbaths of the Lord, i.e., that the drink-offerings of the

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Sabbath can be offered up on the following day on the Festival.

(33) But the drink-offerings of the day may be brought at night.

(34) Which follows the night, i.e., the morrow.

(35) Why should we have said that Scripture implies that the drink-offering can only be brought by night and not on the following day, seeing that Scripture makes no distinction?

(36) For Scripture says: Shall be eaten on the same day that it is offered. He shall not leave any of it until the morning (Lev. VII, 15). We therefore see that all the night is still called 'day' in respect of dedication.

(37) Viz., It is the burnt-offering because of the burning upon the altar all the night, (Lev. VI, 2), from which we infer one can place it on the altar with the setting of the sun and it goes on burning all the night.

(38) Inserted with Sk. Mek.

(39) How then can we speak of them as being offered with the setting of the sun?

(40) Lev. VI, 2.

(41) Since Scripture in this text makes no distinction and includes all things which go up on the altar to be burnt.

(42) Unlike what is stated in the text that drink-offerings are offered even by night.

(43) The text above 'their drink-offerings', from which we infer that drink-offerings may be offered by night.

(44) Implying that if one placed drink-offerings in a sacred vessel at night they are sanctified and cannot become Hullin again.

(45) The Baraitha above.

(46) Which can only take place by day.

(47) As the result of placing them in sacred vessels.

(48) Which included drink-offerings as being offered by day.

(49) And which became hallowed with the killing of the sacrifice, thus becoming part of the sacrifice.

(50) Num. XXIX, 39.

(51) V. Rashi and Sh. Mek.

T'murah 14b

to say that he should not delete the case of drink-offerings [from the above Baraitha],¹ and yet there is no contradiction.² Here,³ we are dealing with drink-offerings which accompany a sacrifice,⁴ while there⁵ we are dealing with drink-offerings which are brought by themselves.⁶ And if he had found [someone] could he have written the

letter? Did not R. Abba the son of R. Hiyya b. Abba report in the name of R. Johanan: Those who write the traditional teachings⁷ [are punished]⁸ like those who burn the Torah,⁹ and he who learns from them [the writings] receives no reward.

And R. Judah b. Nahman the Meturgeman¹⁰ of Resh Lakish gave the following [as exposition]: The verse says: Write thou these words¹¹ and then says: For after the tenor of these words,¹¹ thus teaching you that matters received as oral traditions you are not permitted to recite from writing and that written things [Biblical passages] you are not permitted to recite from memory.¹²

And the Tanna of the School of R. Ishmael taught: Scripture says, 'Write thou these words', implying that 'these' words you may write but you may not write traditional laws!¹³ — The answer was given: Perhaps the case is different in regard to a new interpretation.¹⁴ For R. Johanan and Resh Lakish used to peruse the book of Aggadah¹⁵ on Sabbaths¹⁶ and explained [their attitude] in this manner: [Scripture says:] It is time for the Lord to work, they have made void thy law,¹⁷ explaining this as follows: It is better that one letter of the Torah¹⁸ should be uprooted than that the whole Torah should be forgotten.

Said R. Papa: Now that you say that drink-offerings which are brought by themselves¹⁹ are offered even by night, if drink-offerings happen to be at hand by night, we can dedicate them by night²⁰ and offer them [by night]. Said R. Joseph the son of R. Shema'ia to R. Papa: There is a Baraitha which supports [your dictum]: 'This is the general rule, Whatsoever is offered by day is only dedicated by day, and whatsoever is offered by night is dedicated by night'. Said R. Adda b. Ahaba:²¹ And the rise of the morning dawn disqualifies

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drink-offerings like²² the limbs [of the daily evening sacrifice].²³

When R. Dimi came [from Palestine] he reported that R. Johanan said in the name of R. Simeon b. Jehozadok: [Scripture says:] These things ye shall do unto the Lord in your set feasts:²⁴ this refers to the obligatory sacrifices which are brought on holy days;²⁵ beside your vows and your freewill-offerings²⁴ teach concerning vows and freewill-offerings that they are offered on the Intermediate Days²⁶ of the Festival; for your burnt-offerings:²⁴ now of what kind of burnt-offering does the verse speak? If of a freewill burnt-offering, is it not already written, ‘your freewill-offerings’? And if of a burnt-offering which was vowed, is it not already written, ‘your vows’? [The text]²⁷ therefore can only refer to the burnt-offerings of a woman brought after childbirth and the burnt-offering of a leper.²⁸ And for your meal-offerings:²⁴ now of what kind of meal-offering does the verse speak? If of a freewill meal-offering, is not this already written?²⁹ And if of a meal-offering which was vowed, is not this already written?³⁰ [The text] therefore can only refer to a sinner’s meal-offering and a meal-offering of jealousy.³¹ And for your drink-offerings and for your peace-offerings²⁴ implies an analogy between drink-offerings and peace-offerings [as follows]: Just as peace-offerings are offered by day so drink-offerings [which accompany a sacrifice] are offered by day. ‘And for your peace-offerings’ includes peace-offerings of a Nazirite.³²

Said Abaye to him: And why not say that the text³³ includes peace-offerings of the Passover,³⁴ for if the text includes peace-offerings of a Nazirite, they are sacrifices which are the subject of a vow or a freewill dedication,³⁵ and we have learnt: ‘This is the general rule, Whatsoever is the subject of a vow or a freewill dedication, may be offered on a private bamah³⁶ and whatsoever is not the subject of a vow or a

freewill dedication must not be offered on a private bamah’.³⁷ And it has been taught: ‘Meal-offerings and offerings in connection with a Nazirite may be offered on a private bamah’.³⁸ This is the teaching of R. Meir.—

Delete³⁹ from here⁴⁰ the case of a Nazirite.⁴¹ But is there an authority who holds that a Nazirite is not the subject of a vow or a freewill-offering? Lo, it is written: And it came to pass after forty years that Absalom said to the King, [pray thee let me go and pay my vow which I vowed unto the Lord in Hebron. For thy servant vowed a vow, etc.⁴² Now does this not refer to the sacrifice?⁴³ — No, it refers to the vow itself.⁴⁴ ‘The vow itself’ — was it made in Hebron? Was it not made in Geshur?⁴⁵

Said R. Aha, some say Rabbah son of R. Hanan: Absalom only went in order to bring sheep from Hebron.⁴⁶ So indeed it stands to reason. For if you say that he went to Hebron to offer up, would he leave Jerusalem and go to offer up in Hebron? — Then what do you say? That he went to bring sheep from Hebron? Then why does it say: ‘Which I vowed unto the Lord in Hebron’? It ought to say ‘from Hebron’! — One can still say that he went to offer in Hebron,⁴⁷ and as regards your difficulty as to why he left Jerusalem and came to offer in Hebron, why not raise this same difficulty with reference to Gibeon which was a holy place?⁴⁸ This however is the explanation: Once it has become permissible to offer on the Bamahs, he can offer wherever he wishes.⁴⁹

It says: ‘After forty years’. Forty years from what? — R. Nehorai reported in the name of R. Joshua: Forty years from when [the Israelites] asked for a king. For it has been taught: The year in which the Israelites asked for a king was the tenth year of Samuel’s leadership.

(1) That drink-offerings are indeed offered by day.

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(2) With the text cited above: 'Their meal-offering and drink-offering, which was explained above as meaning that drink-offerings may be offered by night.

(3) In the Baraitha above which includes the case of drink-offerings as being offered by day.

(4) The offering up of a sacrifice rendered the drink-offerings sacred so that they cannot be offered by night, like the sacrifice itself.

(5) The text, 'Their meal-offering, etc.'

(6) Which were not hallowed by the killing of the sacrifice but were dedicated after the sacrifice had been offered up. In such a case, drink-offerings may be offered for ten days, including the nights.

(7) Halachahs, v. Glos.

(8) V. R. Gershom.

(9) For it is forbidden to retain oral traditions which have been committed to writing, since they belong to the Oral Law (Rashi). Another explanation of Rashi: These writings are not saved on Sabbath in case of fire.

(10) Lit., 'interpreter'; his Amora who expounded his lectures, v. Glos. s.v. Amora.

(11) Ex. XXXIV, 27.

(12) Tosaf. asks how then do we recite psalms, and answers that we are only particular as regards the Pentateuch. Furthermore the restriction only applies when we are desirous of acting on behalf of others.

(13) How therefore could R. Dimi have written down the oral tradition with reference to drink-offerings?

(14) The analogy quoted above: 'And just as peace-offerings are offered by day, etc.' (R. Gershom). Another explanation (Rashi): Any new interpretation which reconciles conflicting Baraithas. Sh. Mek. adds: Another version: The answer was given. The Rabbis rely on what they learn, but since there is forgetfulness, they reduce to writing and when the occasion arises they look into the book.

(15) Homiletic literature.

(16) In order that the Aggadahs might not be forgotten.

(17) Ps. CXIX, 126. When a thing is done in the name of God it is sometimes necessary to nullify the Law. The reason for the prohibition of reducing to writing oral tradition has so far not been satisfactorily explained. For a full discussion of the problem, as well as an attempt to explain the term Halachahs mentioned in this connection, v. Kaplan, J. The Redaction of the Talmud, pp. 261ff.

(18) I.e., the passage: 'For after the tenor of these words' which prohibits the committing to writing of oral traditions.

(19) Even though dedicated in connection with a sacrifice, they were not offered at the same time as a sacrifice.

(20) By placing them in a sacred vessel.

(21) Referring to R. Papa's ruling above that drink-offerings dedicated by night must be offered by night.

(22) So Rashi.

(23) Which is disqualified at the approach of dawn. Another explanation of R. Adda's ruling (R. Gershom) is as follows: Referring to the Baraitha above which says the limbs and joints go on being consumed all night, R. Adda says: The approach of the time for the bringing of the daily morning sacrifice disqualifies the limbs if they are not consumed by then. But only the actual offering up of the morning sacrifice disqualifies, as then it is already day, but not the mere preparations on the altar for the morning sacrifice.

(24) Num. XXIX, 39.

(25) E.g., the festive sacrifice, the offering of appearance before God and the additional festival offerings.

(26) But not on the Festival itself, as vows and freewill-offerings cannot be brought on a festival.

(27) 'For your burnt-offerings'.

(28) Which are also offered on the Intermediate Days of the Festival (R. Gershom).

(29) In the words, 'your freewill-offerings'.

(30) In the words, 'your vows'.

(31) Brought in connection with a woman suspected of infidelity.

(32) These also are offered on the Intermediate Days of the Festival (R. Gershom). Scripture cannot here mean to include freewill peace-offerings, since the text has already said 'your vows'. And if the text is for the purposes of analogy, let Scripture say 'and for peace-offerings'. Why 'and for your peace-offerings?' (Rashi).

(33) 'And for your peace-offerings'.

(34) If there was a large company for the paschal lamb so that it would not suffice for all present, peace-offerings were brought with it; and Abaye would learn that if these were set aside for that purpose on the fourteenth of Nisan but were not offered up, they could be offered on the Intermediate Days. For, according to Abaye, there is no need for Scripture to include the case of peace-offerings of a Nazirite, as this can be inferred from the text, 'for your freewill-offerings and your vows', for Naziriteship is the subject of a vow and freewill dedication, whereas peace-offerings in connection with the Passover are obligatory sacrifices.

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(35) For a man can vow to be a Nazirite and after completing the period of Naziriteship he brings his peace-offering.

(36) A temporary and improvised altar.

(37) Meg. 9b.

(38) Zeb. 117b. We consequently see that a Nazirite is the subject of a vow, etc. Otherwise one could not offer sacrifices of a Nazirite on a private Bamah.

(39) Var. lec. insert: Said R. Joseph (v. Sh. Mek.).

(40) From the cited Baraitha.

(41) So that although a Nazirite is the subject of a vow and a freewill dedication, this does not apply to the sacrifices which a Nazirite has to bring later on, these being obligatory, for the vow of a Nazirite at the outset only has reference to wine and the sacrifices come later automatically.

(42) II Sam. XV, 7.

(43) Implying that he will go to Hebron and pay his vows there. Now Absalom was a life Nazirite and every year he shaved himself and brought the appropriate sacrifice. Since he went to offer his sacrifice in Hebron where there were private Bamahs, we can infer that a Nazirite is the subject of vows and freewill-offerings.

(44) The word Hebron in the text means this: I will go to the place of a large Bamah i.e., Gibeon and there pay my vows which I made at Hebron. But the text does not mean that Absalom actually fulfilled his vows in Hebron.

(45) Since Scripture says: 'For thy servant vowed a vow while I abode at Geshur'.

(46) The sheep there being large and fat and his intention being subsequently to offer them in Gideon on a large Bamah. The text therefore does not mean that the vow was made in Hebron, only that he obtained the sheep at Hebron.

(47) For a Nazirite can offer his sacrifice on a private Bamah.

(48) For in that place there was an altar which Moses made. Why not go there?

(49) Absalom therefore went to Hebron and saw the sheep, and being there, he decided to offer in the same place (Wilna Gaon). The Rabbis who differ from R. Meir, however, hold that a Nazirite is not the subject of vows and therefore Absalom went to Hebron for the sheep but the actual offering was in Gibeon, on a large Bamah (Tosaf). R. Dimi therefore who includes peace-offerings in connection with a Nazirite, agrees with the Rabbis who hold that a Nazirite is not the subject of vows and the Baraitha quoted above is the opinion of R. Meir.

T'murah 15a

Samuel himself¹ ruled ten years,² there was one year in which both Saul and Samuel ruled³ and two years in which Saul himself ruled⁴ and thirty-six⁵ years in which David reigned.⁶

MISHNAH. A SIN-OFFERING OF AN INDIVIDUAL WHOSE OWNERS HAVE PROCURED ATONEMENT⁷ IS LEFT TO DIE,⁸ WHEREAS THAT OF A CONGREGATION⁹ IS NOT LEFT TO DIE.¹⁰ R. JUDAH, HOWEVER, SAYS: [IT IS] LEFT TO DIE.¹¹ R. SIMEON SAID: WHAT DO WE FIND WITH REGARD TO THE OFFSPRING OF A DEDICATED ANIMAL, THE SUBSTITUTE OF A SIN-OFFERING AND A SIN-OFFERING WHOSE OWNERS DIED?¹² [THAT THE RULES CONCERNING] THESE APPLY ONLY TO AN INDIVIDUAL BUT NOT A CONGREGATION. SIMILARLY [THE RULES CONCERNING] THE SIN-OFFERING WHOSE OWNERS HAVE PROCURED ATONEMENT AND [A SIN-OFFERING] WHOSE YEAR HAS PASSED¹³ APPLIES ONLY TO AN INDIVIDUAL BUT NOT A CONGREGATION.¹⁴

GEMARA. Our Rabbis have taught: Why does [Scripture] say: And if he bring [a lamb] for a sin-offering?¹⁵ Whence do we derive that if one dedicated a sin-offering and it became lost and he separated another animal in its place and the first animal was then found, and both are standing before us, whence do we derive that he may bring whichever one he chooses?¹⁶ The text states: 'And if he bring a sin-offering'. One might think that he may bring both of them. The text however states: 'He shall bring it',¹⁷ implying one¹⁸ but not two. And what becomes of the second sin-offering? —

Said R. Hamnuna: It has been taught: R. Judah says, It is left to pasture, whereas R. Simeon says: It is left to die.¹⁹ But does indeed R. Judah hold that it is left to

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pasture? Have we not heard R. Judah to hold that IT IS LEFT TO DIE?²⁰ — Reverse [the names in the above Baraitha] as follows: R. Judah says: It is left to die, whereas R. Simeon says: It is left to pasture. But does indeed R. Simeon hold that it is left to pasture? Did not R. Simeon say: Five sin-offerings are left to die?²¹ —

Rather you need not at all reverse [the names of the Baraitha above] and there is no difficulty.²² There,²³ [we are dealing] with a case where [the first sin-offering] was lost when the second animal was separated [for a sin-offering],²⁴ and here,²⁵ we are dealing with a case where [the first sin-offering] was lost at the time of the atonement [by means of the second animal].²⁶ And if you prefer [another solution] I may say, In both cases we suppose [the first sin-offering] was lost at the time of the separating [of the second animal]²⁷ and yet there is no difficulty.²⁸ This²⁹ is the opinion of R. Judah according to Rabbi,³⁰ and that³¹ is the opinion of R. Judah according to the Rabbis.³² But³³ is there an authority who holds that a congregational sin-offering whose owners procured atonement is left to die?

- (1) Without Saul after the death of Eli.
- (2) In the tenth year of Samuel's ruling they asked for a king (Rashi).
- (3) Saul following Samuel's advice.
- (4) Without Samuel's guidance, although he was still alive, for Samuel died only four months before Saul.
- (5) So Rashi. The text has thirty-seven.
- (6) We have therefore thirteen years for Samuel and Saul after the death of Eli until David, and David reigned thirty-six years, up to the rebellion of Absalom. We have thus forty-nine years. Deduct from this nine years for Samuel's leadership before the Israelites asked for a king, and we find that when Absalom revolted it was forty years since the Israelites had asked for a king; v. Nazir 5a.
- (7) If the animal became lost and atonement was obtained by means of another animal.
- (8) For it is a Sinaitic tradition that there are five sin-offerings, of which this is one, which are left to die.

- (9) Who were atoned for with another sin-offering.
- (10) As according to the view of the first Tanna this tradition only refers to the sin-offerings of an individual but not to that of a congregation.
- (11) Since the tradition applies even to a congregational sin-offering.
- (12) Of the five sin-offerings which are condemned to die, three cannot belong to a congregation, namely, the offspring of a sin-offering, for a congregation cannot bring a female animal; the substitute of a sin-offering, since a congregation cannot effect an exchange; and finally the case where the owners of a sin-offering die, this law not applying to a congregation, as explained later in the Gemara.
- (13) Which is older than one year, the period assigned for a sin-offering.
- (14) Although it is possible to have a congregation bringing these two kinds of sin-offerings.
- (15) Lev. IV, 32. What need is there for the words: 'And if he bring'? Scripture could have said: If a lamb be his offering.
- (16) For a sin-offering.
- (17) The latter part of the verse: 'And if he bring a lamb for a sin-offering'.
- (18) Animal to be brought as a sin-offering.
- (19) Since it is a case of a sin-offering of an individual whose owners have already procured atonement.
- (20) Even in the case of a congregational sin-offering, and how much more so then in the case of a sin-offering of an individual.
- (21) V. our Mishnah; and R. Simeon states there distinctly that all the five cases affect only individuals and one of them is the case of the sin-offerings whose owners have procured atonement.
- (22) As regards the conflicting views of R. Judah in the Mishnah and in the Baraitha.
- (23) In the Baraitha where he says that the sin-offering is condemned to pasture.
- (24) Before its offering. Since then he can bring either, the second animal is only condemned to pasture.
- (25) In the Mishnah.
- (26) Since therefore the owners have procured atonement through the second animal, the first animal is left to die.
- (27) The first animal was found, however, before atonement was procured by means of the second animal.
- (28) V. p. 104, n. 10.
- (29) In the Mishnah which says that it is left to die.
- (30) Who holds (infra 22b) that if the first offering is lost at the time of the separation of the second animal, although it is found before

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atonement is obtained by means of the second animal, the latter is left to die.

(31) The Baraitha which says that the sin-offering is left only to pasture.

(32) Who differ from Rabbi and hold that the law of a sin-offering being left to die only applies after the owners had procured atonement by means of the second animal.

(33) The question refers to the Mishnah where R. Judah says that even a congregational sin-offering is condemned to die.

T'murah 15b

Has it not been taught: Likewise,¹ R. Jose said: The children of the captivity that were come out of the exile offered burnt-offerings, twelve bullocks, ninety-six rams, seventy-seven lambs, twelve he-goats, for a sin-offering, all this was a burnt-offering unto the Lord.² But can a sin-offering be brought as a burnt-offering?³ —

Said Raba: [It means] like a burnt-offering [in this respect]. Just as a burnt-offering must not be eaten, so that sin-offering was not to be eaten. For R. Jose used to say: They brought the twelve he-goats⁴ for the sin of idolatry. And Rab Judah reported in the name of Samuel: On account of the idolatry which they committed in the time of Zedekiah. Now, assuming that the one who holds that a congregational sin-offering whose owners procured atonement is left to die, also holds that a sin-offering whose owners have died is left to die, is there not here⁶ a case where the owners have died⁷ and yet the sin-offering is offered!⁸ —

Said R. Papa: Even according to the one who holds that a congregational sin-offering whose owners have procured atonement is left to die, a congregational sin-offering whose owners have died is not left to die, for 'a congregation does not die'.⁹ Whence does R. Papa derive this? Shall we say because Scripture says: Instead of thy fathers shall be thy children?¹⁰ If this be so, the same should apply to [the sacrifice] of an individual?¹¹ —

Rather this is the reason why [the law of] the owners of [a sin-offering] who died does not apply to a congregation, because [we make an inference] from the case of the goats brought on Festivals and New Moons, since the Divine Law says: Bring them from the offerings of the Temple Treasury. Now perhaps the owners of this money have died?¹² Must you therefore not admit that a congregation does not die? And if you prefer [another solution] I may say: When these sin-offerings [goats] were offered¹³ they were offered on behalf of those still alive,¹⁴ since Scripture says: But many of the priests and Levites and chiefs of the fathers who were ancient men, that had seen the first house, when the foundation of this house was laid before their eyes, wept with a loud voice and many shouted aloud for joy.¹⁵ Perhaps [the survivors] were only a minority?¹⁶ —

You cannot say this, since [the text continues]: So that the people could not discern the noise of the shouting from the noise of the weeping of the people.¹⁷ But how could they bring [a sacrifice for idolatry]? Were they not willful [sinners of idolatry in the days of Zedekiah]? —

Said R. Johanan: It was a special decision.¹⁸ So indeed it stands to reason.¹⁹ For should you not say so, there is no difficulty as regards [the twelve] bullocks and [the twelve] goats, for this corresponds with the twelve tribes.²⁰ But as regards [rams]²¹ and lambs, with reference to whom [were they brought]? You must say therefore that this was a special decision [and here, too, it was a special decision].²²

We have learnt elsewhere: When Joseph b. Jo'ezer of Zereda and Joseph b. Johanan of Jerusalem died the grape-clusters [the scholars] came to an end.²³ What is the meaning of Eshkoloth [grape-clusters]?²⁴ — A man in whom all is contained.²⁵

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R. Judah reported in the name of Samuel: All the 'grape-clusters' who arose from the days of Moses until Joseph b. Jo'ezer learnt Torah like Moses our Teacher.²⁶ From that time onward, they did not learn Torah like Moses our Teacher. But did not Rab Judah report in the name of Samuel: Three thousand Halachoth were forgotten during the period of mourning for Moses? —

Those laws which were forgotten were forgotten, but those which were learnt²⁷ they learnt like Moses our Teacher. But has it not been taught: After the death of Moses, if those who pronounced unclean were in the majority,²⁸ they [the Rabbis] declared [the object] unclean, and if those who pronounced clean were in the majority, they [the Rabbis] declared [it] clean?²⁹ — Their acumen³⁰ diminished, but what they had learnt³¹ they learnt like Moses our Teacher.³²

It has been taught: All the 'grape-clusters' who arose in Israel from the days of Moses until the death of Joseph b. Jo'ezer of Zereda were free from all Dofi [taint].³³ From that time onward some matter of taint was found in them.³⁴

But has it not been taught: There is the story of a certain hasid³⁵ who groaned [from a pain] in his heart, and when the doctors were consulted they said that there was no remedy for him unless he sucked hot milk from [a goat³⁶ every morning]. They brought a goat and bound it to the feet of his bed and he used to suck milk from it. Next day his friends came to visit him. When they saw the goat they exclaimed: 'A robber in arms is in the house³⁷ and shall we go in to visit him?' [They³⁸ left him immediately. When he died] they sat down and made investigation and found no other sin in him except that of [the keeping of] the goat. He [the Hasid] too at his death said: 'I myself know that I have not sinned except in the keeping of this goat, having thus transgressed the teaching

of my colleagues'. For the Sages taught: One must not rear small cattle in the Land of Israel. And it is also an established fact with us that wherever the Talmud speaks of a certain Hasid it refers either to R. Judah b. Baba or R. Judah b. Ila'i. Now [these] Rabbis³⁹ lived many generations after Joseph b. Jo'ezer of Zereda.⁴⁰

(1) Tosaf. explains that the Baraitha cited here is with reference to Lev. V, 10 where it says: And he shall offer the second for a burnt-offering. The Baraitha states that just as a burnt-offering must not be eaten, so this sin-offering must not be eaten. Thereupon the Baraitha proceeds: Likewise, etc.

(2) Ezra VIII, 35.

(3) Since the text says here that twelve sin-offerings were all brought as a burnt-offering.

(4) Corresponding to the twelve tribes. A goat for a sin-offering is brought for the sin of idolatry of which a congregation has been guilty and it is burnt outside the camp.

(5) R. Judah in the Mishnah.

(6) In the text just quoted.

(7) The owners having died during the seventy years of captivity in Babylon.

(8) In spite of the fact that the owners were dead.

(9) I.e., the relevant law does not apply to a congregation,

(10) Ps. XLV, 17. I.e., that the children take the place of the fathers and the sin-offering is offered up, for it is not considered as being ownerless.

(11) Where a man dies, his son in his place should be considered the owner of the sin-offering.

(12) And therefore the sin-offerings have no owners and should be condemned to die.

(13) For the sin of idolatry in the days of Ezra.

(14) From those who worshipped idolatry in the days of Zedekiah.

(15) Ezra III, 22. I.e., those who had not seen the first Temple, rejoiced now aloud.

(16) A minority of the Israelites, and for a minority we do not offer the same sacrifice as for a majority but as for individuals. Since then twelve goats were offered on behalf of the twelve tribes, these must have been meant for the first people mentioned in the text who had died, and we can therefore infer that the law of a sin-offering whose owner died does not apply to a congregation.

(17) We therefore see that those who wept were in a majority over those who rejoiced and the

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weepers belonged to the first people mentioned in the text who had died (Rashi).

(18) And not to be taken as a precedent.

(19) That it is a special decision.

(20) Since the congregational offering for idolatry is a bullock for a burnt-offering and a goat for a sin-offering.

(21) V. Bah.

(22) The bringing of a sacrifice for willful idolatry. The bracketed words are inserted with sh. Mek.

(23) V. Sot. (Sonc. ed.) p. 249, n. 4.

(24) Inserted with Sh. Mek.

(25) Heb. Ish she-hakol bo, a play on the word Eshkoloth; universality of the knowledge of the Torah (v. Sh. Mek.). Rashi explains the phrase as denoting one having the knowledge in Torah, fearing God and practicing benevolence.

(26) Scrupulous and exact in the knowledge of the laws and regulations.

(27) Lit., 'those they had on tradition'.

(28) R. Gershom explains that this refers to the laws which were forgotten during the period of mourning for Moses.

(29) We therefore see that there were differences of opinion with reference to many laws soon after the death of Moses.

(30) Lit., 'heart', and they could not recall the laws by means of discussion. Therefore there were differences of opinion with reference to them and the laws were settled by going according to the decision of the majority.

(31) V. p. 107, n. 11.

(32) Scrupulously and correctly.

(33) For the moment the word דופי is understood as meaning 'taint' of sin.

(34) They were not so upright.

(35) A pious man.

(36) Inserted with Sh. Mek.

(37) Small cattle cannot be looked after as they go and feed in other fields, thus an owner of small cattle is guilty of robbing another man's pasture; v. B.K. 80a.

(38) Inserted with Sh. Mek.

(39) I.e., R. Judah b. Ila'i and R. Judah b. Baba, and it says here that no sin was found in them.

(40) Consequently there was no taint of sin found among the leaders, even after the period of Joseph b. Jo'ezer.

T'murah 16a

Said R. Joseph: [The word Dofi here means] dispute, [e.g., the dispute] relating to 'laying on of hands'.¹ But does not Joseph b. Jo'ezer himself differ with reference to the law of laying on of hands?²

— When he differed it was in his latter years, when his mental powers³ declined. The [above] text [stated]: 'Rab Judah reported in the name of Samuel: Three thousand traditional laws were forgotten during the period of mourning for Moses'. They said to Joshua: 'Ask';⁴ he replied: It is not in heaven.⁵ They [the Israelites] said to Samuel: 'Ask'; he replied: [Scripture says:] These are the commandments,⁶ implying [that since the promulgation of these commandments] no prophet has now the right to introduce anything new.

Said R. Isaac the Smith: Also the law relating to a sin-offering whose owners have died⁷ was forgotten⁸ during the period of mourning for Moses. They [the Israelites] said to Phinehas: 'Ask'; he replied to them: 'It is not in heaven'.⁹ They said to Eleazar: 'Ask'. He replied: 'These are the commandments', implying [that since the promulgation of these commandments] no prophet has now the right to introduce anything new.

Rab Judah reported in the name of Rab: When Moses departed [this world] for the Garden of Eden he said to Joshua: 'Ask me concerning all the doubts you have'.¹⁰ He replied to him: 'My Master, have I ever left you for one hour and gone elsewhere?¹¹ Did you not write concerning me in the Torah: But his servant Joshua the son of Nun departed not out of the tabernacle?¹² Immediately the strength [of Moses] weakened¹³ and [Joshua] forgot¹⁴ three hundred laws and there arose [in his mind] seven hundred doubts [concerning laws]. Then all the Israelites rose up to kill him.¹⁵ The Holy One, blessed be He, then said to him [Joshua]: 'It is not possible to tell you.¹⁶ Go and occupy their attention in war, as it says: Now after the death of Moses the servant of the Lord, it came to pass that the Lord spake;¹⁷ and it further says; [Prepare you victuals for within three days, etc.].¹⁸

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It has been taught: A thousand and seven hundred Kal wahomer¹⁹ and Gezarah shawah²⁰ and specifications of the Scribes²¹ were forgotten during the period of mourning for Moses. Said R. Abbuha: Nevertheless Othniel the son of Kenaz restored [these forgotten teachings] as a result of his dialectics, as it says: And Othniel the son of Kenaz, the brother of Caleb, took it;²² and he gave him Achsah his daughter to wife.²³ And why was her name called Achsah? — Said²⁴ R. Johanan: Because whosoever saw her was angry with his wife.²⁵ And it came to pass as she came unto him that she moved him to ask of her father a field. And she alighted [Watiznah] off her ass.²⁶ What does the word Watiznah mean?

Raba reported in the name of R. Isaac: She said to him: Just as an ass when it has no food in its trough immediately cries out,²⁷ so a woman when she has no wheat in her house cries out immediately, [as it says: And Caleb said unto her: What wouldst thou?].²⁴ And she answered, Give me a blessing for thou hast given me a south land,²⁸ implying a house dry²⁹ [devoid] of all goodness [money]; give me also springs of water,³⁰ meaning a man in whom is Only Torah.³¹ And he gave her the upper springs [Gulloth] and the nether springs.³⁰ He said to her: ‘One to whom all the secrets of the upper and nether worlds are revealed,³² need one ask food from him?’³³ But was Caleb the son of Kenaz?³⁴ Was he not the son of Jephunneh?³⁵ — The meaning of the word Jephunneh is that he turned³⁶ from the counsel of the spies. But still was he [Caleb] the son of Kenaz? Was he not the son of Hezron, since it says: And Caleb the son of Hezron begat Azubah?³⁷—

Said Raba: He [Caleb] was a stepson of Kenaz.³⁸ [This can also be proved,³⁹ since it says: Caleb the son of Jephunneh the Kenezite,⁴⁰ but does not say the son of Kenaz.]⁴¹ A Tanna taught: Othniel is the same as Jabez.⁴² He⁴³ was called Othniel

because God answered him,⁴⁴ and Jabez because he counselled⁴⁵ and fostered Torah in Israel. And what was his [real] name? Judah the brother of Simeon. And whence do we derive that God answered him? —

Since it says: And Jabez called on the God of Israel saying, Oh that thou wouldst bless me indeed and enlarge my border, and that thine hand might be with me, and that thou wouldst keep me from evil that it may not grieve me! And God granted him that which he requested.⁴⁶ ‘Oh that thou wouldst bless me indeed’ with Torah; ‘and enlarge my border’ with pupils; ‘that thine hand might be with me’, that my studies may not be forgotten from my heart; ‘and that thou wouldst keep me from evil’, that I may meet friends like myself; ‘that it may not grieve me’, that the evil inclination may not have power over me so as to prevent me from studying: If thou doest so it is well, but if not, I shall go with my ‘grief’ to the grave. Immediately, ‘God granted him that which he requested’.⁴⁷ You find a similar example: The poor man and the man of medium wealth meet together,⁴⁸ the Lord lighteneth both their eyes.⁴⁹ When the pupil questions his teacher and says to him: ‘Teach me Torah’, if he teaches him, the Lord enlightens the eyes of both of them,⁵⁰ and if not, ‘the rich and poor meet together, the Lord is the maker of them all:’⁵¹ He who made this one wise can make him a fool, and He who has made this one a fool can make him wise.⁵² This is the teaching of R. Nathan.

R. Judah the Prince says: ‘If thou wouldst bless me indeed’, by multiplying and increasing; ‘and enlarge my border’, with sons and daughters; ‘and that thine hand might be with me’, in business; ‘and thou wouldst keep me from evil’, that I have no head-ache, ear-ache nor eye-ache; ‘that it may not grieve me’, that the evil inclination may not have power over me so as to prevent me from studying: If thou doest so, it is well, but if not, I will go with my ‘grief’

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to the grave. ‘And God granted him that which he requested’. Likewise⁵³ you say: The poor man and the man of medium wealth have met together, the Lord lighteneth both their eyes;⁵⁴ when the poor man goes to the donor and says, ‘Assist me’, if he assists him it is well, but if not, ‘the rich and the poor meet together, the Lord is the maker of them all’: He who made this one rich can make him poor, and He who made this one poor can make him rich.

SAID R. SIMEON: WHAT DO WE FIND AS REGARDS, etc. Our Rabbis taught: R. Simeon says, Five sin-offerings are left to die — an offspring of a dedicated animal, the substitute of a sin-offering, a sin-offering whose owner has died, a sin-offering whose owner has procured atonement, and a sin-offering whose year is passed. Now you cannot apply [the law of] the offspring of a dedicated animal to a congregation because a congregation does not bring a female animal [for an offering]. You cannot also apply [the law of] the substitute of a sin-offering to a congregation because a congregation cannot effect exchange. You cannot also apply [the law of] a sin-offering whose owner has died to a congregation because ‘a congregation does not die’. With regard to the cases of a sin-offering whose owner has procured atonement or whose year is passed, we do not as yet know.⁵⁵ Shall we say then that these have the same rule in the case both of a congregation and an individual? I will tell you. Let the cases which are not explicitly stated⁵⁶ be derived [by analogy] from the cases explicitly stated⁵⁷ [as follows]: Just as the cases explicitly stated apply to an individual and not to a congregation, so the cases regarding the owners of a sin-offering who have procured atonement and a sin-offering whose year has passed only apply to an individual and not to a congregation.

(1) The laying of hands on the animal previous to a sacrifice on a Festival, which was the very first subject over which there was a difference of opinion, the School of Shammai holding that it was permissible and the School of Hillel that it was not permissible. This controversy took place after the time of Joseph b. Jo'ezer.

(2) Hag. 16a. V. (Sonc. ed.) p. 105, n. 1. We therefore see that even in Joseph b. Jo'ezer's time there were already differences of opinion relating to certain laws.

(3) Lit., ‘heart’.

(4) Through the holy spirit, that these forgotten laws should be taught anew (R. Gershom).

(5) Deut. XXX, 12. The whole Torah has already been given.

(6) Num. XXXVI, 13.

(7) Var. lec.: Have obtained atonement.

(8) Whether the animal was left to die or to pasture.

(9) Bah omits from ‘It is not’ to ‘he replied’.

(10) On any points of law.

(11) I.e., I have no doubts.

(12) Ex. XXXIII, 11.

(13) I.e., he took offence at Joshua's remark, which implied he had no longer need of him.

(14) He was punished for causing this weakness of Moses.

(15) Until he should tell them the laws.

(16) These laws, since the Torah is not in heaven.

(17) Josh. I, 1.

(18) Ibid. II. The bracketed words are inserted with Bah; v. also Sh. Mek.

(19) Conclusion from minor to major.

(20) Analogies based on verbal congruities.

(21) Numerical tabulations, (e.g., thirteen things were taught with reference to Nebelah of a clean bird, five are not in a position to give Temurah, etc.) employed by the Rabbis as an aid to remembering the laws.

(22) I.e., Kiryath Sefer (Lit., ‘the city of the book’) and explained as meaning that Othniel won back the store of traditional teachings lost during the mourning period for Moses.

(23) Josh. XV, 17.

(24) Inserted with Sh. Mek.

(25) Because she was very beautiful, the word עכסה being derived from the word כעס which means ‘anger’.

(26) The continuation of the previous text.

(27) The word ותצננה is explained here as being derived from צוה ‘To cry out’, ‘shout’.

(28) Ibid. 18-19.

(29) The word נגב ‘south’ is here derived from the root נגב meaning ‘to be dry’.

(30) Josh. XV, 18-19.

(31) I.e., aman to whom the Torah is Geluyah (revealed), a play on the word Gulloth (springs).

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(32) V. Bah; cur. edd. read: Let him seek food from him who dwells with the upper and nether worlds.

(33) Var. lec. 'of me', hence render: 'need he seek food of me, surely he will not be in want'.

(34) For the Gemara above cites the text which says that Othniel the brother of Caleb was the son of Kenaz, thus implying that Kenaz was the father of Caleb.

(35) Since Scripture says (Josh. XIV, 13) Caleb the son of Jephunneh and does not say the son of Kenaz.

(36) פנה and יפונה 'turn from' having verbal similarity.

(37) I Chron. II, 18. This is explained in Sot. 12a to mean that he married Miriam who was forsaken on account of an illness. Since he therefore married her for heaven's sake, Scripture accounts it as if he had begotten her.

(38) And Othniel was his brother on the maternal side.

(39) That Caleb was not the son of Kenaz, his father being Hezron.

(40) Josh. *ibid*.

(41) Now if Caleb's father was Kenaz, why does not the text say, 'the son of Kenaz'? This therefore proves that Kenaz only brought him up but did not beget him. The bracketed passage is inserted with Rashi and Sh. Mek; V. Wilna Gaon Glosses.

(42) In I Chron. II, 55 it says: And the families of the Scribes which dwelt at Jabez, these are the Kenites, and in Judg. I,16: And the children of the Kenites, etc. and went, etc. This must have been Othniel, Later on it says: And Judah went with Simeon his brother, referring to Othniel mentioned previously in the text (Wilna Gaon Glosses).

(43) For this reading v. Sh. Mek.

(44) אל עתניאל combining the words ענה with אל.

(45) יעץ and יעבץ 'advising', having some verbal similarity.

(46) I Chron. IV, 10.

(47) Showing that if one devotes himself to the study of the Torah all his petitions are fulfilled.

(48) 'Poor' is interpreted in the sense of one who is devoid of the knowledge of Torah and the expression, 'A man of medium wealth' is interpreted as one who only possesses a moderate knowledge of the Torah. When therefore the poor man asks the other to teach him, it is incumbent on the latter to do so just as God carried out the wish of Othniel (R. Gershom).

(49) Prov. XXIX, 13.

(50) For even the teacher requires enlightenment from God.

(51) Prov. XXII, 2.

(52) God now starts to make them afresh, a fool or a wise man.

(53) This Tanna explains the text with reference to money and the need for assisting a person in want, as God did with Othniel (R. Gershom). Rashi explains 'likewise' as meaning that if one seeks and petitions for sustenance, heaven will fulfill his wishes.

(54) Both will become rich (R. Gershom).

(55) Lit., 'we have not learnt', whether they apply to a congregation.

(56) As to whether they apply to a congregation, the cases being a sin-offering whose owners procured atonement and a sin-offering whose year is passed.

(57) I.e., in the cases of offspring of a dedicated animal, a sin-offering whose owners died, and a substitute of a sin-offering.

T'murah 16b

But can we form an analogy between a case where there is an alternative and a case where there is none?¹ —

Said Resh Lakish: Four sin-offerings were specified to the Israelites [on Sinai to be left to die]² and the rule was extended to five.³ Now if you suppose that these were congregational sin-offerings, are three of them⁴ ever brought by a congregation?⁵ Then you must admit that we form an analogy between the cases not explicitly stated and those explicitly stated.

R. Nathan says: Only one sin-offering was specified to the [Israelites on Mount Sinai]⁶ and the rule was extended to all the five sin-offerings.⁷ Buts [if that is so] let us see in what class they learnt it,⁹ whether in that of the sin-offerings of an individual or of a congregation?¹⁰ — There were two forgettings.¹¹ And consequently they¹² were in a difficulty. If¹³ you should think that the rule¹⁴ applies to the sin-offering of a congregation, can these¹⁵ be brought by a congregation?¹⁶ Then it is proved from here that we form an analogy between the cases not explicitly stated¹⁷ and the cases explicitly stated: Just as in the cases explicitly stated the sin-offering is brought by an individual and not by a congregation,

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so in the cases not explicitly stated the sin-offering is brought by an individual and not by a congregation.¹⁸

MISHNAH. IN SOME WAYS [THE LAW RELATING TO] DEDICATIONS CARRIES GREATER WEIGHT THAN [THAT RELATING TO] EXCHANGE, AND IN SOME WAYS [THAT RELATING TO] EXCHANGE CARRIES GREATER WEIGHT THAN [THAT RELATING TO] DEDICATIONS. IN SOME WAYS [THE LAW RELATING TO] DEDICATIONS CARRIES GREATER WEIGHT THAN [THAT RELATING TO] EXCHANGE, FOR DEDICATED ANIMALS CAN EFFECT EXCHANGE WHEREAS ONE SUBSTITUTED CANNOT EFFECT EXCHANGE.¹⁹ A CONGREGATION OR PARTNERS CAN DEDICATE BUT CANNOT EFFECT EXCHANGE. WE CAN DEDICATE EMBRYOS AND LIMBS,²⁰ BUT WE CANNOT EFFECT EXCHANGE WITH THEM. [THE LAW RELATING TO] EXCHANGE CARRIES GREATER WEIGHT THAN [THAT RELATING TO] DEDICATIONS, SINCE EXCHANGE²¹ HAS EFFECT ON A PERMANENTLY BLEMISHED ANIMAL²² AND IT DOES NOT BECOME HULLIN

(1) The reason why in the three first cases the sin-offerings are not left to die in the case of a congregation is because there cannot be an offering in such circumstances, for they can never occur in connection with a congregation. There is therefore no alternative, whereas in the other two cases the offering can be brought both by an individual and a congregation.

(2) The fifth was to be left to pasture.

(3) Because they forgot during the period of mourning for Moses which one was to be left to pasture.

(4) For the cases of a sin-offering being left to die apply either all to a congregation or all to an individual.

(5) Viz., an offspring of a dedicated animal, a substitute of a sin-offering, and a sin-offering whose owners died.

(6) To be left to die, and the other four cases of sin-offerings were only to be left to pasture. It was, however, forgotten which were meant to die and which to pasture.

(7) I.e., all five were to be left to die.

(8) Before R. Nathan can complete his observation, he is interrupted with a question why it was necessary to condemn the four to die out of doubt.

(9) Viz., the sin-offering which was to be left to die.

(10) Let us see to what class this sin-offering which was to be left to die was remembered as belonging. If it was remembered as being the sin-offering both of a congregation and an individual, then let us say that a sin-offering whose owners procured atonement and a sin-offering whose year is passed are left to die because of doubt, whereas in the other three cases, which are entirely different, as they could not occur in connection with a congregation, there could be no doubt that there is no death for the sin-offerings. And if the case of a sin-offering being left to die was remembered only in connection with the offering of an individual, then let us say that these three sin-offerings, substitute and offspring of a dedicated animal, etc. since they can be brought only by an individual, are left to die, but about the other two sin-offerings there can be no doubt, for they are entirely different (Rashi).

(11) The class in which the sin-offering that was to die was placed at Sinai (viz., congregational or individual) and also which of the five sin-offerings was to die.

(12) Those who lived in the days of Joshua and forgot those laws regarding sin-offerings.

(13) R. Nathan now continues to explain R. Simeon's teaching in the Mishnah.

(14) Of the sin-offering left to die.

(15) The four sin-offerings which are left to pasture.

(16) For this can never happen. Since therefore it is remembered that there were five sin-offerings which were either to be left to pasture or die, they were stated as regards an individual, in which circumstances all the five sin-offerings can occur.

(17) A sin-offering whose owners procured atonement and whose year had passed.

(18) This then is the reason for R. Simeon's opinion. The Rabbis however hold that four cases of sin-offerings were imparted from Sinai to be left to die. Therefore wherever we find that a sin-offering applies to an individual and a congregation, then it applies, and where not, it does not apply.

(19) So that if one says concerning an animal consecrated through being a substitute that it should in turn confer holiness on another animal by means of exchange, a further exchange does not take place.

(20) This is the view of R. Judah (supra 10a).

(21) So with Sh. Mek.

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(22) So that if one substitutes a blemished animal for an unblemished dedicated animal, holiness attaches to the former to the extent that it does not become Hullin.

T'murah 17a

SO AS TO BE SHEARED [OF ITS WOOL] AND WORKED.¹ R. JOSE SON OF R. JUDAH SAYS: AN EXCHANGE IN ERROR IS PUT ON A LEVEL WITH AN INTENTIONAL [EXCHANGE], BUT A DEDICATION IN ERROR IS NOT PUT ON A LEVEL WITH AN INTENTIONAL [DEDICATION]. R. ELEAZAR² SAYS: KIL'AYIM,³ TREFAH, A FOETUS EXTRACTED BY MEANS OF A CESAREAN SECTION, A TUMTUM AND A HERMAPHRODITE, NEITHER BECOME SACRED NOR CAN THEY CAUSE DEDICATION.

GEMARA. What is the reason of R. Jose son of R. Judah?⁴ Scripture says: Shall be holy,⁵ thus including the case of an exchange in error as on a level with an intentional [exchange]. How is [an exchange] in error being on a level with an intentional [exchange] to be understood? —

Said Hezekiah: Where he has a [mistaken] opinion that it is permissible to exchange. Now in the case of exchange he is punishable [with lashes]⁶ whereas in the case of dedications he is not punishable [with lashes].⁷

Another version: In the case of exchange, the substitute is holy,⁸ whereas in the case of dedications, there is no holiness. R. Johanan⁹ says: Where he intended making an exchange with a burnt-offering and he made the exchange with a peace-offering,¹⁰ [or where he intended making an exchange with a peace-offering and he made the exchange with a burnt-offering].¹¹ Now in the case of exchange the animal becomes holy, whereas in the case of dedications it is not holy.

Another version:¹² Where he intended saying a black [ox]¹³ and he said a white [ox]. In the case of exchange, he is punishable [with lashes],¹⁴ whereas in the case of dedications, he is not punishable [with lashes].¹⁵ Resh Lakish says:¹⁶ Where he thought¹⁷ that the one animal can be quit of holiness¹⁸ while the other [the exchanged animal] enters into holiness. Similarly with reference to dedications, where he thought that if a blemish shows itself in dedicated animals they are eaten without redemption.¹⁹ — Now in the case of exchange²⁰ he is punishable [with lashes],²¹ whereas in the case of dedications he is not punishable [with lashes]. R. Shesheth says: Where he says, 'I shall enter this house, dedicate and exchange with full knowledge [of what I am doing]', and then he entered, exchanged and dedicated without knowing it.²² Now as regards the exchanging, he is punishable [with lashes],²³ whereas as regards the dedications, he is not punishable with lashes.²⁴

R. ELEAZAR SAYS: KIL'AYIM, TREFAH, etc. Said Samuel: They are neither holy as regards exchange,²⁵ nor can they confer holiness through exchange [on others].²⁶ It was taught, Rabbi²⁷ said: But since they are not holy themselves, how can they confer holiness? This is possible only in the case where one dedicated an animal²⁸ and it afterwards became trefah,²⁹ or dedicated an embryo [in its mother's womb] and it was extracted through the cesarean section. But with regard to Kil'ayim, Tumtum and a hermaphrodite, you cannot explain these cases except with reference to embryos of dedicated animals.³⁰ And this accords with the view of R. Judah who said: An offspring of a dedicated animal can effect exchange!³¹ Said Raba:³² What is the reason of R. Eleazar? — They are like an unclean animal. Just as an unclean animal is not offered and bodily consecration cannot attach to it,³³ so these [are not offered] and no bodily consecration attaches to them.

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Said [R. Adda b. Ahaba] to Raba:³⁴ But is there not the case of a blemished animal which is not offered and yet there attaches to it bodily consecration?³⁵ — A blemished animal belongs to the category [of animals] which are offered up.³⁶ If this is so,³⁷ what of Trefah which also belongs to a category which is offered?³⁸

Rather said Raba:³⁹ It resembles an unclean animal. Just as an unclean animal is disqualified on account of the condition of its body, so all these cases⁴⁰ are disqualified on account of the condition of the body,⁴¹ thus excluding the case of a blemished animal which is disqualified in virtue of a [mere] deficiency.⁴²

Said R. Adda to Raba: Are there not the cases of anything too long or too short⁴³ mentioned in the Scriptural passage and these are disqualifications of the [whole] body?⁴⁴

Rather said Raba:⁴⁵ It must be like an unclean animal [as follows]: Just as in the case of an unclean animal there is none [offered] in the same category [and it is not subject to the law of exchange], so in all cases where there is none [offered] in the same category [the law of exchange is not applicable], thus excluding a blemished animal, since there are [other animals offered] from the same category. Will you perhaps object that a Trefah too has [other animals which are offered] from the same category?⁴⁵ [I answer that] it [a Trefah animal] is not on a par with the case of a blemished animal. An unclean animal is forbidden to be eaten and a Trefah is also forbidden to be eaten, to the exclusion of a blemished animal which is permitted to be eaten.

Said Samuel: If one has dedicated a Trefah, a permanent blemish is required in order to redeem it.⁴⁶ Can you not prove from here

that one may redeem dedicated animals in order to give dogs to eat?⁴⁷ —

Rather say: It is dedicated in that it is left to die.⁴⁸ R. Oshaia however says: It is only like dedicating wood and stones.⁴⁹ We learnt: We must not redeem dedicated animals which became Trefah because we must not redeem dedicated animals in order to give dogs to eat. The reason⁵⁰ is therefore because they became Trefah; but if they were Trefah at the beginning⁵¹ we may redeem them?⁵² — Perhaps this Tanna [of the Mishnah] holds: Wherever [the animal] is not fit [for offering] there does not rest upon it bodily dedication.⁵³

Come and hear: R. ELEAZAR SAYS, KIL'AYIM, TREFAH, A FOETUS EXTRACTED BY MEANS OF A CESAREAN SECTION, A TUMTUM AND A HERMAPHRODITE ARE NEITHER HOLY NOR CAN THEY CONFER HOLINESS. And⁵⁴ Samuel said: 'They are not holy' [means] to receive holiness of an exchange. 'Nor can they confer holiness' [means] to effect exchange. And it has been taught: Said Rabbi, But since they are not holy themselves, how can they confer holiness [on others]?⁵⁵ You cannot therefore explain this except as referring to where one dedicated an animal and it afterwards became trefah.⁵⁶ [Now the reason is because the animal was dedicated first and then it became Trefah], but if it was a Trefah from the beginning [before the dedication], bodily consecration would not attach to it!⁵⁷ —

(1) But it has the law of dedications whose consecration was prior to the blemish, when only the eating of it is permissible, whereas in the case of originally dedicated animals, if the blemish came before the dedication, the animal becomes Hullin after redemption and may be shorn and worked.

(2) Var. lec.: R. Eliezer.

(3) V. supra 11a and notes.

(4) Who says in the Mishnah that an exchange in error is on a par with an intentional exchange, unlike the case of a dedication.

(5) Lev. XXVII, 33.

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(6) Since Scripture says: 'shall be holy', thus including the case of exchange even in error.

(7) For we do not find the punishment of lashes except in regard to a willful act preceded by a warning. But if one willfully consecrated a permanently blemished animal, he is guilty of breaking five prohibitory laws as stated in Chap. I.

(8) According to this version there is no punishment of lashes in connection with an exchange if effected in error.

(9) So with Sh. Mek. Cur. edd.: Resh Lakish and R. Johanan.

(10) Explaining in what circumstances an error in exchange is on a par with an intentional exchange.

(11) V. Sh. Mek. for the correct reading of this passage.

(12) Giving the circumstances of an exchange in error which is unlike the case of dedications.

(13) 'Which first left my house shall be exchanged in place of this animal'.

(14) If he makes use of it. For Scripture by the text 'shall be' reveals that an exchange even in error is valid.

(15) If the animal is blemished and unfit for the altar.

(16) So Sh. Mek; cur. edd. R. Johanan.

(17) So Bah; cur. edd. 'said'.

(18) He knew that exchanging was forbidden but he thought the first dedicated animal became Hullin after the exchanging, as if it had become blemished (Rashi).

(19) He knew that dedicated animals are forbidden to be eaten by non-priests but imagined that, if blemished, they could be eaten without redemption.

(20) Where he was under the impression that the first animal became Hullin after being exchanged.

(21) For one is punishable with lashes in the case of exchanging even if in error.

(22) Being an absent-minded man who sometimes forgot what he said (Rashi). Tosaf. explains as follows: 'When I enter this house this animal shall be an exchange for this and that animal shall be dedicated with my full knowledge'. He entered, exchanged and dedicated without saying anything at all when he entered or thinking of what he had said previously. Therefore the exchange and the dedication took place without him knowing it.

(23) For Scripture says that an exchange in error is on a level with an intentional exchange.

(24) And if he dedicated a blemished animal for the altar, he is not punishable with lashes, for it was a mistaken dedication.

(25) Exchange takes no effect on these animals, for although exchange takes effect upon a blemished animal, rendering it consecrated as such, nevertheless these cases mentioned in the Mishnah are different. There is certainly no consecration as such in the cases of Trefah, Kil'ayim, etc. as they are

only holy for their value, like wood or stones and do not require redemption.

(26) If they themselves are holy, one cannot exchange an animal for them.

(27) So Sh. Mek; cur. edd. 'R. Meir'.

(28) Holiness taking effect on it.

(29) The Mishnah therefore informs us that although it is holy, it cannot effect exchange.

(30) Which were consecrated in virtue of their mother before pregnancy. They are then obviously holy, like the limb of the mother. In these cases the Mishnah informs us that they do not effect exchange.

(31) With other offspring of dedicated animals. There is therefore need for a Mishnah to inform us with reference to Tumtum, etc. that although they are holy through their mother they cannot effect exchange, in spite of the fact that R. Judah holds elsewhere that the offspring of a dedicated animal effects exchange.

(32) So Sh. Mek.; cur. edd. 'R. Papa'.

(33) It can be consecrated only in respect of its monetary value.

(34) So Sh. Mek.

(35) By means of exchange, if the dedication was prior to the blemish. This animal too whose dedication came before it became Trefah should effect exchange, and if it became Trefah when Hullin should also become holy if exchanged for a dedicated animal.

(36) I.e., other unblemished animals, and therefore it receives consecration as such through exchange. An animal which was extracted by means of the cesarean section is almost a species by itself and is not in the category of ordinary animals. The other four cases, Kil'ayim, Tumtum, etc. also do not belong to the category of animals which are offered up and, according to Tosaf., almost belong to a different species.

(37) That the reason why exchange takes effect on a blemished animal is because it belongs to a category of animals which is offered up.

(38) I.e., of other animals which are not Trefah and therefore should be subject to the law of exchange.

(39) That the reason why a blemished animal is different from the cases mentioned in the Mishnah is that, etc.

(40) Tumtum, etc.

(41) The cases of Kil'ayim, Tumtum, etc. are totally disqualified bodily and there is no dedication of the animal at all.

(42) But not the condition of the whole body.

(43) Lev. XXII, 23.

(44) 'Too short' or 'too long' are bodily disqualifications.

(45) The reason why a blemished animal is subject to the law of exchange. (12) And therefore should be exchanged.

TEMURAH – 2a-34a

(46) If one wishes to redeem it, for Samuel holds that it is capable of dedication as such.

(47) And we learn (infra 31a) that one cannot redeem dedicated animals in order to give dogs to eat, but they are left to die and then buried.

(48) But it is holy bodily, and even after redemption it must not be shorn or worked. And even if blemished, it is not redeemed in order to be given to the dogs to eat.

(49) It is not called a dedication at all and therefore can be redeemed to be given to the dogs to eat, no permanent blemish being required to make redemption permissible.

(50) Why we must not redeem a dedicated animal that has become Trefah. (51) Before its dedication.

(52) We therefore see that if one dedicated a Trefah it can be redeemed in order to give dogs to eat, unlike the view of Samuel.

(53) Since therefore there is no holiness as such in connection with Trefah, it may be redeemed.

(54) Supra on this page of the Gemara and v. notes.

(55) V. supra p. 118, and notes.

(56) V. p. 118, and notes.

(57) Unlike the view of Samuel above.

T'murah 17b

Samuel can answer you: R. Eleazar holds:¹ Wherever [the animal] is not [offered],² bodily consecration does not attach to it.³

CHAPTER III

MISHNAH. THE FOLLOWING ARE DEDICATIONS WHOSE YOUNG AND EXCHANGES ARE IN THE SAME CLASS AS THEMSELVES: THE YOUNG OF PEACE-OFFERINGS AND THEIR EXCHANGES, THEIR YOUNG⁴ AND THE YOUNG OF THEIR YOUNG, TILL THE END OF TIME,⁵ ARE REGARDED AS PEACE-OFFERINGS REQUIRING LAYING ON OF HANDS,⁶ DRINK-OFFERINGS AND THE WAVING OF THE BREAST AND SHOULDER.

GEMARA. Since it states: THE YOUNG AND THE YOUNG OF THEIR YOUNG, what need is there for the UNTIL THE END OF TIME? — Our Tanna [of the Mishnah] heard R. Eleazar state that the young of a peace-offering is not offered as a peace-offering.⁷ Thereupon our Tanna said to him: Not only do I not agree with you

with regard to their young,⁸ but I even do not agree with you with regard to the young born until the end of time.⁹ Whence do we derive this? —

Our Rabbis have taught: [Scripture says:] A male:¹⁰ this includes the young. Now have we not here an inference from minor to major; if an exchange which is not reared in holiness is offered,¹¹ how much more should the young [of a dedication] which is reared in holiness be offered? The case of exchange is different, since it applies to all dedications,¹² whereas the rule of the young does not apply to all dedications,¹³ [and since it does not apply to all dedications, therefore the young is not offered].¹⁴ The text therefore states, 'A male', thus including the young [as being offered]. [The text] A female,¹⁵ this includes exchange. I have so far only the young of unblemished¹⁶ animals¹⁷ and the exchange of unblemished animals. Whence do we derive the cases of the young of blemished animals and the exchange of blemished animals [as being offered]? Scripture says: If it [be a male],¹⁸ this includes the young of blemished animals, and the words 'if it be [a female]' include the exchange of blemished animals.

Said R. Safra to Abaye: perhaps I can reverse [this]?¹⁹ — From the same text ['A female'] that we include the exchange of unblemished animals [as being offered], we include the exchange of blemished animals.²⁰ He said to him: Am I asking you to reverse the interpretation of the expression 'if it be' which is next to 'a male' and the interpretation of the expression 'if it be' which is next to 'a female'? I mean this: Reverse the whole verse. Say as follows: The expression 'a male' includes the case of exchange²¹ and the expression 'a female' includes the young!²² — He replied to him: The word 'Walad' ['the young'] has a masculine implication,²³ whereas the word 'Temurah' ['exchange'] has a feminine implication.²⁴ For what practical purpose?²⁵ —

TEMURAH – 2a-34a

Said Samuel: In order to be offered and according to the opinion of R. Eleazar.²⁶ For you might have thought that R. Eleazar only holds that [the young] is regarded as a burnt-offering because the name of a burnt-offering is applied to its mother,²⁷ but these young [of a blemished peace-offering] are not offered. He²⁸ therefore informs us [that it is not so]. Bar Padda says:²⁹ In order that they be left to pasture and [this is] according to all the authorities concerned.³⁰ It was stated also:³¹ Raba says. In order to be offered and according to the opinion of R. Eleazar. R. Papa says: In order to be left to pasture and according to all the authorities concerned.

But the following Tanna derives this³² from here:³³ [Scripture says:] ‘Only thy holy things’:³⁴ this refers to exchanges; ‘which thou hast’: this refers to the young [of dedications]; ‘thou shalt take and go’: one might think [from this text] that he brings the offspring into the Temple and refrains from giving them water and food in order that they may die?³⁵ The text therefore states: And thou shalt offer thy burnt-offerings, the flesh and the blood,³⁶ to teach us that you must deal with an exchange as you deal with a burnt-offering,³⁷ and that you must deal with the young of peace-offerings and their exchange as you deal with the peace-offerings themselves.³⁸ One might think that [the young and exchange] even of all dedications [are offered]? The text, however, states: Rak³⁹ [‘only’]. This is the teaching of R. Ishmael. R. Akiba says: There is no need [to derive the limitation from ‘Rak’], for it says: ‘It is a guilt-offering’,⁴⁰ implying ‘it’ is offered but its exchange is not offered.⁴¹

The Master said: ‘Thou shalt take and go. One might think from this text that he brings the offspring into the Temple, etc.’ But how could you have inferred this,⁴² seeing that tradition mentions five sin-offerings as left to die,⁴³ thus implying that

these⁴⁴ are offered? — You might have thought that the five sin-offerings are left to die everywhere, whereas these⁴⁵ are left to die only in the Temple. [Scripture] therefore informs us [that it is not so].

The Master said: ‘One might think [that the young and exchange] of all dedications [are offered]? The text, however, says: Rak [only]’. Now to what young [are we alluding here]? If to the [young of a] burnt-offering, it is a male and is not capable of giving birth! If to the young of a sin-offering, there is a traditional law that it is condemned to die.

- (1) So Sh. Mek.; cur. edd.: perhaps this Tanna also.
- (2) Not fit to offer on the altar.
- (3) And therefore if the animal were Trefah at the outset, bodily holiness does not attach to it. Samuel himself, however, will agree with the Rabbis that in the case of Trefah, the animal receives bodily holiness and therefore it cannot be redeemed unless permanently blemished, in order to be given to dogs to eat.
- (4) Viz., the young of peace-offerings and the exchange of the peace-offerings.
- (5) Lit., ‘until the end of the world’.
- (6) The laying on of the hands prior to the killing of the animal.
- (7) But is condemned to die.
- (8) Since I hold that it has the same status as its mother.
- (9) Since even then I hold that the young has the law of its mother.
- (10) Lev. III, 1. What need is there for the words ‘a male’, ‘a female’? It would have been sufficient if Scripture had said: ‘If he offer it from the herd’, which would have implied male and female.
- (11) This is derived from the expression ‘a female’, as stated subsequently in the Gemara.
- (12) By an individual.
- (13) Since a burnt-offering and a guilt-offering are males.
- (14) Wilna Gaon Glosses.
- (15) Lev. III, 1.
- (16) V. Wilna Gaon Glosses.
- (17) Since the mother is unblemished and therefore the young has the same law.
- (18) The word זכר (‘if it be’) which has an inclusive meaning.
- (19) And say that the words ‘If it be (a male)’ include an exchange of blemished animals, and

TEMURAH – 2a-34a

the words 'If it be (a female)' include the young of blemished animals.

(20) Therefore from the words 'if it be' which are next to the words 'a female', we derive the case of an exchange of blemished animals but not from the words 'if it be' next to the words 'a male'.

(21) And its phrase 'if it be' will include the exchange of blemished animals.

(22) And its phrase 'if it be' will include the young of blemished animals.

(23) And therefore we include it from the text 'a male'.

(24) Therefore we include it from the text 'a female'.

(25) Are the offspring of blemished animals holy, since their mother is not fit to be offered.

(26) Who says in the Mishnah (infra 18a) that if one set apart a female animal for a burnt-offering and it gave birth, its offspring is offered as a burnt-offering, although its mother is not fit for a burnt-offering. Here too in the case of the young of blemished offerings, although the mother is not fit for the altar, the young is offered.

(27) Although the mother itself is not offered, the holiness of a burnt-offering is not eliminated, since there is a case of a burnt-offering which is a female, viz., a burnt-offering of a bird.

(28) The Tanna of the Baraitha above.

(29) The object of the Mishnah when it says that the offspring of a peace-offering is considered as a peace-offering is as follows.

(30) Even according to the Rabbis who differ from R. Eleazar. They will admit that the young are sacred at least as regards pasturing and that they are not Hullin.

(31) As to what extent the offspring of a blemished peace-offering is holy.

(32) The rule of the young of peace-offering being like the mother.

(33) Naz. 25a; Bek. 24b.

(34) Deut. XII, 26.

(35) And thus he would be carrying out the injunction 'take and go'.

(36) Ibid. 27 following the verse 'only thy holy things, etc.'

(37) To sprinkle its blood and burn it entirely.

(38) I.e., in respect of laying on of hands, drink-offerings and the waving of the breast and shoulders.

(39) One of the words which has a restrictive meaning.

(40) Lev. V, 19.

(41) Thus excluding the exchange of other dedications from being offered.

(42) That the offspring and exchange of other dedications die, so as to require the text: And thou shalt offer thy burnt-offering, etc.

(43) Two of which are an offspring of a sin-offering and the exchange of a sin-offering.

(44) The young of peace-offerings and their exchange.

(45) The young of a peace-offering and its exchange.

T'murah 18a

If to a guilt-offering,¹ there is a traditional law that it goes to pasture,² since according to tradition wherever a sin-offering is left to die, a guilt-offering in a similar case goes to pasture! — One may still say that we are referring to a sin-offering. The traditional law, however, refers to its death, whereas the Scriptural text only refers to the restriction upon offering it. But does not one depend on the other? For since it is condemned to die then automatically it is not offered?³ —

Rather the traditional law refers to a sin-offering and the Scriptural text ['Rak'] excludes the exchange of a guilt-offering [from death]. But is not this too a traditional law, for it is said: 'Wherever the law is that a sin-offering is left to die, a guilt-offering is left to pasture'? Rather the text ['Rak'] is required for the case where he transgressed and offered, making him guilty of breaking a positive command.⁴

'R. Akiba says: There is no need [to derive the limitation from 'Rak'], etc. It is offered but its exchange is not offered'. What need is there for the text?⁵ Is there not a traditional law in this connection?⁶ — Yes, that is so. Then what need is there for the Scriptural text? It is required for R. Huna's teaching.⁷ For R. Huna said: If an animal dedicated as a guilt-offering⁸ has been condemned to pasture⁹ [until it dies a natural death] and the owner killed it¹⁰ [without stating for what specific sacrifice], it is fit for a burnt-offering.¹¹

TEMURAH – 2a-34a

Now R. Huna says: ‘Which has been condemned to pasture’, but if it has not been condemned to pasture, it would not be so.¹² What is the reason? Scripture says: It,¹³ it remains in the same status.¹⁴ And according to the Tanna who derives [the cases of the young of peace-offerings, etc.] from these Scriptural texts,¹⁵ why not derive this from the text: ‘If it be a male or female’?¹⁶ — That¹⁷ text is required to teach the cases of the young of blemished animals and the exchange of blemished animals.¹⁸ But why not derive all these cases¹⁹ from this text?²⁰ The phrase ‘if it be’ does not teach this according to him.²¹ And the Tanna who derives [the teaching concerning the young and exchange of a peace-offering, etc.] from the text: ‘If it be a male or female’, what does he do with the text: ‘Thou shalt take and go’? —

Even²² [if you have to take them away] from their pastures.²³ Another version: Even [if you have to take them away] from their threshing sledges.²⁴

MISHNAH. R. ELIEZER SAYS: THE YOUNG OF A PEACE-OFFERING MUST NOT BE OFFERED AS A PEACE-OFFERING,²⁵ WHEREAS THE SAGES SAY IT MAY BE OFFERED. SAID R. SIMEON: THERE IS NO DISPUTE BETWEEN THEM AS REGARDS THE YOUNG OF THE YOUNG OF A PEACE-OFFERING OR THE YOUNG OF THE YOUNG OF AN EXCHANGE THAT THEY ARE NOT OFFERED. THE POINT AT ISSUE IS THE CASE OF THE YOUNG [OF A PEACE-OFFERING], R. ELIEZER SAYING: IT MAY NOT BE OFFERED, WHEREAS THE SAGES SAY: IT MAY BE OFFERED. R. JOSHUA AND R. PAPIAS TESTIFIED REGARDING THE YOUNG OF A PEACE-OFFERING THAT IT IS OFFERED AS A PEACE-OFFERING. SAID R. PAPIAS: I TESTIFY THAT WE HAD A COW OF A PEACE-OFFERING AND WE ATE IT ON PASS OVER AND WE ATE ITS YOUNG AS A PEACE-OFFERING ON THE FESTIVAL.²⁶

GEMARA. R. Ammi reported in the name of R. Johanan: What is the reason of R. Eliezer? — Scripture Says: And if [We'im] his offering be a sacrifice of a peace-offering,²⁷ [and we interpret the Im as] Em [‘mother’],²⁸ thus excluding the young. Said R. Hiyya b. Abba to R. Ammi: If this is so [Scripture says]: If [Im] he offer it for a thanksgiving,²⁹ here too shall we [interpret the ‘Im’] as Em, thus excluding the young? And if you say that it is so, has it not been taught: Whence do we derive that its young, its exchange and its substitution³⁰ are all offered? The text states: ‘If [Im] he offer it for a thanksgiving’ — in any case!³¹—

Rather said R. Hiyya b. Abba in the name of R. Johanan: This is the reason of R. Eliezer: [It³² is forbidden to be offered] lest we rear herds of them.³³

SAID R. SIMEON: THERE IS NO DISPUTE, etc. It was asked: How does [the Mishnah] mean: There is no divergent opinion that they are not offered, [all agreeing] that they are offered;³⁴ or perhaps there is no dispute that [the second generation of offspring] are offered, [all agreeing] that they are not offered!³⁵ —

Said Rabbah: It is reasonable to suppose that [the meaning of the Mishnah] is: There is no divergent opinion that they are not offered, [all agreeing] that they are offered. What is the reason? R. Eliezer only disputes with the Rabbis in the case of the young [of a dedication],³⁶ but as regards the young of the young of a dedication, it is a mere chance.³⁷ R. Joshua b. Levi, however, says: There is no divergent opinion that they are offered, [all agreeing] that they are not offered. What is the reason? The Rabbis do not differ from R. Eliezer save in the case of the young [of a dedication] but in the case of the young of the young of a dedication, one can recognize from his action that he means to rear them.³⁸

TEMURAH – 2a-34a

- (1) Some read here: The offspring of the exchange of a guilt-offering.
- (2) If the reading is 'guilt-offering' above, then the Gemara could have answered that it is a male. The Gemara, however, wishes to find a different answer, as the answer concerning a male is already given (Tosaf.).
- (3) Then what need is there for the word 'Rak' to exclude the offering of the young of a sin-offering.
- (4) Both in connection with a sin-offering and a guilt-offering there is a breach of a positive command if the offering actually took place, since the text says: 'Only thy holy things, etc.' referring to the exchange of a burnt-offering and a peace-offering, their offspring and their exchange, and the text continues: 'And thou shalt offer thy burnt-offering, etc.' implying, but not other dedications as, for example, a sin-offering or a guilt-offering. This prohibition being derived by implication from a positive command is itself equivalent to a positive command (Rashi).
- (5) To teach that a guilt-offering is not offered up.
- (6) For wherever a sin-offering is condemned to die, a guilt-offering is condemned to pasture.
- (7) Zeb. 5b.
- (8) On account of its being lost at the time when the second guilt-offering was set aside in its place and had been offered up (R. Gershom).
- (9) By the Temple authorities.
- (10) The first guilt-offering now found and before it became blemished and unfit for the altar.
- (11) For usually its money goes for a burnt-offering.
- (12) Although the owner has procured atonement. Since, however, it had not yet been condemned to pasture and the owner killed it without saying for what particular sacrifice, it is entirely disqualified.
- (13) Lev. V, 19.
- (14) And it is still a guilt-offering and unfit to offer up in that capacity. Consequently it is disqualified.
- (15) Quoted above, i.e.: 'Only thy holy things, etc.'
- (16) As interpreted above.
- (17) 'If it be a male, etc.'
- (18) That they are offered, and the cases of the young of an unblemished dedication and its exchange are derived from the text: 'Only thy holy things, etc.'
- (19) The young of unblemished animals and blemished animals, the exchange of an unblemished animal and the exchange of a blemished animal, as being holy.
- (20) 'If it be a male, etc.' mentioned above, since we actually derive all these cases from this text.
- (21) Therefore from the text 'a male' and 'a female' we infer the cases of the young of a blemished animal and the exchange of a blemished animal, and from the text, 'Only thy holy things' we infer the case of the young of an unblemished animal, and the case of the exchange of an unblemished animal we derive from the text, 'Thou shalt take and go, etc.' and 'thou shalt offer thy burnt-offering' (R. Gershom).
- (22) The text, 'Thou shalt take and go' is not for the purpose of deriving the case of the young and exchange but for the dedicated animals themselves.
- (23) If the Festival has arrived, he must not say that he will not trouble to collect the animals which are scattered on the pasture and that he will wait for another occasion to offer them, but he must take the animals as soon as possible and offer them.
- (24) If the animals went by themselves into the threshing floor to thresh (for it is forbidden to do this deliberately, as this will be working a consecrated animal), he must take the animals away in order to bring them in the Temple.
- (25) There being a Rabbinic enactment that it is condemned to die, since there are only five cases of sin-offering condemned to die.
- (26) It is explained subsequently in the Gemara what Festival is meant.
- (27) Lev. III, 1.
- (28) זש with a change of vowel.
- (29) Lev. VII, 12.
- (30) E.g., if the animal were lost and he set apart another in its place, and the first animal was then found and both animals are before us.
- (31) Including all the cases mentioned here and R. Eliezer does not differ.
- (32) The young of a dedication.
- (33) If you say that the young of a dedication has a remedy, he may detain the mother in order to give birth, and rear many herds from the offspring. There is therefore the danger that the animal may be shorn or worked. As regards the thanksgiving sacrifice, the Rabbis did not prohibit, for this kind of sacrifice is not so frequent as that of a peace-offering.
- (34) For even R. Eliezer agrees that where there are two or more generations of offspring, people forget that they originally came from peace-offerings and therefore there is no fear that others will see that these are offered and will retain their peace-offerings in order to rear herds.
- (35) Even the Sages agree here.
- (36) As there is the fear that he will keep the mother in order to rear offspring and thus there

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is the danger of working and shearing dedicated animals.

(37) And it is unusual that he will detain the mother for such a long period.

(38) The very fact that he has retained the mother until the second generation proves that he is detaining them in order to rear them.

T'murah 18b

R. Hiyya¹ taught in support of R. Joshua b. Levi: [Scripture says:] If he offer a lamb² for his offering,³ implying that the first young is offered but the second young is not offered.⁴ It [a young of a peace-offering] is offered,⁵ but not the young of any other dedication. Now what young of [other] dedications [is excluded from being offered]? If of a burnt-offering and a guilt-offering, are they not male animals and not such as give birth to young? If of a sin-offering, is there not a traditional law that it is left to die?

Said Rabina: [The exclusion refers to a] young [of a female animal] which came forth the tenth.⁶ What need is there for a text regarding the case of a young of an animal which came forth the tenth? Is this not derived from an analogy between 'passing' used in connection with tithes⁷ and 'passing'⁸ used in connection with a firstling?⁹ — The text¹⁰ is necessary. You might be inclined to assume that we cannot form an analogy between a case where there is an alternative and one where there is none.¹¹ [The text, therefore] informs us that this is not so.¹²

R. JOSHUA AND R. PAPIAS TESTIFIED, etc. And according to Raba who holds that after the lapse of one Festival one is guilty of the breaking of a positive command¹³ daily in not offering dedications, why was not the animal eaten on 'Azereth?¹⁴ —

Said R. Zebid in the name of Raba: We must suppose that it was ill on Pentecost.¹⁵ R. Ashi says: The word hag [in the Mishnah] also means in reality the Festival

of Weeks. And what will the other authority [R. Zebid] say [to this]?¹⁶ — Wherever the Tanna uses the term Pesach [Passover] he says 'Azereth.¹⁷ If so,¹⁸ then what is the point of the testimony [of R. Joshua]?¹⁹ — It is to exclude the teaching of R. Eliezer who holds that the young of a peace-offering is not offered as a peace-offering. Consequently he testifies that it is offered.

MISHNAH. THE YOUNG OF A THANKSGIVING OFFERING AND ITS EXCHANGE, THEIR YOUNG AND THE YOUNG OF THEIR YOUNG, UNTIL THE END OF ALL TIME, ARE CONSIDERED AS THANKSGIVING OFFERINGS,²⁰ ONLY THEY DO NOT REQUIRE THE ACCOMPANIMENT OF LOAVES OF BREAD.²¹

GEMARA. Whence is this proved? Our Rabbis have taught: Why does it say: If he offer it for a thanksgiving?²² [Whence do we infer]²³ that if one set aside a thanksgiving offering and it became lost and he separated another in its place, and the first was then found, and both [animals] are standing [before us], he can offer whichever he wishes and bring its bread? The text states: If for a thanksgiving he shall offer.²⁴ One might think that the second animal requires the accompaniment of bread? The text, however, states: 'If he offer it', [the word 'it' implying that he brings] one [animal with the loaves of bread] but not two.²⁵ Whence do we include [for offering] the case of the young [of a thanksgiving offering], exchanges and substitutions?²⁶ The text states: 'If for a thanksgiving'. One might think that all these cases require the accompaniment [of loaves of bread]? The text states: With a sacrifice of thanksgiving,²⁷ [implying that] the thanksgiving itself requires loaves of bread but its young, its exchange, and its substitution do not require the bringing of bread.

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MISHNAH. THE EXCHANGE OF A BURNT-OFFERING, ²⁸ THE YOUNG OF ITS EXCHANGE,²⁹ ITS YOUNG AND THE YOUNG OF ITS YOUNG, UNTIL THE END OF TIME, ARE REGARDED AS A BURNT-OFFERING: THEY REQUIRE FLAYING, CUTTING INTO PIECES AND TO BE ALTOGETHER BURNT. IF ONE SET ASIDE A FEMALE ANIMAL FOR A BURNT-OFFERING AND IT GAVE BIRTH TO A MALE, IT IS TO PASTURE UNTIL IT BECOMES UNFIT FOR SACRIFICE.³⁰ IT IS THEN SOLD AND FOR ITS MONEY HE BRINGS A BURNT-OFFERING. R. ELIEZER³¹ HOWEVER, SAYS: THE [MALE] ANIMAL ITSELF IS OFFERED³² AS A BURNT-OFFERING.

GEMARA. Why is it that in the first clause³³ [in our Mishnah above] the Rabbis do not differ,³⁴ whereas in the latter clause³⁵ the Rabbis do differ?³⁶ —

Said Rabbah b. Bar Hana: The first clause has been taught as a disputed opinion,³⁷ being really the opinion of R. Eliezer. Raba says: You can even say that the first clause is in agreement with the Rabbis, for the Rabbis dispute with R. Eliezer³⁸ only in the case of one who sets apart a female animal for a burnt-offering, since the mother is not offered [for a burnt-offering],³⁹ but in the case of [the young of an] exchange [of a burnt-offering], where the mother⁴⁰ is offered, even the Rabbis agree.⁴¹

But did R. Eliezer say [that the young of an exchange] is itself offered as a burnt-offering? Against this the following [is quoted] in contradiction: The exchange of a guilt-offering, the young of an exchange, their young and the young of their young until the end of time, are to go to pasture until they are unfit for sacrifice.⁴² They are then sold and the monies are applied for freewill-[offerings].⁴³

R. Eleazar⁴⁴ says: Let them die⁴⁵ R. Eliezer⁴⁶ says: Let him buy burnt-offerings

with their money.⁴⁷ Now [he] only [brings an offering] for their money, but he must not bring the animal itself⁴⁸ [as a burnt-offering]?⁴⁹ —

Said R. Hisda: R. Eliezer was arguing with the Rabbis from their own premises [as follows]: As far as I am concerned, I hold that even the young itself [of the exchange of a guilt-offering] is also offered as a burnt-offering. But according to your teaching, when you say that [it is not offered],⁵⁰ at least admit that the surplus [of sacrificial appropriations]⁵¹ are applied to freewill-offerings of an individual.⁵² They [the Rabbis] however answer him: The surpluses are applied to freewill-offerings on behalf of the congregation.⁵³

Raba says: R. Eliezer holds that the young itself is offered for a burnt-offering only in a case where one sets aside a female animal for a burnt-offering, because the mother has the name of a burnt-offering.⁵⁴

- (1) Var. lec. R. Hanania. V. Sh. Mek.
- (2) Keseb implying the young of the female flock mentioned in the preceding verse (Rashi).
- (3) Lev. III, 7.
- (4) Now this Baraita must be according to the Rabbis, for according to R. Eliezer even the first young was not offered, and consequently supports the view of R. Joshua b. Levi. The prohibition here will only be of a Rabbinical character (the verse being adduced as mere mnemonic aid), for undoubtedly not to offer the second generation of offspring can only be a Rabbinical enactment, in case he keeps animals in order to rear herds (Tosaf.).
- (5) For the text referred to a peace-offering.
- (6) Then tithed.
- (7) Whatsoever passeth under the rod (Ibid. XXVII, 32).
- (8) And thou shalt set apart (Ex. XIII, 12).
- (9) And in connection with a firstling no young is offered, as a firstling is a male animal.
- (10) Lev. III, 7.
- (11) As is the case with a firstling which is restricted to males, for it is not possible to have a young of a firstling.
- (12) That we do draw the analogy between tithe and firstling.
- (13) The text: And thither thou shalt come and thither ye shall bring your burnt-offerings

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(Deut. XII, 5 and 6), implying that one must bring one's offering on the very first Festival after its dedication; v. R.H. 6a.

(14) Pentecost, lit., 'the closing (festival)', Pentecost being regarded as the closing festival to Passover. On Passover itself it could not have been offered and eaten because as it was born on Passover possibly the necessary period of seven days had not elapsed before it could be eaten.

(15) And therefore it was eaten on the Feast of Tabernacles.

(16) Why not say that hag in the Mishnah actually means the Feast of Weeks?

(17) When referring to the Feast of Weeks, but does not call it hag. Since the Mishnah, however, says hag, then it must mean the Feast of Tabernacles. If, however, the Mishnah had referred to Pesach as the Hag (Feast) of Unleavened Bread, then it would have referred to 'Azereth as hag (Rashi).

(18) That hag means the Feast of Weeks or that it was ill and could not be brought as a sacrifice on the Feast of Weeks but that in reality the right period of bringing the offering was on the Feast of Weeks.

(19) If hag means the Feast of Tabernacles and it was not sick on the Feast of Weeks, the testimony of R. Papias teaches us something fresh, namely, it excludes Raba's teaching above. But if as you explain, the word hag actually means Pentecost or the reason why the young was brought and eaten on the Feast of Tabernacles was because it was sick and it could not be offered on the Feast of Weeks, what new point does he inform us?

(20) The limbs, etc. are burnt on the altar and the flesh is eaten for a day and a night.

(21) As mentioned in Lev. VII, 12 and 13.

(22) Ibid. VII, 12. V. Sh. Mek. For Scripture could have said: If it be for a thanksgiving, ye shall offer, etc. (R. Gershom).

(23) Inserted with Sh. Mek.

(24) In any case, even a second animal is permitted to be offered up as a thanksgiving.

(25) The restriction, however, only refers to bread but not to the offering up of a second animal.

(26) Where the thanksgiving offering became lost and he set aside another in its place. Tosaf. observes that this is exactly the case mentioned above: If one sets aside a thanksgiving offering, etc. Wilna Gaon, however, adds that substitutions are included for offering even after the sacrificing of the first animal.

(27) Ibid.

(28) Where e.g., he exchanged a male for a burnt-offering.

(29) Where he exchanged a female for a burnt-offering and the exchange gave birth to a male.

(30) The reason why it is left to pasture is because the young's holiness came by virtue of the mother which is a female animal, a kind which is not fit for a burnt-offering. The mother herself being a female is certainly condemned to pasture.

(31) Var. lec. R. Eleazar, and so throughout.

(32) And is not left to pasture.

(33) In the case of the young of the exchange of a burnt-offering.

(34) But agree that these cases are to be considered as burnt-offerings.

(35) Where one separates a female animal for a burnt-offering and it gave birth to a male.

(36) The Rabbis maintaining that the animal is condemned to pasture but is not offered.

(37) It is a fact that even in the first clause in the Mishnah above in connection with the exchange of a burnt-offering and the young of an exchange, the Rabbis differ as they do in the latter clause, and hold that these are not regarded as burnt-offerings, the view of the Mishnah being that of R. Eliezer.

(38) And say that the animal is left to pasture.

(39) Being a female. Therefore they say its young is not offered.

(40) Not exactly the mother but the first dedication, the male burnt-offering, in virtue of which both the exchange and its young are holy, is offered, because it is a male animal. In the case, however, where one set aside a female animal for a burnt-offering, the first dedication was not fit for a burnt-offering.

(41) That it is considered a burnt-offering.

(42) The exchange of a guilt-offering is left to pasture, for wherever a sin-offering is left to die, a guilt-offering in similar circumstances is left to pasture, the exchange of a sin-offering being one of the five sin-offerings which is condemned to die.

(43) To purchase offerings with the money on behalf of the congregation.

(44) Far. lec. R. Eliezer.

(45) For he holds that a guilt-offering has the same law as a sin-offering in this respect.

(46) Var. lec. R. Eleazar.

(47) As a private sacrifice, but he cannot buy guilt-offerings. The same applies in the case of the young of the exchange of a guilt-offering, the young being sold after becoming blemished and a burnt-offering being bought with the money.

(48) I.e., the young of the exchange.

(49) Consequently we see that R. Eliezer (or according to var. lec. R. Eleazar) holds that since the mother is unfit for a burnt-offering, being a female, the young also cannot be offered as a burnt-offering. Why then does R. Eliezer

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say in the Mishnah of a female animal dedicated as a burnt-offering that its young, a male, can be offered as a burnt-offering?

(50) So Sh. Mek. Cur. edd.: That it is left to pasture. Bah: That its money is applied for a burnt-offering.

(51) I.e., the value of the young (R. Gershom).

(52) I.e., for a burnt-offering.

(53) I.e., one cannot buy a burnt-offering for an individual with the money.

(54) For since we find in connection with birds that a burnt-offering can also be a female, therefore although the animal set aside for a burnt-offering is a female, it retains the name of the burnt-offering. Moreover, when it is sold, a burnt-offering can be bought with the money i.e., it has the name of a burnt-offering (Rashi).

T'murah 19a

But in the case of exchange¹ of a guilt-offering, where the mother has not the name of a burnt-offering,² [R. Eliezer] also agrees that [one can buy a burnt-offering] with its money but that [the animal] itself is not offered.

Abaye raised an objection: But does R. Eliezer indeed require that the mother should have the name of a burnt-offering? Has it not been taught: If one sets aside a female animal for a Passover sacrifice, it is to pasture until unfit for sacrifice. It is then sold and a Passover sacrifice [a male] is bought with its money. If it gave birth [before Passover], it [the young] is to pasture until it is unfit for sacrifice. It is then sold and a Passover sacrifice is bought with its money. If it remained over until after Passover,³ it is to pasture until it is unfit for sacrifice. It is then sold and he brings a peace-offering⁴ with its money. If it [the female Passover sacrifice] gave birth,⁵ it is to pasture until it is unfit for sacrifice. It is then sold and a peace-offering is bought with its money.

R. Eliezer says: The [animal] itself is offered as a peace-offering.⁶ Now here is a case where the mother has not the name of a peace-offering and R. Eliezer says: He offers it as a peace-offering? —

Raba said to him: The case after Passover is different, since what has not been used [of animals] dedicated for the Passover sacrifice is itself offered as peace-offerings.⁷ If this is so,⁸ let the dispute [between R. Eliezer and the Rabbis] be stated also in connection with the first clause above?⁹ —

He said to him: 'Yes, that is so'.¹⁰ Abaye says: R. Eliezer does not differ [in the first clause above],¹¹ since there we have it on tradition that [the purpose for] which an unused dedicated animal goes,¹² its young is used in the same way.¹³ Now, after Passover, when an animal unused for a Passover sacrifice is considered a peace-offering, its young too is used as a peace-offering. But before Passover, for what purpose did he dedicate the mother? For the value of the Passover sacrifice.¹⁴ Therefore in the case of the young too it is used for the value of the Passover sacrifice.¹⁵

R. Ukba b. Hama raised an objection: But do we say that since the mother is used only for its money value, its young is also used only for its money value? Surely it has been taught: If one sets aside a female animal for the Passover sacrifice, it and its offspring pasture until unfit for sacrifice, and they are then sold, and a Passover sacrifice is bought with the money.

R. Eliezer, however, says: The [animal] itself is offered as a Passover sacrifice. Now here the mother is dedicated for its value and R. Eliezer says that its young is offered as a Passover sacrifice and we do not apply to it the same rule as to its mother? —

Said Rabina: We are dealing here with a case where he sets aside a pregnant animal.¹⁶ R. Eliezer holds the view of R. Johanan who says that if he left over [the embryo for a different dedication], the act is valid,¹⁷ for an embryo is not considered as the thigh of its mother. Therefore it is

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only the mother [being a female] which receives no bodily consecration, whereas its embryo receives bodily consecration.

Said Mar Zutra the son of R. Mari to Rabina: It also stands to reason that we are dealing [in the above Baraitha] with the case of a pregnant animal, since the Baraitha says: 'It and its offspring'.¹⁸ This is proved.

(1) So Sh. Mek. omitting the word 'young of' in cur. edd.

(2) For the first animal, in virtue of which the exchange and its young are holy, was dedicated as a guilt-offering and sacrificed as such and was not a burnt-offering (Rashi).

(3) If e.g., he brought another male Passover sacrifice and this female Passover sacrifice remained over.

(4) For a Passover sacrifice at other times of the year can be brought as a peace-offering. The animal itself, however, cannot be brought as a peace-offering, since its holiness as a Passover sacrifice has been suspended and it is therefore also unfit for a peace-offering.

(5) After Passover.

(6) Although the mother has not the name of a peace-offering, since it was dedicated as a Passover sacrifice; v. Tosef. Pes. IX.

(7) Where e.g., one set aside a Passover sacrifice and he procured atonement through another, the one remaining over is offered as a peace-offering. Therefore this animal which remained over from Passover has the name of a peace-offering, the name of the Passover having disappeared from it, and there falls on it the name of a peace-offering. If, however, it is a female, it cannot be offered, since it comes in virtue of a Passover dedication. Its young, therefore, is offered as a peace-offering (Rashi).

(8) That the reason for R. Eliezer's view is because the mother has the name of a peace-offering.

(9) Where the female Passover sacrifice gave birth before Passover, and let R. Eliezer maintain that the young itself is offered as a peace-offering, since if he killed the mother at any time of the year it would be considered a peace-offering. Consequently the mother possesses the name of a peace-offering.

(10) That R. Eliezer holds in the first part of the above Tosef. that where the animal gave birth before Passover it is brought as a peace-offering.

(11) Where the animal gave birth before Passover, agreeing that the animal after

becoming unfit for sacrifice is sold and a Passover sacrifice is bought with the money. The reason of R. Eliezer, however, in the second part of the Tosef. is not because the mother has not the name of a peace-offering but since, etc.

(12) If one set aside two animals for security's sake (in case one was lost) or if the animal which he set aside was lost, the owner procuring atonement by means of another animal, and the first animal was found. Therefore where one set aside a female for a burnt-offering, just as if one separates a burnt-offering and the owner procured atonement by means of another animal the second is offered as a burnt-offering, so the young of a female burnt-offering is treated in the same way, i.e., as a burnt-offering. In the case too of an unused guilt-offering which is left to pasture, the young of the exchange of a guilt-offering is also left to pasture. And as regards the Passover sacrifice after Passover, since an unused Passover lamb is brought as a peace-offering, the same law applies to its young. Further, in regard to a Passover sacrifice before Passover where there is a superfluous sacrifice, e.g., if he set aside two Passover sacrifices for security's sake, they are not fit for peace-offerings, since they are to be used ordinarily for the Passover. One of them is certainly superfluous and is not fit for a Passover sacrifice, since two Passover sacrifices cannot be offered. Since therefore they cannot be used for any purpose, the young too is not fit to be offered for any sacrifice but follows the mother which is holy only for the value of a Passover offering (Rashi).

(13) The same kind of dedication as its mother.

(14) The money obtained through selling the animal is used for a Passover sacrifice.

(15) But is not itself used as a Passover sacrifice.

(16) For the Passover sacrifice.

(17) If one dedicates a pregnant animal and leaves over the embryo for another dedication, this is regarded as valid; consequently we see that they are considered two separate bodies. Therefore even if he did not leave over the dedication of the embryo, it is not considered part of the body of the mother, and consequently its consecration as a Passover sacrifice has effect.

(18) Implying that both were in existence at the time of dedication, since the Baraitha does not say: If one sets aside a female animal for its Passover sacrifice let it go to pasture; if it gave birth to a male let it go to pasture, etc. This would have implied that it gave birth later, after the dedication.

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T'murah 19b

R. Jose b. Hanina said: R. Eliezer admits¹ that where one sets aside a female animal for a guilt-offering, its young is not offered as a guilt-offering. But surely this is obvious! For R. Eliezer refers only to a case where one sets aside a female animal for a burnt-offering, since its mother has the name of a burnt-offering;² whereas where one sets aside a female for a guilt-offering, since the mother has not the name of a guilt-offering, even [R. Eliezer] agrees that it is not offered as a guilt-offering!³ If [R. Jose] had not informed us of this, I might have thought that the reason of R. Eliezer was not because the mother has the name of a burnt-offering but because the young is fit for offering, and this animal⁴ too is fit for offering.⁵ [R. Jose therefore] informs us that it is not so.⁶ If this is so,⁷ why does [R. Jose] inform us that its young is not offered as a guilt-offering? Why not rather inform us that its young is not offered as a burnt-offering,⁸ and the same would apply to a guilt-offering.⁹ —

If [R. Jose] had informed us concerning a burnt-offering, I might have thought that the young is not offered as a burnt-offering, since the mother was not dedicated for that holiness, but in the case of a burnt-offering, I might have said that [the young] is offered as a guilt-offering. [R. Jose] therefore informs us [that it is not so].

MISHNAH. IF ONE SETS ASIDE A FEMALE [ANIMAL] FOR A GUILT-OFFERING, IT MUST GO TO PASTURE UNTIL IT BECOMES UNFIT FOR SACRIFICE. IT IS THEN SOLD AND HE BRINGS A GUILT-OFFERING WITH ITS MONEY. IF, HOWEVER, HE HAS ALREADY OFFERED HIS GUILT-OFFERING,¹⁰ ITS VALUE¹¹ [IS PUT INTO THE CHEST] FOR FREEWILL-OFFERINGS;¹² R. SIMEON, HOWEVER, SAYS: IT IS SOLD WITHOUT [WAITING FOR] A BLEMISH.¹³

GEMARA. But why [wait] until [the guilt-offering] becomes blemished? Let it be sold, for since it is not fit for anything, that in itself constitutes a blemish? — Rab Judah reported in the name of Rab: The reason is this: Because we say, since consecration in respect of its value rests on it, there also rests [on it] bodily consecration.¹⁴

Said Raba:¹⁵ This proves¹⁶ that if one dedicates a male [animal]¹⁷ for its value, it receives bodily consecration.¹⁸ It has been stated: If one dedicated a male animal for its value, R. Kahana says: It receives the holiness of bodily consecration, whereas Raba says: It does not receive the holiness of bodily consecration. Raba, however, withdrew his opinion in favor of that of R. Kahana, on account of the explanation given [above] by Rab Judah in the name of Rab.¹⁹

R. SIMEON, HOWEVER, SAYS: IT IS SOLD [WITHOUT WAITING] FOR A BLEMISH. Said R. Hiyya b. Abin to R. Johanan: But why do we not say that since there rests on the animal a consecration for value, there also rests on it a bodily consecration? —

R. Simeon follows the opinion expressed by him elsewhere where he says: Wherever an animal is not fit [for offering], a bodily consecration does not rest on it.²⁰ For it has been taught: If a guilt-offering which should be a year old²¹ is brought at two years old,²² or a guilt-offering which should be two years old²³ is brought at a year old, it is fit [for offering], only that the owners of the sacrifices are not credited as having fulfilled their obligation. R. Simeon, however, says: They are not holy at all.²⁴ But is there not the case of [an animal] too young for sacrifice²⁵ which is not fit for offering and yet R. Simeon holds that it is holy?²⁶ —

The case of [an animal] too young for sacrifice is different, because it is fit on the

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morrow.²⁷ If this is so,²⁸ the same argument ought to apply to a guilt-offering which should be two years old and is brought as a year old, since it will be fit in a year's time!²⁹

Rather the reason of R. Simeon in the case of [an animal] too young for sacrifice must be because we derive it from the case of 'firstling', as it has been taught: R. Simeon b. Judah reported in the name of R. Simeon: An animal too young for sacrifice enters the shed in order to be tithed, and it is like a firstling: Just as a firstling is holy before its due time [for sacrifice]³⁰ and is sacrificed in its due time,³¹ so [an animal] too young for sacrifice is holy before the prescribed time [for sacrifice] and is offered in its due time.³²

The Rabbis have taught: If one consecrates a female [animal] for his burnt-offering,

- (1) Although where one sets aside a female animal for a burnt-offering he holds that the young itself is offered as a burnt-offering.
- (2) E.g., in connection with the burnt-offering of a bird.
- (3) For we do not find a female as a guilt-offering. Therefore the name of a guilt-offering has no effect on it.
- (4) The young of a guilt-offering.
- (5) And therefore the young should be offered as a guilt-offering.
- (6) And the reason is because the name of a burnt-offering is on its mother, whereas in the other case the name of a guilt-offering is not on its mother, since it is a female.
- (7) That the reason of R. Eliezer is because of the name of its mother.
- (8) Since the mother has not the name of a burnt-offering, for he called it a guilt-offering.
- (9) I would have argued in the following manner: If for a burnt-offering, when the money value of the mother can be used for a burnt-offering, we still say that the young is not used as a burnt-offering, how much less is the young of a female guilt-offering used as a guilt-offering, since neither the mother nor its value can be used as a guilt-offering (Rashi).
- (10) I.e., procures atonement through another guilt-offering.
- (11) The value of the first guilt-offering.
- (12) I.e., for public sacrifices.

(13) Since it is not fit for anything, the animal is regarded as possessing a genuine blemish, unlike the case of a female burnt-offering where R. Simeon requires an actual blemish, because the name of a burnt-offering is on it.

(14) In this respect, that it requires a blemish.

(15) Var. lec. Rabbah.

(16) Since we see that the animal requires a blemish before it is sold, although ordinarily the consecration for value is intended.

(17) As a burnt-offering or a guilt-offering.

(18) For if a female requires a blemish because we say Miggo ('since' it is holy for its value, etc.) how much more so is it the case where he consecrated for its value a male, an animal fit for sacrifice, that we say 'Miggo' and it becomes consecrated as such (R. Gershom).

(19) That from the ruling in the Mishnah that the animal pastures, it is proved that we apply Miggo.

(20) And it is sold without waiting for a blemish.

(21) E.g., the guilt-offering of a Nazirite and a leper, for 'lamb' mentioned in this connection always denotes an animal a year old.

(22) Which is really a ram.

(23) A guilt-offering for theft or trespass; v. Lev. V, 20ff.

(24) Since they cannot be used as guilt-offerings, they do not receive any holiness, the same reason applying in the Mishnah according to the view of R. Simeon.

(25) Less than seven days old. Lit., 'wanting time'.

(26) V. Hul. 81a where R. Simeon says: If one kills without the Temple court an animal which is fit to offer after the due time has elapsed, he is guilty of transgressing a prohibitory law.

(27) After a little while, whereas in the case of the Mishnah when the female animal is brought as a guilt-offering, it can never be fit for sacrifice.

(28) That because an animal is fit for sacrifice after a time, it is meanwhile considered holy.

(29) Why therefore does R. Simeon say in the Baraitha above that a two years' old guilt-offering, if it is brought a year old, does not receive holiness at all?

(30) Since it is holy in the womb.

(31) So Sh. Mek.; cur. edd.: after its time.

(32) Bek. 22a, 56a and 57b.

T'murah 20a

for his Passover sacrifice or for his guilt-offering, the [animal] can effect exchange.¹

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R. Simeon says: [The female animal set aside] for his burnt-offering effects exchange,² but that which he sets aside for his Passover sacrifice or guilt-offering cannot effect exchange,³ since there is no [animal] which can effect exchange except that which pastures until unfit for sacrifice.⁴

Said Rabbi: I do not approve of the opinion of R. Simeon with reference to a Passover sacrifice,⁵ since unused [money or animals] dedicated for the Passover is offered as peace-offerings.⁶ And why does he not Say: I do not approve of the opinion of R. Simeon in connection with a guilt-offering, since an unused guilt-offering is offered as a burnt-offering?⁷ —

Rabbi holds the opinion of the Rabbis who say: The surpluses [of sacrificial appropriation] belong to the freewill-offerings of the congregations and the congregation cannot effect exchange.⁹ Now it is assumed that the reason why R. Simeon holds that a female set aside as a burnt-offering can effect exchange is because a female has the name of burnt-offering [in the case of a poor man who brings]¹⁰ a burnt-offering of a bird. According to this a cow set aside by a High Priest for his [sacrificial] bullock,¹¹ should become holy and effect exchange, since we have the case of the cow of sin-offering?¹² —

The cow of sin-offering is regarded as a dedication for Temple repairs¹³ and a dedication for Temple repairs cannot effect exchange. Then if an individual sets aside a goat instead of a she-goat¹⁴ [for his sin-offering], let it become holy,¹⁵ since we find elsewhere the case of a ‘ruler’ who sets aside a goat for a sin-offering?¹⁶ Or, again, if a ‘ruler’ sets aside a she-goat instead of a goat [as a sin-offering], let it become holy, since elsewhere an individual sets aside a she-goat [for a sin-offering]? —

These are two separate persons [bodies].¹⁷ But if he sinned before he was a ‘ruler’, even if he set aside a goat in place of a she-goat, let it become holy [and effect exchange] since, if he sinned now, [after his appointment]¹⁸ he brings a goat?¹⁹ — Here,²⁰ [it is different,²¹ for] since he did not sin [as a ‘ruler’], he is not required to bring a goat. If so, here too,²² he does not [actually] bring a burnt-offering of a bird?²³ —

R. Simeon²⁴ holds the opinion of R. Eleazar b. Azariah.²⁵ For we have learnt: [If one says] ‘Behold, I take upon myself to bring a burnt-offering’,²⁶ he brings a sheep,²⁷ whereas R. Eleazar b. Azariah says: Or a turtle-dove or a pigeon.²⁸

We have learnt elsewhere: If one dedicates his property [for Temple repairs] and there are animals²⁹ among them fit for the altar [i.e., unblemished], males and females, R. Eliezer says: The males shall be sold as burnt-offerings and the females shall be sold as peace-offerings, and their money together with the rest of the property shall go for Temple repairs.³⁰

R. Joshua, however, says: The males themselves are offered as burnt-offerings,³¹ the females are sold as peace-offerings, burnt-offerings³² are bought with their money and the rest of the property is applied for Temple repairs.

Said R. Hiyya b. Abba to R. Johanan: According to the opinion of R. Joshua, who said that the males are themselves offered as burnt-offerings, how can the females be offered as peace-offerings, seeing that their status is that of cancelled holiness?³³

Another version: Said R. Hiyya b. Abba to R. Johanan: Since R. Joshua Says, The males are themselves offered as burnt-offerings, does this mean to say that he dedicated them in respect of bodily dedication? If so, why are the females sold

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for peace-offerings? Do not [the females] require to pasture? —

He [R. Johanan] answered him: R. Joshua agrees with R. Simeon who says: Anything which is not fit [for offering] is not subject to bodily dedication.³⁴ For we have learnt: R. SIMEON SAYS: IT SHALL BE SOLD WITHOUT [WAITING FOR] A BLEMISH. And we explained that the reason of R. Simeon is that since the female animal is not fit for a guilt-offering, it is not subject to bodily dedication. Here³⁵ too³⁶ since a female animal is not fit for a burnt-offering, it is not subject to bodily dedication.³⁷ But does not R. Simeon's teaching refer only to a case where one sets aside a female animal for a guilt-offering,

- (1) The animal substituted for it becomes holy.
- (2) Because (i) it is not an obligatory sacrifice (R. Gershom) and also (ii) it has the name of a burnt-offering, since a bird can be a burnt-offering even though a female (Rashi).
- (3) Since we do not find a female animal designated as a guilt-offering or a Passover offering.
- (4) A female animal designated as a Passover or a guilt-offering is sold even without a blemish and therefore does not effect exchange; whereas a female animal designated as a burnt-offering, since the name of a burnt-offering is found in connection with a female bird, pastures until it becomes unfit and therefore effects exchange (Rashi).
- (5) That it does not effect exchange.
- (6) Consequently as a Passover sacrifice has some connection with peace-offerings and the latter can be females, therefore although this particular animal cannot be offered as a Passover sacrifice, we consider that it has the name of peace-offering and thus can effect exchange (Rashi). R. Gershom explains that we regard the Passover sacrifice as 'surplus' for the value of which we purchase a peace-offering, and thus it can effect exchange.
- (7) We therefore find that this female guilt-offering is a burnt-offering and it would therefore be holy as such and effect exchange, like a female burnt-offering, for we have the case of a female burnt-offering in connection with birds (Rashi).
- (8) Which are burnt-offerings.
- (9) Therefore even if it were considered a burnt-offering, there could be no exchange.

- (10) Inserted with Sh. Mek.
- (11) Which he brings on the Day of Atonement for his sin-offering.
- (12) The red heifer referred to in the Torah as a sin-offering.
- (13) The reason being that the animal is not dedicated for the altar.
- (14) Where he is required to bring a she-goat or a sheep for a sin-offering; v. Lev. IV, 28, 32.
- (15) And effect exchange.
- (16) V. *ibid.* 22ff.
- (17) Viz., an individual and a 'ruler', and therefore we do not draw a comparison between them, whereas here an individual can set aside a female animal for his burnt-offering and it becomes holy and effects exchange, because if he, the same person, wished he could renounce his property in order to become a poor man and thus be able legally to bring a female bird for his burnt-offering.
- (18) V. Bah.
- (19) And here the 'ruler' and the individual are the same person.
- (20) In the case just mentioned.
- (21) Although there is only one person here, the reason why he does not bring a goat is as follows.
- (22) Where he sets aside a female animal for his burnt-offering.
- (23) For a rich man who is required to set aside an animal for his burnt-offering cannot bring a bird which is a poor man's offering. Therefore a female animal set aside for a burnt-offering should not become consecrated as such and thus should not effect exchange.
- (24) This then is the reason of R. Simeon with regard to a burnt offering.
- (25) That the unspecified freewill-offering even of a rich man can be the burnt-offering of a bird. Consequently, a female animal dedicated as a burnt-offering has the name of a burnt-offering.
- (26) Without defining the nature of the burnt-offering.
- (27) Which is the lowest kind of burnt-offering that a wealthy man can offer.
- (28) Men. 105b, B.K. 78b.
- (29) This is the reading in Zeb. 103a.
- (30) For R. Eliezer holds that dedications are usually for Temple repairs, even of things fit for the altar. Nevertheless, whatever is suitable for the altar must be given up to the altar.
- (31) One does not ignore animals fit for the altar and dedicate them for Temple repairs. Consequently we assume that they were dedicated for the altar and they themselves are offered up.

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(32) For usually one makes a dedication of a burnt-offering, which is the most important of sacrifices (Sh. Mek).

(33) Since the males are offered as burnt-offerings and the money of the female animals is for burnt-offerings, presumably he holds that he dedicated them all for burnt-offerings. But a female animal dedicated as a burnt-offering must pasture, as stated above, its holiness as a burnt-offering having been cancelled (supra 18a). How then can they be offered as peace-offerings?

(34) And similarly here the female animals are not fit to be offered as burnt-offerings and therefore they have no bodily holiness which would make it requisite for them to pasture until unfit for sacrifice, but they are sold.

(35) For this reading v. Sh. Mek.

(36) In the case of our Mishnah.

(37) And therefore they are not left to pasture but are sold for peace-offerings.

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since the mother has not the name of a guilt-offering,¹ whereas in the case of a female set aside for a burnt-offering, where the mother has the name of a burnt-offering, even R. Simeon agrees [that it can receive dedication as such]? Moreover, we have heard from R. Simeon that [a female animal set aside] for his burnt-offering effects exchange!² — He [R. Johanan] replied to him: R. Joshua will agree with the other Tanna who quotes R. Simeon. For it has been taught: R. Simeon b. Judah reported in the name of R. Simeon: He cannot effect exchange [with a female animal set aside] even for his burnt-offering.³

MISHNAH. THE EXCHANGE OF A GUILT-OFFERING,⁴ THE YOUNG OF AN EXCHANGE,⁵ THEIR YOUNG AND THE YOUNG OF THEIR YOUNG UNTIL THE END OF TIME, MUST GO TO PASTURE UNTIL UNFIT FOR SACRIFICE. THEY ARE THEN SOLD AND THEIR⁶ MONEY IS APPLIED TO A FREEWILL-OFFERING.⁷

R. ELIEZER, HOWEVER, SAYS: LET THEM DIE; WHILE R. ELEAZAR⁸ SAYS: LET HIM

BRING BURNT-OFFERINGS WITH THE MONEY.⁹ A GUILT-OFFERING WHOSE OWNER DIED OR WHOSE OWNER OBTAINED ATONEMENT [THROUGH ANOTHER ANIMAL] MUST GO TO PASTURE UNTIL UNFIT FOR SACRIFICE. THEY ARE THEN SOLD AND THE MONEY OF THE OFFERING IS APPLIED TO A FREEWILL-OFFERING.

R. ELIEZER, HOWEVER, SAYS: LET THE ANIMAL DIE; WHILE R. ELEAZAR⁸ SAYS: LET HIM BUY A BURNT-OFFERING FOR THE MONEY. BUT CANNOT A NEDABAH [FREEWILL-OFFERING] ALSO BE A BURNT-OFFERING? WHAT THEN IS THE DIFFERENCE BETWEEN THE OPINION OF R. ELEAZAR AND THAT OF THE SAGES?¹⁰

ONLY IN THAT WHEN THE OFFERING COMES AS AN OBLIGATION,¹¹ HE LAYS HIS HAND ON IT AND HE BRINGS DRINK-OFFERINGS AND THE DRINK-OFFERINGS MUST BE PROVIDED BY HIM; AND IF HE¹² IS A PRIEST, THE PRIVILEGE OF OFFICIATING AND ITS HIDE BELONG TO HIM;¹³ WHEREAS WHEN HE BRINGS A FREEWILL-OFFERING, HE DOES NOT LAY HIS HAND [ON IT],¹⁴ HE DOES NOT BRING DRINK-OFFERINGS WITH IT, THE DRINK-OFFERINGS ARE PROVIDED BY THE CONGREGATION, AND ALTHOUGH HE IS A PRIEST, THE PRIVILEGE OF OFFICIATING AND ITS HIDE BELONG TO THE MEN OF THE DIVISION¹⁵ [OFFICIATING IN THAT PARTICULAR WEEK].

GEMARA. It is necessary [for the Mishnah] to mention that in both cases¹⁶ [there is a difference of opinion]. For if we had been taught the case of a guilt-offering [whose owners had died or procured atonement through another animal], we might have thought that there R. Eliezer says that they¹⁷ die because we prohibit after atonement¹⁸ in virtue of having prohibited before atonement,¹⁹ but in the case of the exchange of a guilt-offering or the young of

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an exchange,²⁰ I might have thought that he agrees with the Rabbis.²¹ And if we had been taught the case of the exchange of a guilt-offering, [I might have thought] that the Rabbis say there that the animal pastures,²² but in the case of a guilt-offering [whose owners had died or obtained atonement], I might have thought that they agree with R. Eliezer.²³ It was therefore necessary [for the Mishnah] to mention both cases.²⁴

R. Nahman reported in the name of Rabbah b. Abbuha: The dispute²⁵ applies only²⁶ after atonement has taken place,²⁷ but before atonement²⁸ all the authorities agree that [the young itself] can be offered as a guilt-offering.²⁹

Said Raba: There are two arguments against this opinion. First, that a man cannot obtain atonement with something which he obtained as the result of a transgression.³⁰ And, moreover, R. Hanania learnt³¹ in support of R. Joshua b. Levi: The first generation is offered but the second generation is not offered!³²

Rather, if the statement was made, it was made in this form: R. Nahman reported in the name of Rabbah b. Abbuha: The dispute applies before atonement has taken place,³³ but after atonement has taken place,³⁴ all the authorities concerned agree that the animal itself³⁵ is offered as a burnt-offering. But has not R. Hanania learnt [a teaching] in support of R. Joshua b. Levi?³⁶ This remains a difficulty.

R. Abin b. Hiyya asked R. Abin b. Kahana: If one set aside a female [animal] for a guilt-offering, may its young be offered as a burnt-offering? (But why not solve this from the teaching of R. Joseph b. Hanina who said³⁷ that R. Eliezer agreed?³⁸ — He [R. Abin b. Hiyya] never heard this teaching.)³⁹ What is the ruling? — He [R. Abin b. Kahana] replied to him: Its young is offered as a burnt-offering. But what

answer is this? R. Eliezer only refers to the case of one who set aside a female for a burnt-offering, where the mother has the name of a burnt-offering,⁴⁰ but in the case of a guilt-offering, where the mother has not the name of a burnt-offering,⁴¹ even R. Eliezer agrees!⁴² —

He [R. Abin b. Kahana] replied to him: The reason of R. Eliezer⁴³ is not because its mother has the name of a burnt-offering but because it [the young] is fit for offering,⁴⁴ and here too [the young] is fit for offering.⁴⁵

He raised an objection: THEIR YOUNG AND THE YOUNG OF THEIR YOUNG UNTIL THE END OF TIME, ETC. [R. ELEAZAR SAYS:] LET HIM BRING A BURNT-OFFERING WITH THEIR MONEY. [Now, he brings a burnt-offering] with their money.

- (1) For we do not find any case of a guilt-offering being a female.
- (2) Consequently we see that it can receive bodily dedication so far as to be required to pasture before it is sold. We cannot therefore explain that R. Joshua will hold the opinion of R. Simeon.
- (3) Since the animal has no bodily dedication. Thus it has to be sold as a peace-offering and is not left to pasture.
- (4) Whether the exchange be a male or a female, it must pasture, as there is a traditional law that wherever in the case of a sin-offering it is condemned to die, in the case of a guilt-offering it is condemned to pasture until unfit for sacrifice.
- (5) E.g., where he exchanged a female animal for his guilt-offering and it gave birth.
- (6) So Wilna Gaon Glosses; cur. edd., 'its money'.
- (7) A burnt-offering, as surpluses are devoted to that purpose.
- (8) So Sh. Mek.
- (9) V. supra 19b.
- (10) The first teachers mentioned in the Mishnah.
- (11) So Sh. Mek. 'When the duty lies on an individual to sacrifice; cur. edd. burnt-offering.
- (12) The person owning the surpluses who set aside a guilt-offering and procured atonement

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through another animal while the first animal was condemned to pasture.

(13) Although he does not belong to the division of priests officiating in the Temple during that week, he is allowed to officiate and receive the usual priestly dues.

(14) Since a congregational sacrifice does not require laying on of hands, except in two instances.

(15) Of priests in the Temple.

(16) The case of the exchange of a guilt-offering and the one where the owners of a guilt-offering die, or had procured atonement by another animal.

(17) The animals.

(18) And only one animal is before us.

(19) And both animals are before us. We therefore fear that he might say that this one is for pasture and that for atonement, which is against the law. For since both animals are fit for guilt-offerings one animal cannot be specified as being condemned to pasture until the owner has atoned through the other animal. It is for this reason that, according to R. Eliezer, the animal is left to die even after atonement has taken place (R. Gershom).

(20) Since here one cannot prohibit, for the law to pasture applies both before and after atonement, the exchange of a guilt-offering being, according to traditional law, unfit for offering even before the sacrificing of the guilt-offering.

(21) That they go to 'pasture. There is need therefore in the Mishnah for R. Eliezer to inform us that even in these circumstances the animals die.

(22) Because there is no prohibition after atonement on account of what might happen before atonement.

(23) That the animal is condemned to die.

(24) Another version (R. Gershom and Sh. Mek.): If the Mishnah only stated in the first part the case of the exchange of a guilt-offering, I might have thought that the Rabbis dispute there and hold that the animal is left to pasture because of the fear of a substitution. For if you say that the exchange of a guilt-offering dies, we fear lest he substitute this animal for the guilt-offering itself and the guilt-offering will thus die. Consequently, the Rabbis say that the animal pastures until unfit for sacrifice so that if by mistake there is a substitution, he can always rectify the matter by again offering the right animal. But in the case stated in the second part of the Mishnah, where the owners of a guilt-offering died or obtained atonement by means of another animal, since there is no fear of substitution — there being only one guilt-offering — I might have thought that the Rabbis

agree with R. Eliezer that the animal is condemned to die. And if the Mishnah had taught us only the case where the owners of a guilt-offering died, I might have said that R. Eliezer holds there that the animal dies, since there is no fear of substitution, etc.

(25) With reference to the young of the exchange of a guilt-offering.

(26) V. Sh. Mek.

(27) After the owners have obtained atonement by means of the guilt-offering itself and this young of the exchange remained.

(28) If he has not yet obtained atonement with the guilt-offering and both animals are before us, the guilt-offering and the young of its exchange.

(29) Since both are males he can use either as a guilt-offering.

(30) I.e., a breach of the prohibitory law, 'He shall not alter it nor change it' involved (Lev. XXVII, 10). And although the exchange of a burnt-offering or peace-offering is offered up, the latter is not for the purpose of atonement.

(31) V. supra 18b.

(32) And the young of the exchange is considered the second generation, the exchange itself being considered a generation, having become holy through another dedication.

(33) R. Eliezer holds there that the young dies. For if you say that the young pastures, since what is bought for its money is offered, it might be substituted and itself offered as a guilt-offering. The Rabbis, however, will maintain that since the animal itself is not offered as a burnt-offering, there is no fear of substitution (Rashi).

(34) Where there is no fear of substitution, since the guilt-offering has already been sacrificed.

(35) The young of the exchange.

(36) That the second generation is not offered and the young of the exchange is the second generation.

(37) V. supra 19b.

(38) That where one set aside a guilt-offering, its young is not offered as a guilt-offering.

(39) He never learnt the ruling (R. Gershom). Sh. Mek. explains this phrase as meaning that he did not agree with the teaching.

(40) I.e., in connection with the burnt-offering of a bird.

(41) As a burnt-offering cannot be a female.

(42) That the young is not brought as a burnt-offering.

(43) Why he holds that if one sets aside a female animal for a burnt-offering the male young is offered as a burnt-offering.

(44) Therefore in the case of the young of the female burnt-offering, since the young is fit to be offered, it is used as a burnt-offering.

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(45) The male young of a female burnt-offering is fit for a burnt-offering, since it is suitable to be offered.

T'murah 21a

implying. but he must not offer the animal itself as a burnt-offering?¹ — We are dealing here² with a case where e.g., it [the exchange] gave birth to a female animal.³

AND UNTIL THE END OF TIME, would it not give birth even to one male? — He said to him: I am giving you a forced answer of a Babylonian character.⁴ Where e.g., it gave birth until the end of time to females only. (But⁵ what answer could he have given him?⁶ — The reason there [why R. Eleazar says that only the money can be used for a burnt-offering] is because he may come to make a substitution.)⁷

MISHNAH. THE EXCHANGE OF A FIRSTLING AND AN ANIMAL TITHED, THEIR YOUNG AND THE YOUNG OF THEIR YOUNG UNTIL THE END OF TIME,⁸ THESE HAVE THE LAW OF A FIRSTLING AND AN ANIMAL TITHED,⁹ AND ARE EATEN BY THE OWNERS WHEN BLEMISHED.¹⁰ WHAT IS THE DIFFERENCE BETWEEN A FIRSTLING AND AN ANIMAL TITHED [ON THE ONE HAND] AND OTHER DEDICATIONS ON THE OTHER? ALL [BLEMISHED] DEDICATIONS ARE SOLD IN THE MARKET,¹¹ KILLED IN THE MARKET, AND WEIGHED BY THE POUND, BUT NOT A FIRSTLING AND AN ANIMAL TITHED.¹² THEY [OTHER DEDICATIONS] AND THEIR EXCHANGES ARE REDEEMED,¹³ BUT NOT A FIRSTLING AND AN ANIMAL TITHED.¹⁴ THEY [OTHER DEDICATIONS] COME FROM OUTSIDE THE HOLY LAND [TO THE HOLY LAND], BUT NOT A FIRSTLING AND AN ANIMAL TITHED.¹⁵ [IF] THEY¹⁶ HOWEVER CAME FROM [OUTSIDE THE HOLY LAND] UNBLEMISHED, THEY ARE OFFERED, IF BLEMISHED THEY ARE EATEN BY THEIR OWNERS¹⁷ WITH THEIR

BLEMISHES. SAID R. SIMEON: WHAT IS THE REASON?¹⁸ BECAUSE A FIRSTLING AND AN ANIMAL TITHED HAVE A REMEDY WHEREVER THEY ARE,¹⁹ WHEREAS ALL OTHER DEDICATIONS, ALTHOUGH A BLEMISH HAS OCCURRED IN THEM, REMAIN HOLY.²⁰

GEMARA. Said Raba son of R. 'Azza:²¹ In the West [Palestine] they asked: How is it if one causes a blemish to the exchange of a firstling and an animal tithed? Do we say that since they are not offered,²² he is not culpable?²³ Or that perhaps since they are holy,²⁴ he is culpable? Said Abaye to him: And why do you not ask: How is it if one causes a blemish to the ninth [animal] of the ten [taken in for tithing]?²⁵ Why then do you not ask concerning the ninth [animal of the ten], because the Divine Law excludes it [having stated]: The tenth,²⁶ thus excluding the ninth [animal]?²⁷ Here²⁸ too the Divine Law excludes it [by saying]: Thou shalt not redeem; they are holy,²⁹ thus implying, 'they' are offered but their exchange is not offered.³⁰

R. Nahman b. Isaac reported the [above passage] as follows: R. Aha³¹ son of R. 'Azza said: They asked in the West: How is it if one caused a blemish to the ninth [animal] of the ten? —

Said [Abaye]³² to him: And why not ask, How is it if one caused a blemish in a firstling and an animal tithed? What then is the reason that you do not ask this concerning the exchange of a firstling and tithe? Because the Divine Law excludes these cases³³ [by means of the text]: 'They are holy'. implying that 'they' are offered but their exchange is not offered;³⁴ Similarly the case of the ninth [animal] of the ten is also excluded by the Divine Law [saying]: 'The tenth', thus excluding the ninth [animal].³⁵

IF THEY, HOWEVER, CAME UNBLEMISHED, etc. The following

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contradicts this: The son of Antigonus brought up firstlings from Babylon [to the Holy Land] and they were not accepted from him [to be offered]!³⁶ —

Said R. Hisda: There is no difficulty. This³⁷ is the opinion of R. Ishmael, and that³⁸ is the opinion of R. Akiba. For it has been taught: R. Jose reported three things in the name of three Elders.³⁹

R. Ishmael says: One might say that a man can bring up second tithe and eat it in Jerusalem nowadays? Now we may argue thus: A firstling requires bringing to the [holy] place⁴⁰ and [second] tithe requires bringing to the holy place. Just as a firstling is not eaten except when there is a Temple in existence,⁴¹ so [second] tithe should not be eaten except when there is a Temple in existence! No.⁴² If you can say this of the firstling,⁴³ which requires the application of blood to and the burning of sacrificial portions⁴⁴ on the altar, shall you say the same of [second] tithe which does not require this?⁴⁵

Then you may reason thus: First-fruits require bringing to the holy place⁴⁶ and second tithe requires bringing to the [holy] place. Just as first-fruits are not eaten except when the Temple is in existence, similarly [second] tithe should not be eaten except when the Temple is in existence. [I can however reply:] You can argue so of first-fruits which require setting⁴⁷ before the altar; but will you say the same of [second] tithe which does not require this?

The text therefore states: Thou shalt eat before the Lord thy God the tithe of thy corn and of thy wine and of thine oil, and the firstlings of thine herds and of thy flocks.⁴⁸ It thus compares [second] tithe with a firstling: just as a firstling is not eaten except when the Temple is in existence, so second tithe is not eaten except when the Temple is in existence. But why not go around with the argument⁴⁹ and

prove the case [of second tithe by analogy] from the common point?⁵⁰ —

Said R. Ashi: Because one can object: As to the point firstling and first-fruits share in common,⁵¹ it is that they both require the altar.⁵² Now what is [R. Ishmael's] view?⁵³ Does he hold that with the first consecration⁵⁴ he [Joshua] consecrated the land for the time being [as long as it was inhabited by Israel] and also for the future?⁵⁵ Then there should be no difference between firstling and [second] tithe, both being suitable to be brought. And if [R. Ishmael] holds that with the first consecration he [Joshua] consecrated for the time being but not for the future,⁵⁶ why not raise the question⁵⁷ even concerning a firstling?⁵⁸ —

One can maintain that [R. Ishmael] holds that with the first consecration he [Joshua] consecrated the land for the time being but not for the future, but here⁵⁹ he is thinking of a case where e.g., the blood of the firstling was sprinkled while the Temple was still in existence, and the Temple was then destroyed and the flesh of the firstling still remained. Since therefore if the blood was in existence, it would not be fit to be sprinkled,⁶⁰ we therefore derive the case of the flesh [of the firstling]⁶¹ from the case of the blood [of the firstling].⁶²

- (1) In spite of the fact that the young of an exchange is fit to be offered, R. Eleazar still maintains that the young itself cannot be offered. You cannot therefore argue here that because the young of the female guilt-offering is fit for sacrifice, therefore it may be offered.
- (2) Where he brings a burnt-offering with the money.
- (3) Thus it is not fit to be offered as a burnt-offering and therefore R. Eleazar says in the Mishnah that a burnt-offering is bought for its money.
- (4) A criticism of the teachers of Babylon who were, metaphorically speaking, described as putting an elephant through the eye of a needle (R. Gershom).
- (5) The following bracketed passage is supplied on the basis of Rashi; v. Wilna Gaon Glosses.

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(6) Since he says that the answer he gave was a forced one, this implies that he knew of another answer. Now what was it?

(7) If he could bring the young of an exchange of a guilt-offering itself as a burnt-offering, he might make a mistake and bring it as the guilt-offering in place of the real guilt-offering.

(8) Lit., 'until the end of the world'.

(9) That they are not killed in the market where meat is sold, even after being blemished and redeemed.

(10) Without redemption, as is the case with a firstling and an animal tithed.

(11) Thus obtaining a higher price for the flesh, which benefits the Sanctuary, as then he is enabled to bring a better sacrifice for the money received.

(12) Since when they are blemished there is no need to bring another offering with the money. Consequently the higher price would only benefit private people i.e., the owners of the firstling or the tithed animal, and therefore we do not permit the abuse of consecrations for the sake of private profit.

(13) When blemished, and with the money another offering is purchased.

(14) Since if these animals become blemished they are not redeemed so as to render the wool and the working of them permissible. Also the money obtained is not holy, as there is no need to bring another offering in their place, only when blemished they are eaten by the owners themselves.

(15) Which are not directly brought from outside the Holy Land.

(16) A firstling and tithed animal.

(17) I.e., a priest in the case of the firstling and the owner in the case of a tithed animal.

(18) That a firstling or a tithed animal cannot come direct from outside the Holy Land to the Holy Land.

(19) To pasture until unfit for sacrifice and then eaten. Lit., 'from their place'.

(20) Since even if they became blemished, he is required to bring their money for the purpose of bringing offerings. Therefore as holiness remains in them even if blemished, the owners are required to bring to the Holy Land the unblemished dedications in order to offer them.

(21) Var. lec. R. Aba.

(22) Scripture saying in connection with a firstling: 'Thou shalt not redeem, they are holy' (Num. XVIII, 17), from which we infer that they are offered but not their exchange and the case of tithe we derive by means of an analogy from the firstling.

(23) For transgressing, there shall be no blemish therein (Lev. XXII, 21) interpreted as a warning against inflicting a blemish.

(24) Since Scripture says: Then it and the exchange thereof shall be holy (Lev. XXVII, 10).

(25) And calling it tenth, in which case it is holy but is not offered.

(26) Lev. XXVII, 32.

(27) Which in tithing was called 'the tenth' so that it is not offered. And since it is not offered, then obviously there is no penalty for inflicting a blemish upon it.

(28) Where one causes a blemish on a firstling.

(29) Num. XVIII, 17.

(30) And since they are not offered, therefore there is no guilt in inflicting a blemish.

(31) Var. lec. Raba.

(32) So Sh. Mek.

(33) From the guilt of causing a blemish to dedications.

(34) And since they are not offered, there is no penalty for causing a blemish on it.

(35) And there is no guilt in causing on it a blemish.

(36) There is thus a difficulty as regards the Mishnah which says that if unblemished firstlings were actually brought up from outside the Holy Land they are offered.

(37) The Mishnah.

(38) That firstlings from outside the Holy Land were not accepted to be offered.

(39) R. Ishmael, R. Akiba and Ben 'Azzai.

(40) V. Deut. XII, 11: Thither ye shall bring your burnt-offerings... and your tithes.

(41) Since the portions of sacrifices destined to be burnt must be burnt on the altar and the application of the blood requires an altar.

(42) This analogy is not conclusive.

(43) That it can be brought only when the Temple is in existence.

(44) Limbs and fat destined for the altar.

(45) And therefore being different it may perhaps be brought even without the Temple standing.

(46) 'And the heave-offerings of your hand' (ibid) is explained as referring to the first-fruits.

(47) Scripture saying, Thou shalt set it before the Lord thy God (Deut. XXVI, 20).

(48) Ibid. XIV, 23.

(49) What need is there for a special Scriptural text, And thou shalt eat, etc.?

(50) As follows: If you say that the analogy between first-fruits and tithe is not exact, since in the former there is no setting before the altar, then the case of firstling will prove that even without the setting before the altar it is necessary for the Temple to be in existence in order that the firstling can be brought, and the same therefore will apply to second tithe. Again, if you say that firstling is different because it requires the application of its blood to the altar, then the case of first-fruits will prove that

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although there is no application of blood, only when the Temple stands can they be brought, and the same therefore will apply to second tithe. Firstlings and first-fruits have therefore one point in common, i.e., the need of bringing them to a holy place and that the Temple must be standing, the same then will apply to second tithe, that it will be brought only when the Temple is standing.

(51) And therefore they require the Temple to be in existence before they can be brought. This is not the case with second tithe.

(52) In the case of first-fruits for the purpose of setting and in the case of firstling for the application of the blood.

(53) Who has no doubt that a firstling is not eaten except when the Temple stands, but who has a doubt concerning the second tithe.

(54) Of Palestine by Joshua.

(55) Even without a Temple, Jerusalem is a holy place.

(56) And so there is a doubt concerning second tithe.

(57) Whether in order to bring it the Temple must be in existence.

(58) Why therefore does he infer the case of the second tithe from firstling?

(59) Where R. Ishmael is sure of the case of firstling.

(60) Since Jerusalem was not holy after Temple times (Rashi).

(61) As regards eating it.

(62) And just as the blood cannot be sprinkled, the flesh too cannot be eaten.

T'murah 21b

and then we derive the case of second tithe¹ from the case of firstling.² But do we infer one case of dedication from another?³ Has not R. Johanan said:⁴ Throughout the Torah we can derive by inference one rule from another which has itself been derived by inference, save only in the field of dedications where we do not derive a rule from one which is itself derived? — Tithe [of grain] is [considered] hullin.⁵ This explanation will suffice for one who holds that that which is derived is the deciding factor.⁶ But what answer would you give according to the authority who holds that that from which it is derived is the deciding factor?⁷ — ‘Flesh’ and ‘blood’ in the case of firstling are considered one subject.⁸

R. Akiba says: One might think that a man can bring up a firstling from outside the Holy Land to the Holy Land when the Temple is standing and offer it? The text, however, states: And thou shalt eat before the Lord thy God the tithe of thy corn and of thy wine and of thine oil, and the firstlings of thy herds and of thy flocks,⁹ thus implying that you may bring up a firstling to the Holy Land from the same place from where [second] tithe of grain is brought up,¹⁰ and that you cannot bring up a firstling to the Holy Land from the place from which you cannot bring up [second] tithe of grain.¹¹

Ben ‘Azzai says: One might say that a man may bring up the second tithe¹² and eat it wherever he can see [Jerusalem]? One may argue¹³ [as follows]: A firstling requires bringing to a [holy] place and [second] tithe requires bringing to a [holy] place: just as a firstling is not eaten except within the wall [of Jerusalem],¹⁴ so [second] tithe is not eaten except within the wall [of Jerusalem]. [To this I can reply:] How can you argue from a firstling which requires the application of blood to and the burning of sacrificial portions on the altar,¹⁵ to second tithe which does not require this?¹⁶ Scripture therefore says: ‘Thou shalt eat before the Lord thy God the tithe of thy corn and of thy wine and of thine oil, and the firstlings of... etc.’ thus comparing second tithe with firstling as follows: Just as a firstling is not eaten except within the wall [of Jerusalem], similarly [second] tithe is not eaten except within the wall [of Jerusalem]. But what is [Ben ‘Azzai’s] difficulty that he should say: One might think, etc.?¹⁷ —

I will tell you. Since we have learnt: The difference between Shiloh and Jerusalem consists in this, that in Shiloh one may eat minor dedications and second tithe wherever one can see it, whereas in Jerusalem he may do so only within the

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wall, [and in both]¹⁸ dedications of the higher degree of holiness are eaten inside the enclosures of the Temple court, you might think that the second tithe should be eaten wherever one can see [Jerusalem].¹⁹ [Ben ‘Azzai] needs therefore [to quote a text to] inform us [that it is not so]. Others say: One might think that a firstling whose year is passed has the same law as disqualified dedications and should be disqualified?²⁰

Scripture, however, says: ‘The tithe of thy corn, of thy wine and of thine oil’, thus comparing firstling with second tithe [as follows]: Just as second tithe is not disqualified from one year to another,²¹ so a firstling [which is left] over from one year to another is not disqualified. And the Rabbis²² who interpreted the text above²³ for another purpose, whence do they derive that one may bring a firstling [left over] from the first year to the other?—

They derive this from [the Scriptural text]: Thou shalt eat it before the Lord thy God year by year,²⁴ which teaches us that a firstling [left over] from one year to another is not disqualified.²⁵ And how do the ‘Others’²⁶ interpret the text: ‘Thou shalt eat it before the Lord thy God year by year’? — They need this text for what has been taught: One day from this year and a day from the next;²⁷ this teaches us that a firstling may be eaten for two days²⁸ and a night. And whence do the Rabbis derive that a firstling may be eaten for two days and a night? — The text says: It shall be to thee as the breast of the waving.²⁹

CHAPTER IV

MISHNAH. THE YOUNG OF A SIN-OFFERING, THE EXCHANGE OF A SIN-OFFERING, AND A SIN-OFFERING WHOSE OWNER HAS DIED, ARE LEFT TO DIE. A SIN-OFFERING WHOSE YEAR IS PASSED OR WHICH WAS LOST AND FOUND BLEMISHED,³⁰ IF THE OWNERS

OBTAINED ATONEMENT [AFTERWARDS, THROUGH ANOTHER ANIMAL], IS LEFT TO DIE;³¹ IT³² DOES NOT EFFECT EXCHANGE;³³

(1) By means of the analogy as stated in the text: ‘And thou shalt eat before the Lord thy God, etc.’

(2) Just as firstling is certainly not eaten in Jerusalem, since the Temple is not in existence, the same applies to second tithe.

(3) As, for example, here where we infer ‘flesh’ from ‘blood’ and again second tithe from the flesh of firstling.

(4) Zeb. 50a.

(5) Because it can be redeemed to become Hullin i.e., unconsecrated grain, and eaten in all places (R. Gershom). Therefore when we compare second tithe with firstling, we are not really making analogy between dedications, as is the case when we inferred ‘flesh’ from ‘blood’.

(6) Whether the subject is dedications or not. And since it is second tithe which is the subject learnt and derived from dedication, it is quite in order, because second tithe can be rendered Hullin, as stated previously.

(7) I.e., here the blood of the firstling, as we learn second tithe from it, and this belongs to the category of dedications.

(8) And since this is the case, we are only making one inference i.e., second tithe from the blood and flesh of a firstling which are considered as one subject as regards dedications. Rashi comments that if we say that the holiness of the Land only applied for the time being and not for the future, why should R. Ishmael have a doubt concerning second tithe, for since there is no consecration for the future then there is no need for the Temple to be standing when bringing second tithe? Rashi therefore agrees with the text found in the Jerushalmi as follows: If R. Ishmael holds that the holiness of the Land extends to all times, then the enquiry should be even concerning a firstling, whether it is a condition that the Temple should be in existence before bringing it. And if he holds that the holiness of the Land does not extend for all time, then he should not inquire even concerning second tithe! One may still say that he holds that the holiness of the Land extends to the future as well, and the reason why he is certain about a firstling is because he is thinking of a case where e.g., he killed a firstling before the Temple was destroyed, etc. and the inference is: Just as the blood requires an altar, so the flesh of the firstling cannot be eaten except where there is

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an altar, and then we proceed to derive the case of second tithe from that of firstling.

(9) Deut. XIV, 23.

(10) I.e., from the Holy Land itself.

(11) I.e., outside the Holy Land. Thus the Baraitha above which says that the firstlings brought up by the son of Antigonus to the Holy Land were not accepted, follows the view of R. Akiba, whereas our Mishnah is in accordance with R. Ishmael, who does not expound the cited verse after the manner of R. Akiba.

(12) In the time when the Temple stood. (R. Gershom).

(13) That it should not be eaten.

(14) Since dedications are disqualified if eaten outside Jerusalem.

(15) And therefore is only eaten within the wall of Jerusalem.

(16) And therefore one might think that so long as one can see Jerusalem even outside its wall, it may be eaten. Rashi has a different version from the text in the Gemara: Firstling is different, since there is a distinction in the period in which it may be eaten i.e., only two days and a night, and a distinction as regards those permitted to eat i.e., only the priests, whereas second tithe can be eaten at all times and by everyone, priests or non-priests.

(17) Why should one imagine that he may eat second tithe wherever he can see Jerusalem even outside its walls?

(18) I.e., Shiloh and Jerusalem.

(19) This therefore was Ben 'Azzai's difficulty regarding the Baraitha: I can understand the rule that dedications of the minor degree of holiness should be eaten within the walls of Jerusalem, since there is an application of blood to be made on the altar. But why should second tithe not be eaten in any place where he can see Jerusalem?

(20) From being offered, since Scripture says with reference to firstling: 'Year by year'.

(21) For one redeems it and brings it any time

(22) The three Elders; R. Ishmael, R. Akiba and Ben 'Azzai.

(23) 'And thou shalt eat the tithe of thy corn and of thy wine and of thine oil, etc.' quoted above.

(24) Deut. XV, 20.

(25) For the words 'year by year' imply two years.

(26) Who derive by means of the analogy between firstling and second tithe that a firstling older than a year is not disqualified.

(27) Where he killed a firstling according to the law at the end of its first year.

(28) Even if the second day belonged to the fresh year.

(29) Num. XVIII, 18. Like the breast and shoulder of the peace-offering which are eaten two days and a night.

(30) Prior to the owners obtaining atonement through another animal.

(31) And even the Rabbis who say later that a sin-offering is not condemned to die except when found after the owners had obtained atonement, here agree that the animal dies, since there are two unfavorable conditions: First, it was lost and found blemished, and secondly, the owners obtained atonement through another animal after it was found, thus showing deliberately that they did not wish to procure atonement with the lost animal (Rashi).

(32) The animal which was found.

(33) Since it is not consecrated bodily but only for its value (R. Gershom).

T'murah 22a

IT IS FORBIDDEN [RABBINICALLY] TO DERIVE BENEFIT FROM IT, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT.1 IF, HOWEVER, THE OWNERS2 HAVE NOT YET OBTAINED ATONEMENT,3 IT4 MUST GO TO PASTURE UNTIL IT BECOMES UNFIT FOR SACRIFICE. IT5 IS THEN SOLD IMMEDIATELY AND ANOTHER IS BOUGHT WITH THE MONEY.6 IT7 , EFFECTS EXCHANGE,8 AND THE LAW OF SACRILEGE APPLIES TO IT.9

GEMARA. Why does not [the Mishnah] state them [the five sin-offerings which are left to die] all together?¹⁰ — The Tanna is sure [of the three cases] in the first part [of the Mishnah],¹¹ but is not sure [of the two other cases] in the latter part [of the Mishnah]. What need is there to state [this whole Mishnah] in [Tractate] Me'ilah and here in Temurah?¹² — [The Tanna in the Mishnah] states here the rule of exchange [with reference to the five sin-offerings], and since he states the rule of exchange [here], he also states the rule of sacrilege,¹³ and [since he states the law of sacrilege in Temurah, he also states in Me'ilah the law of exchange].

Said Resh Lakish: A sin-offering whose year is passed is regarded¹⁴ as if it stood in

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a cemetery¹⁵ and it is left to pasture. We have learnt: **AND [ONE] WHOSE YEAR IS PASSED AND WHICH WAS LOST AND FOUND BLEMISHED, IF THE OWNERS OBTAINED ATONEMENT [AFTERWARDS THROUGH ANOTHER ANIMAL], IS LEFT TO DIE.** Shall we say this refutes Resh Lakish?¹⁶ —

Resh Lakish can answer you: The first part [of the Mishnah]¹⁷ refers to the case where the sin-offering was lost and found blemished.¹⁸ If so, read the latter part [of the Mishnah]: **IF HOWEVER THE OWNERS HAVE NOT YET OBTAINED ATONEMENT, IT MUST GO TO PASTURE UNTIL UNFIT FOR SACRIFICE.** Now if the Mishnah refers to a blemished animal, is it not already unfit?²⁰ —

Said Rabbah: [The Mishnah] should read as follows: ‘Or²¹ it was lost and found blemished with a transitory blemish, if after the owners have obtained atonement, it is condemned to die;²² if, however, before the owners have obtained atonement, let it go to pasture until unfit for sacrifice with a permanent blemish and then sold’.²³

Said Raba: There are two arguments against [this answer]. First, if so,²⁴ the Mishnah ought to have said, ‘Let him keep it’ [the animal with the transitory blemish];²⁵ and, moreover, for what purpose does the Mishnah mention a sin-offering whose year is passed?²⁶

Raba therefore said: This is meant [by the Mishnah]: ‘If the sin-offering passed its year and was lost,²⁷ or if it was lost and found blemished,²⁸ if after the owners have obtained atonement [through another animal], it is left to die; if before the owners have obtained atonement,²⁹ let it go to pasture until unfit for sacrifice³⁰ and then be sold’.³¹ And there is need to mention the condition of its being lost, both in connection with a blemished sin-offering

and where [a sin-offering] passed its year. For if it mentioned the condition of its being lost only where the sin-offering passed its year, I might have thought there,³² because it is of no use for anything,³³ the condition of being lost helps [to condemn it to die], whereas in the case of a blemished sin-offering, where if it were not for the blemish it would be fit, I might have said that the condition of being lost does not help [to condemn it to die].³⁴ And if it [the Mishnah] had mentioned the condition of being lost in connection only with a blemished sin-offering, I might have said that there the condition of being lost helps [to condemn it to die], since it is not fit to be offered;³⁵ whereas in the case of the sin-offering which passed its year and which is fit for offering,³⁶ I might have said that the condition of being lost does not help [to condemn it to die]. It is therefore necessary [to mention the condition of being lost in both cases].

But did Raba say this?³⁷ Has not Raba said: A sin-offering lost at night³⁸ has not the name [legally] of a lost sin-offering?³⁹ It is not the same.⁴⁰ A sin-offering lost at night is not fit to offer either itself or its value,⁴¹ whereas here,⁴² granted that it is not itself fit for offering, its value is fit for offering.⁴³

We have learnt elsewhere: The second [goat] goes to pasture until unfit for sacrifice and it is then sold and its money is devoted to the purchase of a freewill-offering, since a congregational sin-offering is not condemned to die.⁴⁴ This implies that in the case of an individual sin-offering⁴⁵ it is condemned to die.

And R. Johanan explained: Animals [dedicated for sacrifices] are removed for ever from sacred use,⁴⁶ and the atonement is through the second [animal] of the second pair. Now the first goat [of the first pair]⁴⁷ is like the case of a sin-offering whose year is passed.⁴⁸ The reason therefore why it is not condemned to die is because it is a

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congregational offering, but if it were an individual offering it would be condemned to die!⁴⁹ —

Raba can answer you: The case where animals are removed from sacred use is one thing, and the case of an animal which was lost is another. What is the reason? — If sin-offerings were lost, his mind is on them, in case they may be found;⁵⁰ whereas where the sin-offerings are removed from sacred use, they can never be fit again for offering.⁵¹

- (1) If the owners benefited from it in any way, they are exempt from bringing a sacrifice for the unlawful use of a sacred thing (v. Lev. V, 15ff.) since neither it nor its money is devoted to anything holy.
- (2) Of a sin-offering older than a year or a sin-offering found blemished after being lost.
- (3) I.e., as long as the owners did not desire to procure atonement through another animal.
- (4) Viz., the animal which has passed its year.
- (5) Viz., the animal which was lost and found.
- (6) Since the owners have not yet been atoned for.
- (7) A sin-offering which is condemned to pasture.
- (8) Since whatever is condemned to pasture effects exchange, as it is consecrated bodily.
- (9) Since its value is devoted for a holy purpose.
- (10) In one clause, instead of dividing them into two clauses, stating three cases i.e., a young of a sin-offering, the exchange of a sin-offering and a sin-offering lost and found blemished, in one section, and two other cases in a later section.
- (11) That they are condemned to die even where the owners have not obtained atonement through another animal.
- (12) The whole of this Mishnah being also taught in Tractate Me'ilah, III, 1.
- (13) V. Marginal Gloss for the reading adopted here.
- (14) Wherever it may be.
- (15) Where a priest cannot enter, owing to ritual uncleanness, to kill it.
- (16) Who rules that it pastures, implying even after the owners have obtained atonement, since he makes no distinction.
- (17) Which says that it is condemned to die.
- (18) But not with reference to a sin-offering older than a year.
- (19) V. Sh. Mek. for the reading here, omitting the words preceding in cur. edd.

(20) Why then does the Mishnah say that it pastures until blemished? Consequently the Mishnah, when it says that the animal pastures, refers to the case of a sin-offering which has passed its year, and therefore the earlier part of the Mishnah which says that if the owners have obtained atonement the animal is condemned to die, also refers to a sin-offering which has passed its year. Now this is different from the opinion of Resh Lakish above.

(21) V. Sh. Mek. for this reading.

(22) The Mishnah consequently, according to Rabbah, does not refer to the case of a sin-offering whose year is passed.

(23) Therefore although we are dealing with a blemished animal, the Mishnah is in order when it speaks of pasturing until blemished, meaning with a permanent blemish, since a dedication with only a transitory blemish may not be sold.

(24) That we are dealing here with an animal possessing a transitory blemish.

(25) Until it receives a permanent blemish. Why does the Mishnah say that it should pasture?

(26) Since none of the rulings in the Mishnah have reference to it, for even if the owners have obtained atonement through another animal, it is not condemned to die, it effects exchange and is subject to the law of sacrilege. (V. Sh. Mek.).

(27) Thus having two unfavorable conditions even though found in an unblemished state.

(28) Here also there are two unfavorable conditions, being lost and blemished.

(29) Where the owners do not wish to obtain atonement through another animal.

(30) The sin-offering older than a year which is lost and found unblemished. The other which was found blemished is sold immediately (Sh. Mek.).

(31) And the ruling of Resh Lakish above that even if the owners have obtained atonement the animal older than a year is left to pasture, refers to the case where it was not lost and thus there is only one unfavorable condition, i.e., older than a year.

(32) Where the animal found was in a blemished condition.

(33) For any offering, since it is blemished.

(34) I might therefore have said that it is a mere defect in the animal, and since it was found before the owners obtained atonement through another animal, it is only condemned to pasture.

(35) For any sacrifice, being a blemished animal.

(36) For other sacrifices. Rashi explains that in all the cases in which we require two unfavorable conditions in order to condemn the sin-offering to die, we suppose that the animal was found before the owner has obtained atonement, but if the animal was found after the owner's atonement, even without the

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unfavorable condition of being lost, the animal is condemned to die.

(37) That where the sin-offering is disqualified before it was lost, i.e., if it is older than a year, the condition of being lost helps to condemn the animal to death.

(38) And the owner of which set aside another animal in its place.

(39) Since it is unfit to be offered at night and it was found the next day. It therefore pastures until unfit for sacrifice, if the owners obtain atonement through the other animal. Now here too in the case of a sin-offering whose year is passed, since it is unfit for sacrifice, the condition of being lost should not help to condemn it to die.

(40) The case of an animal lost by night is not on a par with a case of a sin-offering older than a year which was lost.

(41) Since a sacrifice cannot be offered at night.

(42) In a case of a sin-offering older than a year.

(43) Before it was lost.

(44) V. Yoma 64a which says that if one of the two goats required on the Day of Atonement died before the lots were cast, the High priest brings another goat and joins it to the survivor. If, however, the lots had been cast, he brings two fresh goats and casts lots and says: If the goat destined 'unto the Lord' died, then the goat upon which the lot of 'unto the Lord' has now fallen becomes the atonement sacrifice, and if the goat destined 'for Azazel' died, then the goat upon which the lot has now fallen 'for Azazel' is sent to Azazel and the second, etc.

(45) In similar circumstances.

(46) Even without a physical disqualification.

(47) Removed from sacred use when its companion died.

(48) Which is also removed from sacred use.

(49) Although the condition of being lost is absent, it is condemned to die because the owner has obtained atonement through another animal. Consequently we see there is no need for two unfavorable conditions for the animal to be condemned to die, unlike the opinion of Raba above.

(50) And therefore the condition of being found blemished is required in addition to the condition of being lost, before the animal can be condemned to die.

(51) And therefore in the case of an individual as in the Mishnah above, where the animal is removed from being offered at all, it is condemned to die.

T'murah 22b

The text [says above]: 'Raba said: A sin-offering which had been lost at night¹ has not the name [legally] of a lost sin-offering'. In accordance with whom is this opinion? Shall I say according to the Rabbis? If so, why does Raba mention the condition of being lost at night; the same applies even if it were lost by day,² since the Rabbis say that a lost sin-offering, [found] when [the animal] set aside [in its place had not yet been offered],³ is condemned to pasture?⁴ Rather it is according to the opinion of Rabbi;⁵ [for Raba holds] that Rabbi's ruling only applies to a sin-offering which was lost by day, but with regard to a sin-offering which was lost by night, even Rabbi agrees that it goes to pasture.⁶ Or if you prefer [another solution] I may say: One may still hold that it is according, to the opinion of the Rabbis, and we are supposing here that the sin-offering was lost and was only found when the owners obtained atonement,⁷ the opinion of the Rabbis that a sin-offering which was lost when the owners obtained atonement is condemned to die only applying when the loss first occurred⁸ by day, but where the loss first occurred by night, it is not so.

Said Abaye: We have a tradition, 'Lost but not stolen, lost but not robbed',⁹ How is the case of a sin-offering which was lost to be understood? — Said R. Oshaiah: It means even a single [animal which became mixed up] with his herd,¹⁰ and even one [which became mixed up] with another.¹¹ R. Johanan says: If the sin-offering [ran] behind the door. The question was asked: What is meant [by R. Johanan's view]? Shall we say that [the law of a lost sin-offering only applies where the sin-offering is] behind the door, since no-one can see [the animal], but if the sin-offering ran outside [into the wilderness],¹² since there are others who can see it, it has not the law of a lost sin-offering; or perhaps [a sin-offering] behind the door, though if [the

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owner] turns his face, he can see it, has yet the law of a lost [sin-offering], then all the more so is this the case with a sin-offering which ran outside, where he does not see it [at all]? — Let it stand undecided.

Said R. Papa: We have a tradition: If the sin-offering has been lost to [the owner] but not to the shepherd, it has not the law of a lost [sin-offering]; and this is certainly the case¹³ where [the sin-offering] has been lost to the shepherd but not to [the owner]. How is it if the sin-offering has been lost to him [the owner] and to the shepherd but one from quite another place¹⁴ recognized it? — Let it stand undecided.

R. Papa asked: How is it if [the sin-offering] was lost [when the blood of its companion was] in the cup?¹⁵ To whom is this question addressed? Shall I say to Rabbi? but does he not hold that a lost [sin-offering, found] when [the animal] set aside [in its place had not yet been offered], is condemned to die?¹⁶ Rather his [R. Papa's] inquiry will be addressed to the Rabbis, as follows: Do we say that the ruling of the Rabbis, that a lost sin-offering [found] when [the animal] set aside [in its place had not yet been offered] is condemned to pasture,¹⁷ only applies before the blood was received in the cup, but here they hold that whatever is ready to be sprinkled is considered as if it had been sprinkled [and therefore it is condemned to die]; or perhaps that so long as the blood has not yet been sprinkled, it is like the case where a lost sin-offering [was found] when [the animal] set aside [in its place had not yet been offered] and it is condemned to pasture?

Some there are who say: One might indeed say that [R. Papa's inquiry] is addressed to Rabbi,¹⁸ and his inquiry will be where e.g., he received the blood in two cups and one of them was lost.¹⁹ And according to the authority who holds that one cup removes the other [cups of blood] from sacred use,²⁰ the question cannot arise.²¹ It can arise,

however, according to the authority who holds that one cup [of blood] renders [the blood in] the other [cups] remainder.²² Do we say that this only applies where both [cups] are present, since he can sprinkle whichever [cup] he wishes, but here [it was lost];²³ or perhaps there is no difference?²⁴ — Let it remain undecided.

MISHNAH. IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE OFFERED ANOTHER INSTEAD OF IT, IF THEN THE FIRST [ANIMAL] IS FOUND, IT IS LEFT TO DIE.²⁵

IF ONE SET ASIDE MONEY FOR HIS SIN-OFFERING AND IT WAS LOST AND HE OFFERED A SIN-OFFERING INSTEAD OF IT, IF THEN THE MONEY WAS FOUND, IT GOES TO THE DEAD SEA.²⁶

IF ONE SET ASIDE MONEY FOR HIS SIN-OFFERING, AND IT WAS LOST AND HE SET ASIDE OTHER MONEY INSTEAD OF IT, IF HE DID NOT HAVE THE OPPORTUNITY OF PURCHASING A SIN-OFFERING WITH IT UNTIL THE [FIRST] MONEY WAS FOUND, HE BRINGS A SIN-OFFERING FROM BOTH [SUMS],²⁷ AND THE REST OF THE MONEY IS USED FOR A FREEWILL-OFFERING.

IF ONE SET ASIDE MONEY FOR HIS SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE A SIN-OFFERING INSTEAD OF IT, IF HE DID NOT HAVE THE OPPORTUNITY OF OFFERING IT UNTIL THE MONEY WAS FOUND, AND THE SIN-OFFERING WAS BLEMISHED, IT IS SOLD AND HE BRINGS A SIN-OFFERING FROM BOTH [SUMS],²⁸ AND THE REST IS USED AS A FREEWILL-OFFERING.

IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE MONEY INSTEAD OF IT, IF HE DID NOT HAVE THE OPPORTUNITY OF PURCHASING A SIN-OFFERING UNTIL HIS SIN-OFFERING WAS FOUND IN A BLEMISHED STATE, IT IS

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SOLD AND HE BRINGS A SIN-OFFERING FROM BOTH [SUMS], AND THE REST IS USED FOR A FREEWILL-OFFERING. IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE ANOTHER SIN-OFFERING INSTEAD OF IT, IF HE DID NOT HAVE THE OPPORTUNITY TO OFFER IT UNTIL THE FIRST SIN-OFFERING WAS FOUND AND BOTH WERE BLEMISHED, THEY ARE TO BE SOLD AND HE BRINGS A SIN-OFFERING FROM BOTH [SUMS]. AND THE REST IS USED FOR A FREEWILL-OFFERING.

IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE ANOTHER INSTEAD OF IT, IF HE DID NOT HAVE THE OPPORTUNITY OF OFFERING IT UNTIL THE FIRST SIN-OFFERING WAS FOUND AND BOTH ANIMALS WERE UNBLEMISHED, ONE OF THEM IS OFFERED AS A SIN-OFFERING AND THE SECOND IS CONDEMNED TO DIE. THIS IS THE TEACHING OF RABBI.

THE SAGES, HOWEVER, SAY: THE LAW OF A SIN-OFFERING WHICH IS CONDEMNED TO DIE ONLY APPLIES WHERE IT IS FOUND AFTER THE OWNERS OBTAINED ATONEMENT, AND THE MONEY DOES NOT GO TO THE DEAD SEA²⁹ EXCEPT WHERE FOUND AFTER THE OWNERS HAVE OBTAINED ATONEMENT. IF ONE SET ASIDE A SIN-OFFERING AND IT IS BLEMISHED,³⁰ HE SELLS IT AND PURCHASES ANOTHER FOR ITS MONEY; R. ELEAZAR SON OF R. SIMEON SAYS: IF THE SECOND ANIMAL WAS OFFERED BEFORE THE FIRST WAS KILLED,³¹ IT IS CONDEMNED TO DIE, SINCE THE OWNERS HAVE [ALREADY] OBTAINED ATONEMENT.³²

GEMARA. The reason why [the sin-offering is condemned to die]³³ is because the other [sin-offering] was offered instead of it, but if the other [sin-offering] was not offered instead of it, it is only condemned to pasture. Whose opinion does this

represent? It is that of the Rabbis who hold that a lost [sin-offering found] when [the animal] set aside [instead of it had not yet been offered] is condemned to pasture. Then read the subsequent clause [of the Mishnah]: IF ONE SET ASIDE MONEY FOR A SIN-OFFERING AND IT BECAME LOST AND HE SET ASIDE OTHER MONEY INSTEAD OF IT, [IF HE DID NOT HAVE THE OPPORTUNITY OF PURCHASING A SIN-OFFERING WITH IT],³⁴ HE BRINGS A SIN-OFFERING WITH BOTH SUMS AND THE REST IS USED FOR A FREEWILL-OFFERING. Now the reason is because he brings a sin-offering from both [sums],³⁵ but if he brought [a sin-offering] from one [of the sums of monies] the second is taken to the Dead Sea; and this will be the opinion of Rabbi, who says that a lost [sin-offering found] when [the animal] set aside [in its place had not yet been offered] is condemned to die! —

The first part of the Mishnah will thus be the opinion of the Rabbis and the latter part that of Rabbi! Now there is no difficulty according to R. Huna,³⁶ for R. Huna reported in the name of Rab:

- (1) This is presumed to mean that the sin-offering was only lost by night and was found at dawn. Therefore it was not lost at a period where there can be atonement, for one cannot offer another animal by night in its place.
- (2) And was found, the owners obtaining atonement through the other animal.
- (3) Before the first was found.
- (4) Since the Rabbis hold that a sin-offering is only condemned to die when it is found after the owners have obtained atonement.
- (5) Who says that it shall die.
- (6) Since even if the sin-offering is before us, we cannot offer it at night and therefore it has nor the legal name of a lost sin-offering.
- (7) It was lost in the night and it was not found again until atonement had been obtained by another animal.
- (8) Lit., 'essence of the loss was by day'.
- (9) Only such an animal is condemned to die, and if the animal is restored to its owner it is condemned to pasture and its value is used for a freewill-offering.

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(10) Although he can see all of them, but since he only recognized it after atonement had been obtained, it is regarded as a lost sin-offering.

(11) Which was Hullin.

(12) And became mixed up with animals belonging to others and these others did not recognize the sin-offering. Nevertheless, since the others saw the sin-offering, although not recognizing it, the latter is not regarded as a lost sin-offering.

(13) That it is not regarded as a lost sin-offering.

(14) Lit., 'in the end of the world'.

(15) He killed the animal which he set aside in place of the lost sin-offering and received its blood in a cup, and while the blood was still in the cup the first animal was found.

(16) How much more so is this the case here where the animal set aside was actually killed, and when one can say that whatever is ready to be sprinkled is considered as if it had been sprinkled, and therefore we should regard the sin-offering as lost when atonement took place (Rashi).

(17) Even if the owners obtained atonement subsequently through another animal.

(18) The inquiry not referring to two animals but to one animal whose blood was received in two cups.

(19) While the blood of the other was being sprinkled.

(20) A sin-offering whose blood was received in four cups and he made the four applications of blood to the four corners of the altar from one cup, the remainder of the cup being poured out at the bottom of the altar and the remaining blood of the cups into the sewer; v. Yoma 57b.

(21) Since here the sin-offering is certainly disqualified, whereas there, all the cups of blood being before us, the sacrifice is a proper one; for although the blood of three cups is poured into the sewer, there were four applications of the blood to the altar. In the case here, however, since one cup of blood was lost and since if the cup was before us it would have been removed from sacred use and, in addition, there is the unfavorable condition of being lost, the sacrifice is unfit, and it is similar to the case of a sin-offering which passed its year and was lost. Sh. Mek. brings another version which explains that the sacrifice itself does not become unfit here, since he can make the necessary applications of blood from the second cup. The inquiry here, however, is whether the cupful of blood which was found after being lost is poured into the sewer or poured out at the bottom of the altar, and according to the authority who says, one cup removes the other cups from sacred use, the case is certainly the same here, and it is poured into the sewer.

(22) And therefore it is poured out at the bottom of the altar, in accordance with the law of blood left over.

(23) And therefore the fact of being lost helps to remove it from sacred use and the sacrifice becomes unfit. The bracketed words are inserted with Sh. Mek.

(24) Even if it is lost, the other cup is not disqualified.

(25) Even if it was found unblemished, since only when it was found before the atonement of the owners had taken place do we require two unfavorable conditions to condemn the animal to die.

(26) The rule being that wherever a sin-offering is condemned to die, the money also is cast into the Dead Sea.

(27) He mixes the money together, and since he brings a sin-offering from both it is not regarded as a sin-offering whose owners had obtained atonement, whereas if he brought a sin-offering from one sum, then the sanctity of the other sum is removed and the case is like the money of a sin-offering whose owners had procured atonement through another sin-offering. Lit., 'from these and these' (Rashi).

(28) But if it was found unblemished, it is offered and the money goes to the Dead Sea, since the owners have obtained atonement through another (Rashi).

(29) Even if there was atonement through one sum of money after the other was found, since it was found before the atonement.

(30) While it was being killed it was discovered to be blemished (R. Gershom).

(31) In the house of the buyer as Hullin.

(32) Although it was Hullin, since it is a sin-offering whose owners have obtained atonement through another animal.

(33) In the case where one set aside a sin-offering which was lost and another was offered in its place, and the first was then found.

(34) Inserted with Sh. Mek.

(35) Where one cannot say that the owners were atoned for through another.

(36) As quoted infra.

T'murah 23a

All¹ the authorities agree that if he selected one² [on his own accord]³ and offered it,⁴ the second [sin-offering] dies.⁵ [The latter part of the Mishnah here] can therefore be explained as referring to a case where e.g., he [deliberately] selected one [heap of the monies for a sin-offering] and offered it,

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and [the Mishnah] will thus be according to all the authorities concerned [even the Rabbis].

But according to R. Abba, who reported Rab as saying: All⁶ the authorities concerned agree that where the owner obtained atonement through the sin-offering which was not lost, the lost sin-offering is condemned to die, and the difference of opinion arises only where [the owner] obtained atonement through the lost sin-offering, Rabbi holding that [the sin-offering] set aside instead of the lost one has the same law as the lost sin-offering,⁷ whereas the Rabbis hold that it has not the same law as the lost sin-offering,⁸ — are we to say that [the Tanna of] the early part [of the Mishnah] states the law anonymously in agreement with the Rabbis and in the latter part of the Mishnah it states the law anonymously according to Rabbi! [Yes, the first part of the Mishnah agrees with the opinion of the Rabbis and the latter part agrees with the opinion of Rabbi.]⁹ Now what does the Tanna of the Mishnah inform us?¹⁰ That Rabbi and the Rabbis differ.

Surely the Mishnah explicitly mentions later this difference of opinion between Rabbi and the Rabbis [as follows]: IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE ANOTHER INSTEAD OF IT, THE FIRST THEN BEING FOUND AND BOTH WERE UNBLEMISHED, ONE OF THEM IS OFFERED AS A SIN-OFFERING AND THE SECOND IS CONDEMNED TO DIE. THIS IS THE TEACHING OF RABBI. THE SAGES, HOWEVER, SAY: THE LAW OF A SIN-OFFERING WHICH IS CONDEMNED TO DIE ONLY APPLIES WHERE IT IS FOUND AFTER THE OWNERS HAVE OBTAINED ATONEMENT, AND THE MONEY DOES NOT GO TO THE DEAD SEA EXCEPT WHERE FOUND AFTER THE OWNERS OBTAINED ATONEMENT. [The latter part of the Mishnah]¹¹ informs us that [the

previous clauses in the Mishnah]¹² are matters of dispute between Rabbi and the Rabbis.¹³

[To turn to] the main text: R. Huna reported in the name of Rab: All the authorities agree that if he selected one [sin-offering] and offered it, the second is condemned to die. The dispute between them refers only to the case where the owner comes to consult [the Beth din],¹⁴ Rabbi holding that no remedy was devised for dedications,¹⁵ and that we say: Obtain atonement through the sin-offering which was never lost and let the sin-offering which was lost die; whereas the Rabbis hold that a remedy was devised for dedications, and that we say to the owner: Go and obtain atonement through the sin-offering which was lost, and the sin-offering which was never lost is condemned to pasture.¹⁶

R. Mesharsheyah raised an objection: But was no remedy devised for dedications? Has it not been taught: Why does the text state: They shall eat?¹⁷ This teaches [us] that if there was only a little quantity [of the meal-offering] the priests may eat Hullin and Terumah with it in order that it may make a satisfying meal.¹⁸ What is the point of the expression, ‘They shall eat it’? In order to teach us that if the quantity was large,¹⁹ the priests must not eat Hullin or Terumah with it, in order that the meal-offering should not make an over-sated meal. Is not [this Baraita] even according to the opinion of Rabbi?²⁰ No, it is according to the Rabbis.²¹

But R. Abba reported in the name of Rab: All the authorities concerned agree that where the owners obtained atonement through the sin-offering which was never lost, the lost sin-offering is condemned to die. The dispute between them, however, is where [the owner] obtained atonement through the sin-offering which was lost, Rabbi holding that the sin-offering set aside instead of the lost sin-offering has the law

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of the lost sin-offering, whereas the Rabbis hold that it has not the law of the lost offering.

We have learnt: The second [goat] pastures until unfit for sacrifice. It is then sold and its money is used for a freewill-offering, since a congregational sin-offering is not condemned to die.²² Now this implies that a sin-offering belonging to an individual is condemned to die. And Rab said: Animals [destined for sacrifice] are not removed from sacred use;²³ and [consequently] when he procures atonement he does so through the second [goat] of the first pair. Now this latter [pair]²⁴ is like that which is set aside instead of a lost sin-offering; and yet the reason²⁵ is because the goat belongs to the congregation; but if it belonged to an individual it would be condemned to die.

(1) Even the Rabbis, who hold that a sin-offering which was lost and found after another had been set aside in its place but before the latter was offered, is condemned to pasture.

(2) Of the two sin-offerings standing before us, the one lost and found and the other appointed in the place of the first.

(3) Without coming to consult the Beth din as to which animal he should offer.

(4) Even if the one selected was the lost sin-offering and the owner obtained atonement therewith.

(5) Even if it was the sin-offering which was never lost, since he thus showed deliberately that he was not concerned with it. For the Rabbis dispute only where the owner comes to consult the Beth din, thus showing that he is seeking a remedy, e.g., where he set aside a sin-offering and it was lost and then the first was found and he comes before us to consult as to what he should do. According to Rabbi we say to him, 'Obtain atonement through the sin-offering which was never lost', and the lost sin-offering is condemned to die, whereas according to the Rabbis we say to him, 'Obtain atonement through the lost sin-offering', and the other one is condemned to pasture.

(6) V. p. 166, n. 4.

(7) Just as where the owner obtained atonement through the sin-offering which was never lost, the law is that the lost sin-offering is condemned to die, so if he was atoned for through the lost

sin-offering, the one which was never lost is condemned to die.

(8) When therefore the Mishnah says that the sin-offering is brought from both sums together, thus implying that if the owners procured atonement by means of one sum, even that which was lost, the other sum which was not lost goes to the Dead Sea, this is the opinion of Rabbi.

(9) Inserted with Sh. Mek.

(10) By stating the law anonymously in one part of the Mishnah according to the Rabbis and in another according to Rabbi.

(11) The clause which speaks of both sin-offerings standing before us, where it is stated explicitly that there is a dispute between Rabbi and the Rabbis in the matter.

(12) Where one sin-offering was offered before the first was found and where one set aside money for the lost money of a sin-offering, etc.

(13) One clause stating the law anonymously in accordance with the view of the Rabbis and the other clause stating the law anonymously according to the view of Rabbi.

(14) As to which sin-offering he should offer, and thus he did not do anything deliberately to show which animal he intends to offer.

(15) For we do not care if the second animal dies.

(16) And the Mishnah therefore means as follows: One of the sin-offerings is offered in order that the second shall die, i.e., that the sin-offering which was never lost should be sacrificed and the lost one be condemned to die. This is the teaching of Rabbi, whereas the Rabbis say that a sin-offering is not condemned to die in a case where he comes to consult the Beth din, for we say: 'Go and obtain atonement through the lost sin-offering', thus avoiding condemning a dedication to die. Where, however, the owner has already procured atonement, the lost sin-offering certainly dies, as there is no remedy in consulting, and the same law applies if the sin-offering is found even before atonement took place, if the owner did not consult the Beth din.

(17) With reference to the remainder of a meal-offering. And the remainder thereof shall Aaron and his sons eat; in the court of the tent of meeting they shall eat it (Lev. VI, 9).

(18) There is no difficulty about bringing Hulin into the Temple court, since he can eat Hulin outside first and then continue with the meal-offering in the Temple court. Or, as Tosaf. explains, there is no restriction in merely bringing an object into the Temple court so long as no service is performed with it.

(19) The priest having many remainders of meal-offerings.

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(20) Since no particular teacher is mentioned. We can therefore infer from here that a remedy was devised for dedications, since the Baraita says here that Hullin must not be eaten with large remainders of meal-offerings for fear of the latter becoming disqualified through being left over.

(21) Who hold that we do devise a remedy for dedications.

(22) V. supra 22a and notes.

(23) And the first animal was not removed from sacred use on account of the death of its companion.

(24) Set aside in place of the first goat of the first pair which died.

(25) Why the second goat of the second pair pastures.

T'murah 23b

Does not [this Mishnah] represent even the opinion of the Rabbis?¹ — No. It represents that of Rabbi.²

We have learnt: IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE OFFERED ANOTHER INSTEAD OF IT, IT IS CONDEMNED TO DIE. Now the reason is because he offered it [and afterwards the first sin-offering was found], but if he did not offer it [before the first animal was found], it pastures irrespective of whether the atonement then took place through the lost sin-offering or atonement took place through the sin-offering which was never lost, and irrespective of whether he selected one [of the sin-offerings] or did not select. Shall we say that this refutes both [Amoraim]?³ —

[The Tanna in the Mishnah] states what he is certain about⁴ but does not state what he is not certain about.⁵ We have learnt: IF ONE SET ASIDE MONEY FOR A SINOFFERING AND IT WAS LOST AND HE SET ASIDE OTHER MONEY INSTEAD OF IT, IF THE FIRST MONEY WAS THEN FOUND, HE BRINGS A SIN-OFFERING FROM BOTH [SUMS], AND THE REST IS USED FOR A FREEWILL-OFFERING. Now the reason is because [the owner] obtains atonement from a sin-

offering brought from both [sums], but if he brought a sin-offering from one [sum], he takes the other to the Dead Sea, irrespective of whether atonement took place through the lost money, or the money which was never lost, and irrespective of whether he selected one [heap of the money] or he did not select.⁶ Shall we say this refutes the two [Amoraim]?⁷ — Here too [the Tanna of the Mishnah] states what he is certain about,⁸ but he does not state what he is not certain about.⁹

Said R. Ammi: If one sets aside two heaps of money for security's sake,¹⁰ he can obtain atonement for one of them and the other is then used for a freewill-offering. Whose opinion does this represent? Will you say the opinion of Rabbi? Surely it is obvious that the second [heap of money] is used for a freewill-offering, since Rabbi [says the money must go to the Dead Sea] only in the case where one sets aside money for what is lost, but he would agree that when the setting aside is for security's sake [it must be used for a freewill-offering]. Shall I say then that it is the opinion of the Rabbis? But surely it is obvious that the monies are used for freewill-offerings! It is a conclusion from minor to major [as follows]: Seeing that if one sets aside [money instead of the money] for a lost sin-offering, the Rabbis hold that it has not the law of the lost sin-offering, can there be a doubt where the setting aside is for security's sake? —

Rather he had [to state it] according to the opinion of R. Simeon.¹¹ You might have said that R. Simeon does not hold that there can be a freewill-offering [of an animal which was once a sin-offering].¹² [R. Ammi] therefore informs us that a freewill-offering [can take the place of a sin-offering]. But how can you say that R. Simeon holds that there is no freewill-offering in place of a sin-offering? Have we not learnt: There were thirteen horn-shaped [offering] boxes in the Temple and on them were inscribed

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[respectively] the words, New shekels,¹³ Old shekels,¹⁴ Bird sacrifices,¹⁵ Pigeons for a burnt-offering,¹⁶ Wood,¹⁷ Frankincense,¹⁸ Gold for kapporeth.¹⁹ And six [horn-shaped] offering boxes were for the freewill-offerings [of the congregation].²⁰ And it has been taught with reference to this [Mishnah]: The statement, 'six boxes for a freewill-offering' means for burnt-offerings which come from the sacrificial surpluses,²¹ and the skins do not belong to the priests.²² This is the teaching of R. Judah.

R. Nehemiah — some say R. Simeon — said to him: If so,²³ the interpretation of Jehoaida the Priest is nullified, since we have learnt: The following exposition²⁴ was made by Jehoaida the Priest: [Scripture says]: It is a guilt-offering, he is certainly guilty before the Lord,²⁵ this includes everything which comes from the surpluses of sin-offerings and guilt-offerings, thus enjoining that burnt-offerings shall be brought with their money, the flesh to be used for the Name [of God]²⁶ and the skins for the priests.²⁷ Consequently we see that R. Simeon holds that there can be a freewill-offering [replacing a sin-offering]?²⁸ —

It is necessary [for R. Ammi to give us his ruling in connection with R. Simeon]. For you might think that R. Simeon holds that there can be a freewill-offering²⁹ only in one³⁰ row,

(1) Since it is stated anonymously. Hence we can deduce that a sin-offering set aside has the law of a lost sin-offering, since atonement is obtained through the first goat, the companion of the one lost. And the one belonging to the second pair, which along with its companion was not lost but was set aside, if belonging to an individual is condemned to die, even according to the opinion of Rabbi. The Rabbis therefore must have a different reason for their view than that given by R. Abba (Rashi).

(2) And therefore in a case of an individual the animal dies, but according to the Rabbis the

animal would only pasture, since the animal set aside has not the law of the lost animal.

(3) R. Huna and R. Abba.

(4) The thing about which he is absolutely certain, and therefore he only mentions the case where atonement took place before the sin-offering was found and in which the animal is condemned to die, since he is sure of this. You cannot, however, deduce from this case that where the offering had not taken place and the sin-offering was found, it pastures, since sometimes it pastures and sometimes it is condemned to die, e.g., according to R. Huna where he selected one sin-offering, even the lost one, the other is condemned to die, whereas if the owner came to consult the Beth din as to which animal is to be offered, the one remaining over is only condemned to pasture. And according to R. Abba whether he selected one of the animals for sacrifice or came to consult, if atonement was procured with the sin-offering which was never lost, the lost one is condemned to die, whereas if atonement was procured through the lost sin-offering, the other is condemned to pasture.

(5) Where e.g., the sin-offering was found before atonement took place, when according to R. Huna, the animal dies if he did not consult the Beth din, or according to R. Abba, the animal dies if the owner obtained atonement through the animal which was never lost, since where the sin-offering was found before atonement, it can either pasture or die, according as to whether a certain condition was present, whereas in the former case, viz., where the sin-offering was found after atonement, the animal is condemned to die without any distinction (Rashi).

(6) And the presumption was that this is the opinion of all the authorities concerned even the Rabbis. Therefore the reason for the opinion of the Rabbis must be different from that given both by R. Huna and R. Abba.

(7) R. Huna and R. Abba.

(8) E.g., where he brings a sin-offering from both monies. This is a good remedy not requiring any condition. You cannot, however, deduce that where he brings a sin-offering from one of the heaps of money, the money goes to the Dead Sea, since sometimes it goes to the Dead Sea and sometimes it is used for a freewill-offering, according to the condition set forth respectively in the views of R. Huna and R. Abba.

(9) E.g., if he brought a sin-offering from one heap of the coins, the Tanna has to introduce a certain condition, according to the opinion of R. Huna, viz., whether he selected one heap or not, and according to R. Abba, whether it was the lost money or the other. Since therefore the

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bringing of a sin-offering from one heap of money does not determine absolutely that the other goes to the Dead Sea, the Tanna does not trouble to mention it in the Mishnah.

(10) So that if one heap was lost, atonement can be procured through the other.

(11) Who says (supra 15b) that the five sin-offerings are condemned to die and does not hold at all that any of these pasture so that their money could be used for freewill-offerings.

(12) And just as there is none in the case of the animal, so there is none brought with the money of a sin-offering.

(13) One who did not bring his shekel payment in Adar could bring it the whole year round and he put it into this offering box.

(14) One who did not bring his shekel during the year brought it the following year and put it into this box. The walls, towers and other requirements of the city were built with this money.

(15) Those who required a ceremony of atonement e.g., a woman after childbirth, a leper, etc. brought money and put it into this box for the bringing of bird sacrifices and could partake of a sacrificial meal in the evening in the confident belief that priests had emptied the box and brought the necessary sacrifices.

(16) He who offered young pigeons for a burnt-offering put the money for this purpose into this box.

(17) One who offered wood for the altar put the money for it into this box.

(18) The person who gave frankincense put the money for it into this box.

(19) 'Covering'; one who wished to make offerings of gold foil for the sacred vessels put the money for it into this box. Aliter: 'bowl'; one who wished to offer gold for a sacred vessel, e.g., a bowl, placed it in this box.

(20) Burnt-offerings; v. Shek. VI, 5.

(21) Of sin-offerings and trespass-offerings.

(22) But they are sold again and burnt-offerings are bought with the money.

(23) That the skins do not belong to the priests.

(24) Heb. Midrash.

(25) Lev. V, 19. The first part of the text implies that it was eaten by the priest, while the latter part implies that it belonged to the Lord. How do you reconcile this? (R. Gershom.)

(26) To be burnt wholly on the altar.

(27) Thus both parts of the verse are applicable.

(28) Why therefore does R. Ammi need to inform us that R. Simeon holds that a freewill-offering can replace a sin-offering?

(29) From the surpluses of sin-offerings and guilt-offerings.

(30) I.e., where one heap of coins was set aside for a sin-offering and on the lambs becoming cheap there was a surplus from the money.

T'murah 24a

but in two rows¹ it is not so. R. Ammi therefore informs us [that it is not so].²

Said R. Hoshaiah: If one sets aside two sin-offerings for security's sake, he obtains atonement through [either] of them and its companion is left to pasture. Now whose opinion does this represent? Shall I say that of the Rabbis? Surely if where one sets aside [a sin-offering for one] which was lost, the Rabbis hold it has not the law of a lost sin-offering;³ is there then a question as regards the case [of one setting aside a sin-offering] for security's sake?⁴ Then it is the opinion of R. Simeon? But has not R. Simeon said: Five sin-offerings are left to die?⁵ Rather⁶ it must be the opinion of Rabbi,⁷ for the ruling of Rabbi only applies [where a sin-offering is set aside for] one lost; but where the setting aside is for security's sake, the case is not so.⁸

We have learnt: IF ONE SET ASIDE A SIN-OFFERING AND IT IS BLEMISHED, HE SELLS IT AND BRINGS ANOTHER INSTEAD OF IT, WHEREAS R. ELEAZAR SON OF R. SIMEON SAYS: IF HE OFFERED THE SECOND ANIMAL BEFORE THE FIRST WAS KILLED [FOR HULLIN], IT IS CONDEMNED TO DIE, SINCE THE OWNERS HAVE [ALREADY] OBTAINED ATONEMENT. Now it is to be assumed that R. Eleazar son of R. Simeon agrees with the opinion of Rabbi,⁹ [which proves that Rabbi's ruling applies] even in the case [of the setting aside] for security's sake.¹⁰ —

No. Perhaps R. Eleazar son of R. Simeon agrees with his father who says that the five sin-offerings are condemned to die.¹¹ We have learnt:¹² Because a congregational sin-offering is not condemned to die.¹³ Now this

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implies that [a sin-offering] belonging to an individual [in similar circumstances] is left to die. And Rab explained: Animals [destined for sacrifice] are not removed from sacred use,¹⁴ and when he procures atonement, he does so through the second [goat] of the first pair; now this [second goat of the second pair] is a case of something being set aside for security's sake,¹⁵ and yet [as implied in this Mishnah] a sin-offering belonging to an individual is left to die!¹⁶ — Rab follows the opinion expressed elsewhere,¹⁷ where he said: It is a [proper performance of the] duty to use the first.¹⁸

R. Shimi b. Ziri recited before R. Papa: If [a sin-offering] was still lost when another was set aside [in its place],¹⁹ according to Rabbi [the sin-offering found before atonement] is left to die, whereas according to the Rabbis it is left to pasture. If [a sin-offering] was still lost when atonement was obtained [by the owners], according to the Rabbis it is left to die, whereas according to Rabbi it is left to pasture. He [R. Papa] said to him: But can we not draw a conclusion from minor to major?²⁰ If in the case where a sin-offering is still lost when another is set aside [in its place! where the Rabbis say it is left to pasture, Rabbi says that it is left to die, how much more so is this the case of a sin-offering which is still lost when atonement has been obtained, where according to the Rabbis it is left to die, that according to Rabbi it is left to die? —

Rather recite [the passage] thus: If [a sin-offering] is still lost when another is set aside in its place, according to Rabbi the animal is left to die, whereas according to the Rabbis it pastures. If [a sin-offering] was still lost, however, when atonement was obtained, it is the opinion of all the authorities concerned that it is condemned to die.

R. ELEAZAR SON OF R. SIMEON SAID, etc. Our Rabbis have taught: We must not

flay an animal from the feet on holy days;²¹ likewise we must not flay from the feet a firstling or dedications unfit for sacrifice²² [even on a weekday]. Now there is no difficulty in understanding why [this is forbidden] on a holy day; it is because he takes excessive trouble [in preparing something] which is not suitable for him [on that day].²³ But who is the Tanna who holds that [this is forbidden] with reference to a firstling? —

Said R. Hisda: It is Beth Shammai who say that a firstling retains its holiness. For we have learnt: Beth Shammai say, One must not include²⁴ an Israelite with a priest [in connection with the eating of a firstling].²⁵ Who is the Tanna who forbids this in the case of dedications which became unfit for sacrifice? —

Said R. Hisda: R. Eleazar son of R. Simeon. For it has been taught: If there were two sin-offerings before [the owner] one unblemished and the other blemished, the unblemished sin-offering is offered and the blemished sin-offering²⁶ is redeemed. If the blemished one was killed before the blood of the unblemished sin-offering was sprinkled, it is permitted [to be eaten]; if after the blood of the unblemished sin-offering was sprinkled, it is forbidden [to be eaten].²⁷ R. Eleazar son of R. Simeon however says: Even if the flesh of the blemished sin-offering is in the pot and the blood of the unblemished sin-offering was then sprinkled, it²⁸ is taken forth to the fire-house.²⁹ But why does not R. Hisda explain [both parts³⁰ of the Baraitha just quoted] according to Beth Shammai?³¹ —

[The reason is] perhaps the teaching of Beth Shammai applies only to a firstling since its dedication [commences] from the womb,³² but the case is different with dedications unfit for sacrifice. But why does not [R. Hisda] explain [both parts of the Baraitha above] according to the opinion of R. Eleazar son of R. Simeon?³³ —

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[The reason is that] perhaps the teaching of R. Eleazar son of R. Simeon applies only to dedications unfit for sacrifice, since they are capable of redemption,³⁴ but the case of a firstling is not so.³⁵ But does not R. Eleazar son of R. Simeon hold what we have learnt: All dedications unfit for sacrifice [after being redeemed] are killed in the market,³⁶ sold in the market, and weighed by the pound? Now we see from this that since you permit him [to sell them in the market] he will increase [the redemption money in order] to sell [them later at a higher price; so here³⁷ also if you permit him to flay the firstling from the feet, he will increase the redemption money]!³⁸

Said R. Mari the son of Kahana: The improvement in the value of the skin spoils the flesh.³⁹ It was said in Palestine in the name of R. Abin:⁴⁰ Because it appears as if he performed work with dedications.⁴¹ R. Jose b. Abin said: It is forbidden lest he rear [many] herds of dedications rendered unfit for sacrifice.⁴²

(1) I.e., where two heaps were set aside for security's sake and where he obtained atonement through one; I might in that case have thought that the other heap is removed from sacred use altogether.

(2) And that the other heap of money is used for freewill burnt-offerings.

(3) And if the lost sin-offering is used, the other is condemned to pasture.

(4) That the surviving animal pastures.

(5) In all cases 'and one of them is where the owners obtained atonement through another animal.

(6) R. Hoshaiah saying that the remaining sin-offering is condemned to pasture.

(7) Who holds that if a sin-offering was set aside in place of one which was lost, and the first was found before atonement, but the second sin-offering was still offered, the offering which was lost was condemned to die. But where the owner set aside two sin-offerings for security's sake and obtained atonement through one of them, the other would not be condemned to die.

(8) And the other animal is only condemned to pasture.

(9) Who holds that a sin-offering set aside in place of a lost sin-offering has the law of a lost sin-offering. We therefore see that even where there is no case of a lost sin-offering, as here in the Mishnah, where the first sin-offering was not lost but became blemished, and he set aside another in its place, it is also condemned to die (Rashi).

(10) The same will therefore apply where one sets aside two sin-offerings for security's sake, that the surviving animal is condemned to die, which is unlike the opinion of R. Hoshaiah.

(11) In every case, even where a sin-offering was not lost, wherever the owners obtain atonement through one sin-offering the other is condemned to die.

(12) V. supra 15a, 16a, 22b and notes.

(13) Referring to the goats brought on the Day of Atonement.

(14) And the first goat of the first pair is not removed from holiness by reason of the death of its companion.

(15) Since it was not set aside instead of a lost animal, as only the goat for Azazel died but not the goat 'unto the Lord'.

The setting aside was therefore for security's sake on behalf of the second goat in the first pair.

(16) That the animal set aside i.e., the second goat of the second pair which is left over, dies, which is unlike the opinion of R. Hoshaiah!

(17) Yoma 64a.

(18) I.e., the one which had been originally set aside. This ruling is mentioned in connection with a Passover offering which had been set aside and then lost, and another was set aside in its place after which the first was found; in which case the owner may sacrifice, on the view of the Rabbis, whichever he chooses for the Passover. R. Jose, however, says that it is incumbent upon him to sacrifice the first animal. Now Rab agrees with R. Jose, consequently on this view the setting aside of a second animal for one that had been lost was not necessarily for a dedication but eventually to condemn it to die; whereas in the case of setting aside two sin-offerings for security, since if he had wished at the beginning he could have obtained atonement through the surviving animal, the setting aside at the beginning was not with the purpose of condemning it to die (Rashi).

(19) And eventually atonement took place through the other.

(20) That in the latter case the animal should be condemned to die even according to Rabbi.

(21) So as to keep the skin intact in order to make a pair of bellows therewith. When the skin

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was flayed with a knife, the process was from the throat to the tail.

(22) Which had been redeemed and killed.

(23) Viz., for the bellows.

(24) Lit., number'.

(25) Which a priest killed when it was in a blemished state. Consequently we see that although it was blemished it retained its holiness, and therefore it is forbidden to flay it from the feet, as this is similar to the performance of work in connection with dedications.

(26) I.e., one which became blemished before the setting aside of the second sin-offering. Now these two offerings were brought for one sin and a blemish occurred in the first and the second was set aside in its place.

(27) Since it is like the case of a sin-offering whose owners have obtained atonement through another animal.

(28) The flesh of the blemished animal.

(29) Consequently we see that although it has been redeemed and killed, it remained holy and is described as a sin-offering whose owner has obtained atonement. Similarly as regards flaying an unfit sacrifice mentioned in the Baraitha above, although it was redeemed and killed, it remains holy.

(30) That referring to a firstling and that referring to unfit dedications.

(31) For it is natural to suppose that just as Beth Shammai hold a strict view with reference to a firstling, they also adopt a similar attitude with reference to dedications which were rendered unfit for sacrifice. Why then does R. Hisda explain the first part of the Baraitha as being the view of Beth Shammai and the latter part, viz., that which refers to unfit dedications, as being the view of R. Eleazar son of R. Simeon?

(32) As it does not require a special dedication in order to receive holiness, unlike the case of ordinary dedications.

(33) Mentioned in the Baraitha just quoted: 'If there were two sin-offerings, etc.' from which we learn that a blemished sin-offering still retains its sanctity even after redemption and killing.

(34) The redemption money being holy and the animal becoming Hullin.

(35) Since Scripture says: 'Thou shalt not redeem' (Num. XVIII, 17) and if he did so, the redemption money does not receive any holiness.

(36) We therefore see that they do not retain their holiness after having been redeemed and killed.

(37) Inserted with Sh. Mek.

(38) And hasten to redeem it, since in the end he sells the skin at a higher price. Why therefore

does R. Eleazar hold in a Baraitha that we must not flay dedications rendered unfit for sacrifice from the feet?

(39) Whatever gain there is as regards the skin remaining intact is lost as regards the flesh, and there is really no profit eventually, since for fear of spoiling the skin he cuts into the flesh, and thus he is no longer able to sell it so well.

(40) The reason why it is forbidden to flay a firstling, etc. from the feet.

(41) That he is making a bellows on the animal while the skin is still attached to the animal. It is not, however, actually work since, strictly speaking, no work can legally be performed with dedications after the animal's death, only that it seems like work.

(42) If you permit him to flay the skin of unfit dedications from the feet, he may detain them and not kill them until smiths come his way. He might therefore be led to rear herds of unfit dedications and use their shearings or work with them, all of which is forbidden even after their redemption.

T'murah 24b

CHAPTER V

MISHNAH. WHAT DEVICE DO WE USE WITH REFERENCE TO A FIRSTLING?1 HE SAYS IN RESPECT OF A PREGNANT ANIMAL WHICH WAS GIVING BIRTH FOR THE FIRST TIME: IF WHAT IS IN THE INSIDE OF THIS [ANIMAL] IS A MALE, LET IT BE A BURNT-OFFERING.

IF IT THEN GAVE BIRTH TO A MALE, IT IS OFFERED AS A BURNT-OFFERING.2

[IF HE SAID:] IF IT IS A FEMALE, LET IT BE A PEACE-OFFERING, THEN IF IT GAVE BIRTH TO A FEMALE, IT IS OFFERED AS A PEACE-OFFERING.

[IF HE SAID:] IF IT IS A MALE, LET IT BE A BURNT-OFFERING, AND IF A FEMALE [LET IT BE] A PEACE-OFFERING, THEN IF IT GAVE BIRTH TO A MALE AND A FEMALE, THE MALE IS OFFERED AS A BURNT-OFFERING AND THE FEMALE IS OFFERED AS A PEACE-OFFERING.3

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IF IT GAVE BIRTH TO TWO MALES,⁴ ONE OF THEM SHALL BE OFFERED AS A BURNT-OFFERING AND THE SECOND SHALL BE SOLD TO PERSONS UNDER OBLIGATION TO BRING A BURNT-OFFERING⁵ AND ITS MONEY BECOMES HULLIN.

IF IT GAVE BIRTH TO TWO FEMALES, ONE OF THEM IS OFFERED AS A PEACE-OFFERING AND THE SECOND IS SOLD TO PERSONS UNDER OBLIGATION TO BRING PEACE-OFFERINGS AND THE MONEY BECOMES HULLIN. IF [THE ANIMAL] GAVE BIRTH TO A TUMTUM⁶ AND A HERMAPHRODITE, R. SIMEON B. GAMALIEL SAYS: NO HOLINESS ATTACHES TO THEM.

GEMARA. Said Rab Judah: One is permitted to make a blemish in a firstling before it is born.⁷ We learnt: [WHAT⁸ DEVICE DO WE USE WITH REFERENCE TO A FIRSTLING?] HE SAYS [IN RESPECT OF A PREGNANT ANIMAL WHICH WAS GIVING BIRTH FOR THE FIRST TIME]: IF WHAT IS IN THE INSIDE OF THIS ANIMAL IS A MALE, LET IT BE A BURNT-OFFERING. Now this implies only a burnt-offering⁹ but not a peace-offering,¹⁰ and yet you say that he is able to release it altogether from its holiness? —

Rab Judah can answer you thus: [The Tanna of the Mishnah] refers to the period when the Temple stood, whereas I refer¹¹ to nowadays when [a firstling] is not fit to be offered. But if your ruling applies to nowadays, what need is there to teach it? — You might have said that we should prohibit, in case the greater part of the head goes forth¹² and he then makes a blemish in it.¹³ But why not say that it is so?¹⁴ — Even so, this is better,¹⁵ since otherwise he may come to shear and work [the animal].¹⁶

[IF HE SAID:] IF IT IS A FEMALE, LET IT BE A PEACE-OFFERING. But is a female [animal] sacred in respect of the law of a firstling?¹⁷ — The latter clause¹⁸ of the Mishnah refers to a dedicated animal.¹⁹

IF IT GAVE BIRTH TO TWO MALES, etc. It was asked, If the reference is to a dedicated animal, then let the young which was dedicated as a burnt-offering be a burnt-offering and the other [young when born] retain the holiness of its mother?²⁰ — This latter clause²¹ refers to an animal of Hullin.

IF IT GAVE BIRTH TO A TUMTUM OR A HERMAPHRODITE, ETC.

(1) To prevent it coming into the possession of the priest and to enable the owner to carry out with it his own obligations.

(2) A firstling only becomes holy when it emerges from the womb, and since prior to this another holiness took effect on the embryo, the holiness of a firstling no longer attaches to it.

(3) V. Gemara.

(4) The holiness of a burnt-offering attaches to both animals, since he said that if the offspring be a male it shall become a burnt-offering.

(5) The reason being that his vow only referred to one animal and therefore one of the animals must be sold for a burnt-offering, for anything which is fit for the altar must be offered on the altar.

(6) One of doubtful sex.

(7) Lit., 'comes forth into the lighted space of the world'.

(8) V. Sh. Mek.

(9) Since it is burnt wholly on the altar, it is permissible to change the holiness of a firstling for this holiness.

(10) Since its holiness is of a less stringent character and therefore it is forbidden to use a device to change holiness of a firstling. How much more so then must it be forbidden to maim a firstling deliberately and deprive it of all holiness!

(11) When I say that it is permissible to maim a firstling in the inside of its mother.

(12) And it immediately became holy.

(13) Thus causing a blemish to a dedication. Rab Judah therefore informs us that we do not prohibit the infliction of a blemish, since he will be careful to cause the blemish only when a

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small part of the head has emerged and before the greater part comes forth from the womb.

(14) That on account of this fear we should prohibit the causing of a blemish to a firstling.

(15) To permit the causing of a blemish before it becomes holy in order that the priest may not be compelled to detain it till it becomes blemished.

(16) If he does not maim it, then there is the fear that he might transgress the law relating to a firstling. Var. lec. (v. Rashi and Sh. Mek.): Even so the causing of the loss of a limb (and thus making it blemished before the greater part of the animal has gone forth from the womb) is preferable.

(17) That the owner needs to use an artifice in order to obtain exemption from the law of the firstling.

(18) If it is a female, etc.

(19) If it was a sin-offering and it became pregnant and he wishes to use an artifice to avoid having its young condemned to death, the law being that the offspring of a sin-offering is condemned to death. He can therefore change the embryo for another dedication, since the holiness of a dedication only comes at birth but not previously.

(20) Why then is the second male animal sold for the purpose of a burnt-offering?

(21) Referring to the birth of two males.

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¹ R. Simeon b. Gamaliel holds: The offspring of dedications become holy at birth,² for if we were to think that they are holy from [the time of their existence] inside their mother, why should not holiness attach to them [Tumtum, etc.] since they receive the holiness of their mother?³ But in fact this proves that the offspring of dedications become holy at birth.⁴ And the [following] Tanna holds that the offspring of dedications are holy from [the time of their existence] in the inside of their mother.

For our Rabbis have taught: If it had been said only. A firstling shall not sanctify.⁵ I might have thought that a firstborn [of man] must not make dedications.⁶ The text therefore adds: 'No man shall sanctify it',⁷ implying that it [the firstling animal] he must not sanctify [for another dedication] but a firstborn [of man may] make

dedications. But I might still have said that he [a firstborn] must not sanctify [a firstling for another dedication] but others may do so. The text therefore states: 'Among the beasts' [saying in effect]: My concern is with a beast.⁸ One might think that he cannot sanctify it [the firstling] even while it is in the inside of the animal [for another dedication]? The text therefore states: 'As a firstling to the Lord', implying, when it becomes 'a firstling to the Lord' you must not sanctify it [for another dedication], but you may sanctify the firstling [for another dedication] while it is in the inside of the animal. One might have thought that the same applies to the young of all dedications?¹⁰ The text therefore states: 'Howbeit', thus intimating a division.¹¹ Consequently we see that [this Tanna] holds that the young of dedicated [animals] are holy [from the time] that they commence to exist in the inside of their mothers.¹²

Said R. Amram to R. Shesheth: If one says of a firstling at the moment that the greater part of it was emerging from the womb:¹³ 'Let it be a burnt-offering', is it a burnt-offering¹⁴ or a legal firstling?¹⁵ Is it a burnt-offering, since every portion which came forth [from the womb] is wholly burnt on the altar, or is it a legal firstling as every portion which came forth [from the womb] retains its original sanctity?¹⁶ Another version: Is [the firstling] a burnt-offering, since this is a [stringent]¹⁷ holiness and therefore has effect on it, or is it a legal firstling, since its holiness commences from the womb?¹⁸ —

He said to him: Why do you inquire? Is this not identical with the inquiry of Ilfa [as follows]: If one says in connection with leket¹⁹ when the greater part [of the produce] has been plucked:²⁰ Let it be hefker,²¹ is it Leket or is it free?²² Is it Leket, since its holiness is derived from heaven,²³ or is it ownerless, since poor and rich acquire possession thereof? — And

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Abaye explained: What is this query?²⁴ Whose word do we obey? That of the Divine Master or of the pupil?²⁵ Similarly here also, whose word do we obey?²⁶

MISHNAH. IF ONE SAYS: THE YOUNG OF THIS [PREGNANT ANIMAL]²⁷ SHALL BE A BURNT-OFFERING AND IT [THE ANIMAL ITSELF] SHALL BE A PEACE-OFFERING, HIS WORDS STAND.²⁸ BUT IF HE SAYS [FIRST]: IT [THE ANIMAL] SHALL BE A PEACE-OFFERING²⁹ [AND THEN], AND ITS YOUNG SHALL BE A BURNT-OFFERING,³⁰ [ITS YOUNG] IS REGARDED AS THE YOUNG OF A PEACE-OFFERING.³¹ THIS IS THE TEACHING OF R. MEIR.

R. JOSE SAYS: IF HE INTENDED [TO SAY] THIS³² AT FIRST,³³ SINCE IT IS IMPOSSIBLE TO MENTION BOTH KINDS [OF SACRIFICES] SIMULTANEOUSLY,³⁴ HIS WORDS STAND;³⁵ BUT IF AFTER HE ALREADY SAID [INTENTIONALLY]: THIS SHALL BE A PEACE-OFFERING, HE CHANGES HIS MIND AND SAYS: ITS YOUNG SHALL BE A BURNT-OFFERING, [ITS YOUNG] IS REGARDED AS THE YOUNG OF A PEACE-OFFERING.³⁶

GEMARA. Said R. Johanan: If one set aside a pregnant sin-offering and it gave birth, if he wishes he can obtain atonement through it [the animal itself], and if he wishes, he can obtain atonement through its young.³⁷ What is the reason? — R. Johanan holds that if he left over [the young]³⁸ the act is valid,³⁹ and an embryo is not regarded as part of the thigh of its mother. The case therefore is like one who sets aside two sin-offerings for security's sake, where if he wishes, he can obtain atonement through it [the one animal], and if he wishes, through the other.⁴⁰

R. Eleazar raised an objection: IT SHALL BE A PEACE-OFFERING AND ITS YOUNG SHALL BE A BURNT-OFFERING, [ITS YOUNG] IS REGARDED AS THE YOUNG OF A

PEACE-OFFERING. Now if we assume that if he left over [the young] the act is valid, why does it say: ITS YOUNG IS REGARDED AS THE YOUNG OF A PEACE-OFFERING? Should it not say: 'Its young is a peace-offering'?⁴¹ — Said R. Tabla: Ask no question from this [Mishnah],⁴² since Rab said to the Tanna:⁴³ Recite [as follows]: 'Its young is a peace-offering'.⁴⁴

An objection was raised: If one says to his [pregnant] bondwoman, 'Be thou a slave but thy child shall be free', if she was pregnant she obtains [freedom] in his behalf.⁴⁵ Now this creates no difficulty if you hold that if one left over [the young]⁴⁶ the action is not valid, and that an embryo is considered as the thigh of its mother; for this reason she obtains [freedom] in his behalf, since it is on a par with the case of one who freed a half of his slave,⁴⁷ and this will represent the opinion of Rabbi,⁴⁸ as it has been taught:

- (1) Omitting with Wilna Gaon: 'But why does not holiness attach to them', cf. cur. edd. Since this clause refers even to the offspring of dedications, why should not at least the holiness of their mother rest on them (Rashi).
- (2) And when they are born they are already unfit and hence cannot receive any holiness at all.
- (3) From the time when they begin to develop little by little in the inside of their mother, they should be holy.
- (4) And the whole Mishnah will be the opinion of R. Simeon.
- (5) Referring to the text (Lev. XXVII, 26): Howbeit the firstling among the beasts which is born as a firstling unto the Lord, no man shall sanctify it; the Heb. בכור denotes equally firstborn and firstling of an animal.
- (6) Taking 'Bekor' to denote a firstborn of any kind.
- (7) The text therefore will mean this: Howbeit the Bekor i.e., the firstborn of a man, that which is born a firstling unto the Lord, he shall not sanctify it, implying that the firstborn may not sanctify a firstling for another dedication.
- (8) I refer here only to the firstling of a beast which 'Bekor' here denotes, and thus state that no man may consecrate it for another dedication.

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(9) I.e., at birth, after the sanctification by the womb, but as long as it is in the inside of the animal it is Hullin.

(10) That one is permitted to change it for another dedication when inside the animal.

(11) This is the regular force of the word *ס* ('howbeit'). The division here indicated is between the case of a firstling and that of other dedications. Only in the case of a firstling may one make dedication prior to the animal becoming a legal firstling but not in the case of other dedications in the inside of an animal, for since the mother is holy, with every portion which forms in the womb the offspring receives the holiness of the mother.

(12) Unlike the view of the Tanna in the Mishnah.

(13) While still inside the animal, at the time when the holiness of a firstling takes effect.

(14) Being wholly burnt on the altar.

(15) Since the holiness of a firstling rests on all firstlings that leave the womb. Which holiness is more stringent so as to have a prior effect on it and cancel the other?

(16) That of a firstling.

(17) V. R. Gershom.

(18) The holiness of a firstling takes effect on all firstlings from the time of leaving the womb without a special dedication.

(19) The gleanings from a field which are due to the poor.

(20) And the gleanings have actually become Leket.

(21) 'Ownerless'. And free alike for the rich as for the poor.

(22) Which takes effect Hefker or Leket? Now there can be no question that if he made the produce free for everyone before the greater part of it was plucked, there would be no need to carry out the law of Leket, since Leket only applies to what is looked after and eaten.

(23) A divine decree.

(24) As both Leket and Hefker came together, surely Leket is the more important law to observe.

(25) And the Master, God, has decreed that it is Leket.

(26) Surely that of the Divine Master, and therefore the law of the firstling operates first.

(27) Of Hullin.

(28) The young becomes a burnt-offering and its mother a peace-offering, since the holiness of the young animal came first.

(29) This implies the dedication of the animal and what is inside it. Its offspring is therefore important enough to be dedicated independently and it is like one dedicating two animals for peace-offerings.

(30) This is of no avail as he is not able to change the form of dedication.

(31) As R. Meir holds that we accept the first statement. And here the principle of holiness commencing only at birth does not apply, as this only refers to a case where the animal became pregnant subsequent to dedication, but where one dedicates a pregnant animal, the embryo is considered apart from its mother and is able to receive holiness on its own account.

(32) Its young shall be a burnt-offering and the mother a peace-offering.

(33) Although he made a mistake and said: It shall be a peace-offering and its young a burnt-offering.

(34) Since one has to mention one sacrifice before the other.

(35) Since he really did not intend that both shall be peace-offerings, and therefore the mother is a peace-offering and the young is a burnt-offering.

(36) His latter statement being of no consequence, since he meant at first that both should be peace-offerings.

(37) We only apply the principle of the young of a sin-offering being condemned to die in a case where one dedicated an animal and it became pregnant afterwards, but where he dedicated a pregnant sin-offering, the embryo can receive holiness independently, apart from its mother, and thus he can procure atonement through whichever animal he chooses.

(38) Where he says that the offspring should be Hullin and the mother shall be a sin-offering. Therefore even where he did not leave over the embryo, i.e., did not declare it Hullin, its holiness is still not derived through its mother.

(39) Lit., 'it is left over' as regards holiness, i.e., the young remains Hullin.

(40) And the sin-offering which he does not use is condemned to pasture.

(41) Since it is holy on its own account, and not because of its mother. The Mishnah therefore in saying: It is regarded as the young of a peace-offering, implies that its holiness is due to its mother and therefore in the case also where one set aside a pregnant sin-offering, it is regarded as the offspring of a sin-offering, the law of which is that it is condemned to die.

(42) Lit., 'except from this'.

(43) V. Glos. s.v. (a).

(44) We see therefore that the reading in our Mishnah is not a correct one, and no question can be raised from it.

(45) And the child goes out free; v. Git. 23b.

(46) And the mother and its young are not regarded as two separate entities.

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(47) Where the slave acquires possession of that half, and so here the bondwoman is privileged to secure the freedom of her child.

(48) So .Sh. Mek.; cur. edd. R. Meir.

T'murah 25b

If one frees a half of his slave,¹ he goes out free, since his letter of manumission and his right of possession come simultaneously. But if you hold that if one left over [the young] the act is valid,² and that an embryo is not considered as the thigh of its mother, why then does she [the bondwoman] obtain freedom in behalf of her child?³ Has it not been taught: We approve the teaching that a slave can obtain a letter of manumission for his fellow-slave from the hand of one who is not his master,⁴ but not from the hand of one who is his master?⁵ You can therefore deduce from this that if one left over [the young], the act is not valid. Shall we say this refutes R. Johanan's ruling above? —

It is a refutation. Must it be said that the opinion whether, if one left over the young the act is valid, is a point at issue between Tannaim? For it has been taught: If one says to his [pregnant] bondwoman, 'Be thou free but thy child shall be a slave', the child acquires her status [and is free]. This is the teaching of R. Jose the Galilean; whereas the Sages say: His words stand,⁶ because it says: The wife and her children shall be her master's.⁷ But how is the Scriptural text interpreted in support of the Rabbis?⁸ —

Said Raba. The text is adduced in support of the opinion of R. Jose the Galilean who states that, the child follows her status, since it says: 'The wife and her children shall be her master's', implying that as long as the wife belongs to her master the child is her master's, [but if the wife does not belong to her master, the child is not her master's].⁹ Now does this not mean that [these Tannaim] differ in this, that R. Jose

the Galilean holds that if one left over [the young], the act is not valid;¹⁰ whereas the Rabbis hold that the act is valid? —

R. Johanan can answer you: All the authorities concerned hold that if one left over [the young] the act is valid, and the reason here¹¹ is because Scripture explicitly says: 'The wife and her children shall be her master's'.¹² Then assuredly [the matter¹³ would be a point at issue] between the following Tannaim: If one killed a sin-offering¹⁴ and found therein a live embryo four months old, it was taught in one [Baraitha]: It is only eaten by the males of the priesthood, for one day and a night, and within the curtains. And another [Baraitha] taught: It is eaten by any man, in any place, and at all times. Now does not this mean that they differ in this, that the first Tanna¹⁵ holds that if one left over [the young] the act is valid,¹⁶ whereas the latter Tanna¹⁷ holds that if one left over [the young], the act is not¹⁸ valid!¹⁹ —

R. Johanan can answer you: All the authorities concerned hold²⁰ that if he left over [the young] the act is valid.²¹ These Tannaim, however, differ in this, one Master holding that the offspring of dedications are holy only when they emerge into existence but not earlier, whereas the other Master holds that the offspring of dedications are holy already inside their mother.²² And if you prefer [another solution], I may say there is no contradiction.²³ Here,²⁴ [we are dealing] with a case where he dedicated [a sin-offering] and it subsequently became pregnant,²⁵ and there,²⁶ with a case where it became pregnant and was subsequently dedicated.²⁷

To this²⁸ Raba demurred: How do we know that the reason of R. Johanan²⁹ is because if one left over [the young] the act is valid? perhaps the reason of R. Johanan really is that a man can obtain atonement with the increment of dedicated animals?³⁰ —

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Said R. Hamnuna:³¹ R. Eleazar, a pupil of R. Johanan, was in the presence of R. Johanan³² and he [R. Johanan] did not give him that answer,³³ and yet you say that the reason of the ruling of R. Johanan is because a man can obtain atonement with the increment of dedications.

BUT IF AFTER HE HAD ALREADY SAID [INTENTIONALLY]: THIS SHALL BE A PEACE-OFFERING AND HE CHANGED HIS MIND, etc. Surely this is obvious, that [its young] is regarded as the offspring of a peace-offering! For can he change his mind whenever he wishes?³⁴ —

Said R. Papa: This clause is required only for the case where one statement³⁵ followed the other in the same breath.³⁶ You might have said that two statements following each other immediately are considered as one statement and that this man was really reflecting [aloud]. [The Mishnah] therefore teaches us [that it is not so].

MISHNAH. [IF ONE SAYS:] BEHOLD, THIS ANIMAL [OF HULLIN] SHALL BE THE EXCHANGE OF A BURNT-OFFERING, THE EXCHANGE OF A PEACE-OFFERING,³⁷ IT IS THE EXCHANGE OF A BURNT-OFFERING. THIS IS THE TEACHING OF R. MEIR.³⁸ R. JOSE SAYS: IF HE ORIGINALLY INTENDED THIS,³⁹ SINCE IT IS IMPOSSIBLE TO MENTION BOTH NAMES [OF SACRIFICES] SIMULTANEOUSLY, HIS WORDS STAND.⁴⁰ BUT IF AFTER HE HAD ALREADY SAID: THIS SHALL BE AN EXCHANGE OF A BURNT-OFFERING, HE CHANGED HIS MIND AND SAID: AN EXCHANGE OF A PEACE-OFFERING, IT IS THE EXCHANGE OF A BURNT-OFFERING.

(1) He possesses that half.

(2) So that if he freed the mother and left over the child, the latter is left over for service. Consequently we see that they are regarded as two bodies.

(3) It is like the case of a slave who receives a letter of manumission on behalf of his fellow

slave, both belonging to the same master, since the possession of the slave is the possession of the master, and consequently it is considered as if really the letter had not left the hand of the master (Rashi).

(4) Since in relation to this man, the slave has the right of possession and can become an agent for the other slave.

(5) Both belonging to the same master since the slave has no rights of possession.

(6) And the child remains a slave.

(7) Ex. XXI, 4.

(8) Since the text appears in reality to confirm the opinion of R. Jose the Galilean, that the status of the offspring is like that of the mother.

(9) Inserted with Sh. Mek.

(10) But it is regarded as the thigh of its mother and therefore the child is free like the mother.

(11) Why R. Jose the Galilean holds that the child has the status of the mother.

(12) It is a divine decree, and not because the child is regarded as the thigh of its mother.

(13) Whether if one left over the young the act is a valid one or otherwise.

(14) The first impression was that the circumstances here are where the animal was dedicated when pregnant.

(15) Who regards the embryo as a sin-offering.

(16) So Bah. And since it is regarded as a separate animal, even if he did not leave it over, holiness attaches to it in the womb (Rashi).

(17) Who considers the embryo as Hullin.

(18) So Bah. Cur. edd. reverse; v. also Rashi.

(19) Since it is not regarded as an independent animal but only as the thigh of its mother, like that of any other offspring. This holiness of the offspring, however, only commences after birth, but not as here when it is found in the inside of its mother, for we hold the opinion that the holiness of the offspring of dedicated animals commences at birth but not earlier.

(20) If he dedicated a pregnant sin-offering.

(21) And therefore even if he did not leave over the young, the embryo is holy like the sin-offering.

(22) And therefore the embryo is regarded as a sin-offering.

(23) Between the two Baraithas mentioned above.

(24) The Baraitha which says that the embryo has the law of Hullin.

(25) And all the authorities concerned hold that the offspring of dedications become holy only at birth.

(26) The Baraitha which says that the embryo has the law of a sin-offering.

(27) And we hold that if he left over the young in respect of dedication, the act is valid and the young is important enough to be dedicated on its

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own account. These Tannaim therefore in reality do not differ at all (Rashi).

(28) To the refutation of R. Johanan from the Baraitha: If one says to a bondwoman, etc. as stated above.

(29) Why he says that if he set aside a pregnant sin-offering and it gave birth, if he wishes he can obtain atonement through its mother or its young.

(30) Although its sanctity is derived from the mother, the young of a sin-offering is not condemned to die, since a man may obtain atonement with the increment of a consecrated animal as here, where the young is a gain to dedications, the law of a young of a sin-offering being condemned to die only applying where he refused to obtain atonement except through the mother.

(31) You cannot maintain that R. Johanan's reason is not because he holds that if one left over the young the act is valid.

(32) When he quoted the Baraitha in contradiction to R. Johanan's teaching.

(33) If the reason of R. Johanan's ruling was as you say, why did not R. Johanan reply that his reason was because a man may obtain atonement with the improvement of a consecrated animal?

(34) Surely he cannot be allowed to change his dedications at will.

(35) Viz., 'and its young shall be a burnt-offering'.

(36) Lit., 'within the time required for an utterance', i.e., as long as it takes a master to greet his pupil or a pupil his master.

(37) And we are dealing with a case where both the peace-offering and a burnt-offering were before him when he effected the exchange.

(38) For R. Meir maintains that we hold to the first statement.

(39) I.e., that the animal of Hullin should be the exchange of both, although he did not say: Behold this is the exchange of a burnt-offering and a peace-offering (R. Gershom).

(40) The animal pastures until blemished, and when it is sold an exchange of a burnt-offering is purchased for half of its money, and an exchange of a peace-offering is bought for the other half of the money.

T'murah 26a

GEMARA. R. Isaac the son of Joseph reported in the name of R. Johanan: All the authorities concerned agree that if one says, 'Let this₁ take effect', and afterwards, 'Let this₂ take effect', it is the opinion of all that

we hold to the first statement. [If he says:] 'Let not this take effect unless this other takes effect', all agree that both are holy. The dispute, however, is only e.g., in the case stated by the Mishnah: The exchange of a burnt-offering, the exchange of a peace-offering, R. Meir holding that since he ought to have said,³ The exchange of a burnt-offering and a peace-offering, and he said, The exchange of a burnt-offering, the exchange of a peace-offering, it is like the case of one who says, 'Let this take effect' and afterwards, 'Let this take effect'.⁴

R. Jose, however, holds: [The man⁵ thinks that] if he said: The exchange of a burnt-offering and a peace-offering, the result would be that it is holy but is not offered.⁶ R. Jose therefore informs us [that his words stand].⁷

Our Rabbis have taught: If one says, This animal shall be half the exchange of a burnt-offering and the other half the exchange of a peace-offering, the whole animal is offered as a burnt-offering. This is the teaching of R. Meir.⁸

The Sages, however, say: Let it pasture until it becomes blemished. It is then sold and with the half of its money an exchange of a burnt-offering is purchased and with the other half of its money an exchange of a peace-offering. R. Jose says: If he originally intended this, since it is impossible to mention both names [of sacrifices] simultaneously, his words stand. But is not the opinion of R. Jose identical with that of the Rabbis? —

The whole [of the first part of this Baraitha] is taught by R. Jose.⁹ Another [Baraitha] taught: An animal, half of which is a burnt-offering and the other half a sin-offering, is offered as a burnt-offering. This is the teaching of R. Meir.

R. Jose says: Let it die.¹⁰ And both [these Tannaim] hold alike that if one says [first]:

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A half of the animal shall be a sin-offering and [then] the other half shall be a burnt-offering, [the animal] is condemned to die. [You say], ‘They hold alike’. Now whose opinion does this mean to represent? That of R. Meir!¹¹ But surely this is obvious!¹² —

You might have said that if we had not been informed of this,¹³ I might have thought that the reason of R. Meir is not because of the rule: ‘Hold to the first statement’, but the reason [really] is because a sin-offering which has been mixed up with another dedication is offered,¹⁴ and therefore even if he said [first]: A half of the animal shall be a sin-offering and then a half shall be a burnt-offering, it is offered. [The Baraitha] therefore informs us that it is not so.¹⁵ Another [Baraitha] taught: If one says, Half of this animal shall be a burnt-offering and the [other] half shall be a peace-offering, it is holy but is not offered.¹⁶ It [the animal] effects exchange¹⁷ and its exchange has the same status.¹⁸ Now whose opinion does this Baraitha represent? That of R. Jose!¹⁹ Surely it is obvious that the animal is holy but is not offered! —

[The Baraitha] requires to mention the case of its exchange,²⁰ for you might have said: Granted that the animal itself is not offered, still its exchange is offered.²¹ [The Baraitha] therefore informs us as follows: Why is the case [of the animal itself] different so that it is not offered? Because of suspended holiness.²² Its exchange also is such in virtue of a suspended holiness.²³

R. Johanan said: If an animal belonged to two partners and one dedicated his half and then proceeded to purchase the other half and dedicated it, [the animal] is holy but is not offered;²⁴ it effects exchange and its exchange

- (1) I.e., the exchange of a burnt-offering.
- (2) The exchange of a peace-offering.
- (3) If he meant that the animal should receive the exchange of a peace-offering and a burnt-offering.

(4) All agreeing that under such circumstances we hold to the first statement.

(5) Who is effecting the exchange.

(6) But is condemned to pasture. In this he made a mistake and used the word exchange in connection with peace-offering as well as burnt-offering, in order that the animal should be offered.

(7) Since he really intended that both should be an exchange, this being on a par with a case where one says: This should not take effect without the other taking effect.

(8) For we hold to the first statement, and since a half is holy, the whole animal becomes holy. And although R. Meir holds (supra 18a) that if one dedicated a foot of an animal the whole animal does not receive holiness, the case here is different where a half of the animal is dedicated, since it is a section of the animal without which it cannot live.

(9) I.e., the Baraitha informs us that R. Jose is described as the ‘Sages’.

(10) We hold also to the last statement when the two statements of a person contradict. And since he is not obliged to bring a sin-offering, the animal is condemned to die, like a sin-offering whose owners procured atonement through another animal (R. Gershom). Tosaf. comments that in circumstances where one is not required to bring a sin-offering, if he says: Let this animal be a sin-offering, his words are of no avail and that we are dealing here with a case where one says: Let half of this animal be exchanged for a burnt-offering and the other half be exchanged for a sin-offering, R. Jose holding that the animal dies, since the holiness of both sacrifices rests on the animal, and as one dedication is that of the exchange of a sin-offering, the animal is condemned to die.

(11) I.e., even R. Meir, who holds in the first part of this Baraitha that the animal is offered, on this occasion must inevitably hold that it is condemned to die.

(12) Since he says that we hold to the first statement and since the man said here first that the half should be a sin-offering, it must certainly be left to die, as he is not obliged to bring a sin-offering.

(13) That the animal is condemned to die.

(14) Where there are two separate dedications mixed up in the animal, and although both have effect on it, since there is mixed up in the animal a dedication which makes it fit to be offered, we ignore the other dedication which makes it unfit to be offered (Rashi).

(15) That if he said first: A half shall be a sin-offering, etc. the animal is condemned to die.

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(16) It is sold and for half of its money a burnt-offering is bought, and for the other half a peace-offering (R. Gershom).

(17) Being a male and therefore fit to be a burnt-offering (R. Gershom).

(18) Of being holy but not fit to be offered.

(19) Who holds that his words stand.

(20) That it is not offered but sold after becoming blemished, a burnt-offering being bought with half the money and a peace-offering with the other half.

(21) Since in accordance with the exchange he did not mention either the word peace-offering or burnt-offering, but simply said: Let this animal be for that (R. Gershom). Tosaf. explains that the intention was not that the exchange should be half a burnt-offering and half a peace-offering, but that the animal should be a complete exchange, either for half of a burnt-offering or for the half of a peace-offering, for although one may not exchange a whole animal for a limb of a dedicated animal, the case is different where the exchange is effected for a half of a dedicated animal.

(22) Having two names as regards dedication (R. Gershom).

(23) And therefore the exchange cannot be in a better position than the original animal from which it draws his holiness.

(24) Since when at first he dedicated his half, the animal was not fit to be offered at the altar, for half of an animal by itself cannot be offered, and the holiness of the other half, since it was not his, could not spread to the rest of the animal.

T'murah 26b

has the same status. You can deduce from this¹ three things: You can deduce from this that animals² [dedicated for sacrifices] can be removed for ever from sacred use.³ You can also deduce from this that the holiness of animals dedicated for their value⁴ can be removed.⁵ You can also deduce from this that a removal from sacred use at the beginning [of a dedication]⁶ is valid for ever.⁷

Said Abaye: All the authorities concerned agree [even R. Jose] that if he says: A half of an animal shall be a burnt-offering and the other half an animal tithed, all are agreed that it is offered as a burnt-offering.⁸ What is the ruling, however, if he

says: A half of an animal shall be an exchange and half of an animal tithed?⁹ Is the animal offered as an exchange, since it [the exchange] applies to all dedications, or is it perhaps offered as an animal tithed, since [the animal] before the tenth and the succeeding [one] are consecrated?¹⁰ — Let it remain undecided.

MISHNAH. [IF ONE SAYS:] BEHOLD THIS [ANIMAL] IS TAHATH [INSTEAD OF] THIS, BEHOLD THIS IS HALIFATH [IN PLACE OF] THIS, BEHOLD THIS IS TEMURATH [THE EXCHANGE OF] THIS, [EACH OF THESE] IS THE CASE OF A VALID EXCHANGE. [IF HOWEVER ONE SAYS:] THIS SHALL BE REDEEMED¹¹ FOR THIS, IT IS NOT THE CASE OF A [VALID] EXCHANGE.¹² AND IF THE DEDICATED ANIMAL WAS BLEMISHED, IT BECOMES HULLIN¹³ AND HE IS REQUIRED TO MAKE UP [THE HULLIN] TO THE VALUE [OF THE DEDICATED ANIMAL].¹⁴

GEMARA. Does this mean to say that the [word] tahath¹⁵ has the meaning of occupying the place of?¹⁶ This is contradicted [by the following]: As regards dedications for Temple repairs, if one says: Halifath this,¹⁷ Temurath this, he has said nothing.¹⁸ [If, however, one says:] Tahath this, [this is] redeemed for this, his words stand.¹⁹ Now if we suppose that the [word] 'Tahath' has the meaning of occupying the place of, what is the difference between the first and second clause [of the Baraitha]?²⁰ — Said Abaye: The [word] 'Tahath' is used in the sense of occupying the place of and in the sense of redeeming. In the sense of occupying the place of, as Scripture says:²¹

(1) R. Johanan's ruling.

(2) This is the reading in Bah.

(3) And although subsequently they became fit to be offered, they are forever forbidden to be offered, on account of the previous suspension from sacred use.

(4) As, for example, here where he dedicates a half of the animal; such dedication could only have been for its value.

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(5) For one might have thought that the suspension of holiness only applies to animals dedicated for the altar. We therefore see from R. Johanan's teaching that it is not so.

(6) As, for example, here where from the very commencement of the consecration there was a suspension from holiness. For there is a difference of opinion (in Suk. 33a), one authority maintaining that where a dedicated animal was originally fit to be offered and the holiness was then suspended and finally the animal became fit again for sacred use, the animal is removed forever from sacred use, but where the suspension of holiness occurred at the very beginning of its consecration, if it became fit again, it may be used for sacred purposes.

(7) Lit., 'is a suspension'.

(8) Even if he meant these dedications from the beginning, as his latter statement is of no account, since an animal tithed does not become holy except by passing through the shed and being numbered as the tenth. The same law applies if one says: Half the animal shall be a burnt-offering, the other half shall be an exchange, the latter statement having no effect, since there is no animal present for which an exchange might be effected (Rashi). Tosaf. remarks that even if he says that the whole animal shall become tithed, his words are of no avail, and therefore explains that the circumstances here are where a man causes his flock to pass under the rod and as the tenth animal emerges from the shed he says: Let half of it be a burnt-offering and the rest tithed. All the authorities concerned will agree that the animal in such circumstances becomes a burnt-offering, as a dedication for a burnt-offering is a more important consecration than the dedication for animal tithing, since the latter consecration requires the passing under a rod and numbering before the animal can receive any holiness. Tosaf. also proceed to ask, seeing that the law of tithe is a divine decree, how can a dedication like that of a burnt-offering suspend it, and explain that we are dealing here with a case where he called the animal a burnt-offering when only a small part of the animal emerged from the shed, whereas animal tithe requires that the greater part of it shall emerge before holiness can take effect.

(9) His statements in both instances have a certain irregularity since as regards tithe one cannot say: Let this be tithe except when the animal is passing through the shed to be numbered, and in the case of exchange one cannot say: Let this be an exchange unless there is an animal with which a substitute might be effected.

(10) If, for example, he called the ninth the tenth, and the eleventh the tenth, the three animals are holy, i.e., the ninth, tenth and the eleventh.

(11) Lit., 'made Hullin'.

(12) And his words are of no consequence, since an unblemished dedicated animal cannot become Hullin.

(13) And the other animal takes its place.

(14) If the Hullin is less in value than the dedication, since otherwise the consecration would be penalized. According to one explanation given later in the Gemara, this is only a Rabbinical requirement.

(15) Used in connection with exchanging. Lit., 'under'.

(16) I.e., that it becomes consecrated according to the law of exchange.

(17) If one set before him an animal of Hullin and said: This shall be Halifath (in place of) this dedication for Temple repairs.

(18) Since he used the language of Temurah, which does not apply to dedications for Temple repairs.

(19) The dedicated animal thus becoming Hullin, and this one entering into its place, since even unblemished dedications for Temple repairs can be redeemed.

(20) Why does the first clause in the Baraitha say that his words are of no consequence while the other clause says that his words stand, for since Tahath is used in the sense of exchanging and there is no exchange in connection with repairs for Temple purposes, the Baraitha should have stated in the second clause also that his words are of no consequence.

(21) Lev. XII, 23.

T'murah 27a

But if the bright spot stay Tahteha in its place;¹ and [in the sense] of redeeming, as it says: For [Tahat] the brass I will bring gold.² [This being the case, the matter was left in the hand of the Sages.]³ With regard to dedications for the altar which can effect exchange, ['Tahath'] has the meaning of occupying the place of, whereas with regard to dedications for Temple repairs which do not effect exchange, ['Tahath'] has the meaning of redeeming.⁴

Raba said: Even in connection with dedication for the altar [the word 'Tahath' sometimes] has the sense of redeeming, as

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e.g., where the dedicated [animal] was blemished.⁵

Said R. Ashi: Even in connection with a blemished dedicated animal [Tahath sometimes] has the sense of redeeming and sometimes has the sense of occupying the place of, [as follows]: [If he placed] his hand on a dedicated [blemished] animal,⁶ the animal becomes hullin,⁷ [but if he placed] his hand on an animal of hullin,⁸ it becomes dedicated.⁹

Abaye inquired: What is the ruling if there were two dedicated blemished animals before him and two unblemished animals of Hullin, and he says, Let these be Tahath [in place of] these?¹⁰ Did¹¹ he intend to substitute them [the former], or did he intend to redeem them [with the latter]?¹² And if you say that where there exists a legitimate way, a man will not abandon what is permitted and do what is forbidden,¹³ what is the ruling if he had two dedicated animals before him, one of which was blemished, and two animals of Hullin, one of which was blemished, and he said, Let these be Tahath [instead of] these?

Did he mean: The unblemished in place of the unblemished, in the sense of being substituted,¹⁴ and the blemished animal of Hullin in place of the dedicated blemished animal, in the sense of being redeemed?¹⁵

Or perhaps the unblemished animal of Hullin in place of the blemished dedicated animal, and the blemished animal of Hullin in place of the unblemished dedicated animal and, in both cases, there is a punishment of lashes?¹⁶ And if you say that wherever there exists a legitimate way, a man will not do what is forbidden, and therefore he means to redeem and there is no punishment of lashes, what is the ruling if there were three dedicated animals before him, one of which was blemished, and three unblemished animals of Hullin, and he says, Behold these shall be instead of these?¹⁷

Do we say, since [when he says] ‘these two unblemished animals instead of the unblemished animals’, he means they are to be substituted,¹⁸ so [when he says] ‘the unblemished animal of Hullin instead of the dedicated blemished animal’ [he also means], they are to be substituted?

Or perhaps here too [we apply the principle that] wherever there exists a legitimate way, a man will not do what is forbidden, and therefore in the latter case,¹⁹ he meant to redeem? And if you say that here too, since nevertheless there is no presumption against this man as regards prohibitions,²⁰ [we say that a man] would not abandon what is permitted and do what is forbidden, R. Ashi inquired: What is the ruling if one had four dedicated animals before him, one of which was blemished, and four unblemished animals of Hullin, and he says: Let these be instead of these?

Here [in this case] since there is certainly a presumption against the man as regards prohibitions,²¹ do we say that he is therefore punishable four times with lashes,²² or perhaps although there is a presumption against him as regards prohibitions, [do we say that a man] will not abandon what is permitted and do what is forbidden and therefore the last animal²³ was meant to be redeemed? — Let it stand undecided.

AND IF THE DEDICATED ANIMAL WAS BLEMISHED, IT BECOMES HULLIN, etc. Said R. Johanan: Its becoming Hullin is an ordinance of the Biblical law,²⁴ whereas his being required to make up [the Hullin] to the value [of the dedication] is an ordinance of the Rabbinical law.²⁵ Resh Lakish, however, says that his having to make up [the Hullin] to the value [of the dedicated animal] is also according to the Biblical law. Now with what kind of case are we dealing here?

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Shall we say that this refers to overreaching?²⁶

But will Resh Lakish hold in such a case that he must make up [the Hullin] to the value of a dedicated animal in accordance with Biblical law? Have we not learnt: To the following overreaching does not apply: Slaves, bonds, immovable properties, and dedications? [Shall we say] then that this refers to the cancellation of the sale?²⁷ But will R. Johanan hold in such a case that he is required to make up the value of a dedication according to the Rabbinical law?

(1) תחתייה, 'standing in its place'; this is exactly what happens in the case of exchange, the dedicated animal remaining holy.

(2) Isa. LX, 17. In place of the brass which they stole, I will bring gold. And this is what redeeming does, transferring the holiness of this animal to the other.

(3) The Sages were therefore to decide where 'Tahath' had the meaning of redeeming and where it had the meaning of occupying the place of. The bracketed words are inserted with Sh. Mek.

(4) Therefore in the Baraita above, since it deals with dedications for Temple repairs, Tahath has the meaning of redeeming.

(5) Raba explaining the clause in the Mishnah: And if the dedicated animal was blemished, it becomes Hullin, as referring also to the first clause: Behold this is Tahath (instead of) this (R. Gershom).

(6) And says: This animal of Hullin shall be Tahath (instead of) this dedicated animal (R. Gershom).

(7) Since he certainly intended to redeem the dedicated animal.

(8) And says: This animal of Hullin shall be Tahath (instead of) this dedicated animal. By placing his hand on the Hullin, he shows that he meant to effect exchange, for if he intended to redeem, he would have placed his hands on the dedicated animal.

(9) Since one cannot effect exchange even with a blemished dedicated animal. The dedicated animal therefore remains holy in accordance with the law of exchange.

(10) And he did not place his hand either here or there.

(11) This is the reading in Rashi and is mentioned in Wilna Gaon Glosses.

(12) The same inquiry could have been made with reference to one dedicated blemished

animal and one unblemished animal of Hullin where he says: Let this be Tahath (instead of) this. But since later on the inquiry particularly refers to two animals, the case of two animals is also mentioned here. R. Gershom and the text in cur. edd. have the following reading: Do we say that he means to substitute (i.e., to effect exchange with these animals and there will thus be two transgressions of the prohibitory law), or perhaps where there exists a way which is permissible, a man would not abandon that which is permitted and do what is forbidden (and consequently he means here to redeem the dedicated animal with the animals of Hullin, the latter thus becoming holy in place of the former).

(13) Since in connection with exchange there is the prohibition of 'nor change it', and therefore we say that his intention was to redeem.

(14) One animal must have been meant to effect exchange, since one dedicated animal is unblemished, and we have learnt above that unblemished dedications for the altar are meant to be used as exchange.

(15) Since it cannot be meant in the sense of exchanging, as one cannot effect exchange when both animals are blemished (bad), since Scripture speaks only of 'bad for good' or 'good for bad', but not when both are bad.

(16) The prohibition of 'nor change it'.

(17) For although we have said above that a man will not abandon what is permitted and do what is forbidden, there is still ground for inquiry in this case, since one can maintain that we follow the majority, and as two of the unblemished dedicated animals were certainly meant to be exchanged, the third blemished dedicated animal can also be regarded as being for the same purpose, i.e., exchange, although thereby there is the infringing of a prohibition.

(18) As an exchange.

(19) Where he says 'the unblemished animal shall be instead of the blemished dedicated animal'.

(20) Since the breaking in a particular case of three prohibitions and not two, causes a man to be suspected in that connection.

(21) Since there were three unblemished dedicated animals, he could not have intended to redeem.

(22) As we maintain that the blemished dedicated animal was also meant for exchange.

(23) I.e., the blemished dedicated animal.

(24) Like the law of dedications which became unfit for the altar, and which are redeemed.

(25) Since Scripture says: 'Ye shall not wrong one another' (Lev. XXV, 14) implying, one another, thus excluding Hekdesh (consecrated property) from the laws of overreaching.

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(26) Where Hekdesh was overreached only by a sixth and the difference in the value between the Hullin and Hekdesh must be returned.

(27) Where the overreaching was more than a sixth.

T'murah 27b

Has not R. Jeremiah with reference to immovable properties of Hullin, and R. Jonah with reference to dedications, both reported in the name of R. Johanan that only the law of overreaching does not apply to them but the law of a cancelled sale does apply to them?¹ —

One can still say that the reference is to the cancellation of the sale² and reverse [the names].³ But how can you say that the names [shall be reversed]? This would be quite right according to the authority of [R. Jonah] who holds that [R. Johanan] refers to dedications,⁴ and therefore all the more does the rule apply to immovable properties.⁵ But according to the authority [of R. Jeremiah] who holds that [R. Johanan] refers only to immovable properties but that to dedications the law of cancellation of the sale does not apply, how can you reverse [the names of the disputants]?⁶ —

R. Jeremiah can answer you: There is no need for you to reverse [the names].⁷ Must we say that R. Jonah and R. Jeremiah differ with regard to Samuel's dictum, for Samuel said: 'If hekdesht⁸ of the value of a maneh⁹ was redeemed for the value of a perutah,¹⁰ it is a valid act',¹¹ R. Jonah not accepting Samuel's dictum whereas R. Jeremiah does accept Samuel's dictum? —

No. Both Masters¹² agree with Samuel, R. Jonah holding that Samuel's dictum only refers to a case where the act has been done but that it is not permissible in the first instance, whereas R. Jeremiah holds that it is permissible even in the first instance. And if you prefer [another solution], I may say: One still need not reverse [the names

even according to R. Jonah], and as regards the difficulty you raise from the Mishnah which says: To the following [overreaching does not apply], dedications, etc. this will be in accordance with the opinion of R. Hisda. For R. Hisda said: [What is the meaning of the Mishnah]: 'To the following overreaching does not apply'? [It means:] They do not come under the law of overreaching,¹³ since in their case money, even less than the amount which constitutes overreaching,¹⁴ has to be returned.

Said 'Ulla: [The Mishnah]¹⁵ only refers to where two people made the assessment, but where three made the assessment, even if a hundred came [afterwards],¹⁶ there is no redress. But it is not so! Has not R. Safra said: The principle that two are on a par with a hundred only applies to the giving of evidence, but with regard to making an assessment, it is the opinion of all the authorities that we go by the views [expressed].¹⁷ And, moreover, even if there were three against three,¹⁸ do we not follow the latter set, since Hekdesh always has the preference!¹⁹ —

'Ulla holds: Our Mishnah when it says: HE IS REQUIRED TO MAKE UP TO THE VALUE OF THE DEDICATION, means in accordance with Rabbinic law, and with reference to a Rabbinic requirement, the Rabbis adopted the lenient view.²⁰

MISHNAH. [IF ONE SAYS:] BEHOLD THIS ANIMAL SHALL BE INSTEAD²¹ OF A BURNT-OFFERING, [THIS SHALL BE] INSTEAD OF A SIN-OFFERING,²² HE HAS SAID NOTHING. [BUT IF HE SAYS:] INSTEAD OF THIS²³ SIN-OFFERING AND INSTEAD OF THIS BURNT-OFFERING,²⁴ [OR] INSTEAD OF THE SIN-OFFERING AND INSTEAD OF THE BURNT-OFFERING WHICH I HAVE IN THE HOUSE, AND HE HAD IT IN THE HOUSE, HIS WORDS STAND. IF HE SAYS CONCERNING AN UNCLEAN ANIMAL OR A BLEMISHED DEDICATED ANIMAL: BEHOLD THESE

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SHALL BE A BURNT-OFFERING, HE HAS SAID NOTHING. [BUT IF HE SAYS:] BEHOLD THEY SHALL BE FOR²⁵ A BURNT-OFFERING, THEY ARE SOLD AND THE BURNT-OFFERING IS BOUGHT WITH THEIR MONEY.

GEMARA. Rab Judah reported in the name of Rab: The Mishnah²⁶ is not the opinion of R. Meir, for if it were the opinion of R. Meir he holds that a man does not utter words for no purpose.²⁷

BEHOLD THESE SHALL BE FOR A BURNT-OFFERING, THEY ARE SOLD AND A BURNT-OFFERING IS BOUGHT WITH THE MONEY. Now the reason is because it is an unclean animal or a blemished animal, since they are not fit [for the altar] and therefore they do not require a blemish [before selling], but if one set aside a female animal for a guilt-offering or a burnt-offering, a blemish is required [before selling].²⁸ Rab Judah reports in the name of Rab: Our Mishnah will thus not be the opinion of R. Simeon.²⁹ For we have learnt: R. Simeon says, It shall be sold even if without a blemish.³⁰

(1) That if the overreaching was more than a sixth the sale is annulled. There will thus be a contradiction according to R. Jonah between the two opinions of R. Johanan.

(2) I.e., where the overreaching of Hekdesh was more than a sixth.

(3) In the dispute between R. Johanan and Resh Lakish above and say: R. Johanan holds that he is required to make up the value in accordance with the Biblical law, whereas Resh Lakish holds that it is according to the Rabbinical law.

(4) That the sale is annulled where the overreaching was more than a sixth, although Scripture says: 'One another', and thus excludes Hekdesh.

(5) That the sale is annulled. It is therefore right that we reverse the names of the disputants so that it is R. Johanan who will maintain that the money has to be made up according to the Biblical law.

(6) And maintain that R. Johanan holds that the money must be made up to the value of the dedication according to the Biblical law, since

there will thus be a contradiction between the two opinions of R. Johanan.

(7) According to him there is really no need for reversing the names, but according to R. Jonah there will be need to reserve the names of the disputants.

(8) That which is dedicated for a sacred purpose.

(9) A weight of silver or gold, as much as a hundred shekel coins.

(10) A small coin.

(11) Lit., 'it is legally redeemed'.

(12) R. Jonah and R. Jeremiah.

(13) We are not dealing at all, however, with the annulling of a sale, and therefore there is no difficulty as regards the opinion of R. Jeremiah and R. Jonah.

(14) Scripture meaning as follows: In the cases of overreaching of 'one another', there is a difference between less than a sixth and a sixth, refunding not being obligatory in the former case but only in the latter. But with reference to Hekdesh, even less than a sixth is returned. This is therefore what Resh Lakish means when he says that he is required to make up to the value of the dedication according to the Biblical law; whereas R. Johanan explains the Mishnah in the sense that there is no redress for overreaching, i.e., in the case of a sixth.

(15) Which says that the private individual must refund to Hekdesh whatever loss might be incurred in redeeming.

(16) And valued the dedication at a higher figure.

(17) If the estimate was more favorable to Hekdesh.

(18) The last three repudiating the assessment of the former.

(19) And we follow the view of the latter three.

(20) So that if three persons made the assessment, even if three others came afterwards and gave an estimate more favorable to Hekdesh, we keep to the first estimate.

(21) Heb. Tahath (v. preceding Mishnah).

(22) There being neither a sin-offering nor burnt-offering before him.

(23) A sin-offering being in front of him.

(24) A burnt-offering being in front of him.

(25) Implying its value, since if he meant to offer the animals themselves he would have said: 'These are burnt-offerings'.

(26) Which states that if one says: 'Instead of a sin-offering, instead of a burnt-offering', his words are of no consequence.

(27) Where, for example, a man dedicated the value of a child less than one month old, since the man knows that there is no fixed estimation for a child of that age, and so evidently he meant its value as sold in the market, for a person does

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not make an utterance without meaning something. And here, too, he means the animal he has in his house, or perhaps his intention was a consecration for its value (sh. Mek.).

(28) Since it is fit to be offered as a peace-offering which can be a female.

(29) V. supra 19b.

(30) Another version: But if he said concerning a female animal: 'Behold this shall be a burnt-offering', it is consecrated as such and is sold after becoming blemished and can effect exchange, since it is itself fit for a peace-offering. This is unlike the opinion of R. Simeon b. Judah who says (supra 20b) that even if he dedicated it for a burnt-offering, it cannot effect exchange for the animal does not become holy in itself, since he does not hold Miggo (v. Rashi and R. Gershom).

T'murah 28a

CHAPTER VI

MISHNAH. ALL [ANIMALS] FORBIDDEN FOR THE ALTAR RENDER [OTHERS]¹ UNFIT, HOWEVER FEW [THE FORMER MAY BE],² [SUCH CASES ARE] AN ANIMAL WHICH COVERED [A WOMAN] AND [AN ANIMAL] THAT WAS COVERED [BY A MAN], MUKZEH,³ NE'EBAD,⁴ A [HARLOT'S] HIRE, THE PRICE [OF A DOG], KIL'AYIM,⁵ TREFAH AND THE FOETUS EXTRACTED BY THE MEANS OF A CAESAREAN SECTION. WHAT IS MEANT BY MUKZEH? THAT WHICH HAS BEEN SET ASIDE FOR IDOLATROUS USE; IT [THE ANIMAL ITSELF] IS FORBIDDEN,⁶ BUT WHAT IS UPON IT,⁷ IS PERMITTED.⁸ AND WHAT IS MEANT BY NE'EBAD? THAT WHICH HAS BEEN USED FOR IDOLATRY; BOTH IT [THE ANIMAL ITSELF] AND THAT WHICH IS UPON IT, ARE FORBIDDEN.⁹ IN BOTH CASES, HOWEVER,¹⁰ [THE ANIMAL] MAY BE EATEN.¹¹

GEMARA. It has been said: ALL [ANIMALS] FORBIDDEN FOR THE ALTAR RENDER [OTHERS] UNFIT HOWEVER FEW [THE FORMER MAY BE]. [Now what does the Mishnah inform us?]¹² That [the animals forbidden for the altar] are not neutralized in any larger

number [of animals]. But have we not learnt this in a Mishnah? If any dedicated animals became mixed up with the sin-offerings which are condemned to die,¹³ or with an ox condemned to be stoned, even one in ten thousand [which are forbidden], all are condemned to die?¹⁴ And we raised the question: What does the Mishnah mean by the word 'even'?¹⁵ [And it was answered:] It means this: If any of the sin-offerings which are condemned to die became mixed up with dedicated animals, or an ox condemned to be stoned [became mixed up], even one in ten thousand,¹⁶ all are condemned to die.¹⁷ —

It is necessary.¹⁸ You might think that there,¹⁹ since the animals are prohibited from being used profitably, there is no neutralisation,²⁰ whereas here,²¹ since the animals are permitted to be profitably used,²² I might have thought that they are neutralized in any larger number. [Our Mishnah therefore] informs us [that it is not so].²³ But have we not also learnt the cases [of an animal] which covered [a woman] and [an animal] that was covered [by a man]:²⁴ [If dedications] became mixed up with [an animal] of Hullin which covered [a woman] and [an animal of Hullin] which was covered [by a man]. they all pasture until blemished. They are then sold and with the money of the best among them²⁵ he brings an offering from the same kind?²⁶ —

Said R. Kahana: I recited this tradition²⁷ in the presence of R. Shimi b. Ashi. He said to me: One [Mishnah]²⁸ deals with hullin²⁹ and the other³⁰ [Mishnah] deals with dedicated animals.³¹ And it was necessary [to teach both cases]; for if we had been taught only the case of dedicated [animals].³² [we might have thought] that the reason³³ was because the forbidden animals are rejected as unseemly,³⁴ whereas in the case of hullin,³⁵ we might have thought that [the forbidden animals] are neutralised.³⁶ But have we not also learnt

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this³⁷ with reference to Hullin? The following are forbidden and render forbidden other hullin,³⁸ however minute in quantity: Forbidden wine,³⁹ idols, birds [brought] by a leper,⁴⁰ hides pierced at the heart,⁴¹ the hair of a Nazirite,⁴² the firstborn of an ass, meat and milk [boiled together],⁴³ an ox condemned to be stoned, the heifer whose neck was broken, Hullin which was killed in the Temple court, and the goat sent away [to Azazel] these are forbidden⁴⁴ and render other Hullin forbidden, however small in quantity.⁴⁵ —

It was necessary [to teach both Mishnahs], for if we had been informed only [of the Mishnah] there,⁴⁶ we might have thought that the reason⁴⁷ was because [the cases mentioned] are prohibited for general use, but here we might have thought they are neutralized in greater numbers; and if we had been informed only here,⁴⁸ [we might have said that the reason was] because it is loathsome to use [the animals] for the altar, but for private use, we might have thought that even things which are forbidden to be profitably used are neutralized in the greater numbers. [Our Mishnah] therefore informs us [that it is not so].⁴⁹ And whence do we derive that the case of [an animal] that covered [a woman] and [an animal] which was covered [by a man] are forbidden for the altar? —

Our Rabbis have taught: [Scripture says:] Of the cattle,⁵⁰ this excludes⁵¹ the cases of [an animal] which covered [a woman] and [an animal] which was covered [by a man]. But can we not derive this from an analogy?⁵² If a blemished animal with which no sinful act has been done is forbidden for the altar, how much more should [an animal] that covered [a woman] and [an animal] which was covered [by a man] be forbidden for the altar? Let the law concerning one who plows with an ox and an ass [together] decide, since a sinful act has been done with it and yet it is allowed for the altar!⁵³ The case of plowing

with an ass and an ox together is, however, different since there is no punishment of death incurred, whereas in the cases of [an animal] that covered [a woman] and [an animal] which was covered [by a man] the punishment of death is incurred.⁵⁴ Then take away [the argument]⁵⁵ you have brought⁵⁶ and say that [you can rely upon the above analogy]⁵⁷ for the case of an animal with which a sinful act has been done according to the testimony of two witnesses;⁵⁸ but whence do we learn the case where a sinful act had been done according to the testimony of only one witness,⁵⁹ or where the owners confessed?⁶⁰

Said R. Simeon: I will bring forward an analogy [as follows]:⁶¹ If in the case of a blemished animal, where [the testimony] of two witnesses does not disqualify the animal from being eaten, the testimony of one witness disqualifies it from being offered [on the altar],⁶² then in the cases [of an animal] that covered [a woman] and [an animal] which was covered [by a man], where the testimony of two witnesses disqualifies the animal from being eaten,⁶³ how much more should the testimony of one witness disqualify the animal from being offered on the altar? The text therefore states ‘of the cattle’, to exclude the cases of an animal that covered [a woman] and [an animal] which was covered [by a man]. But have you not just inferred this from an analogy?⁶⁴ —

(1) With which they have become mixed up, unfit for being offered on the altar if the former are not recognized. In all the cases mentioned later in the Mishnah, it may always be that it will not be possible to recognize the forbidden one, except in the case of Trefah which is always recognizable. Yet here too the case may arise where the gullet of the animal was pierced, the skin healed up and then it became mixed up with other animals (R. Gershom). Also the Trefah here mentioned may refer to the offspring of a Trefah (Rashi).

(2) Even if one animal forbidden for the altar became mixed up with a thousand other

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animals, all of them become unfit for the altar, since we cannot identify the forbidden one.

(3) Lit., 'set aside'. Explained later in the Mishnah.

(4) Lit., 'served'. Explained in the Mishnah.

(5) The offspring of a ewe which copulated with a he-goat.

(6) For the altar.

(7) Its ornaments and their value.

(8) As offerings for the altar.

(9) For the altar.

(10) I.e., Mukzeh and Ne'ebad.

(11) For private use, since a living thing cannot be forbidden.

(12) Inserted with Sh. Mek.

(13) Implying that one of the dedicated animals became mixed up with many sin-offerings which are condemned to die.

(14) Zeb. 70b.

(15) For since the cited Mishnah implies that one dedicated animal became mixed up with a large number of sin-offerings condemned to die, then surely the dedicated animals are all the more condemned to die if the number was one fit animal as against ten thousand unfit ones?

(16) I.e., one forbidden animal among ten thousand fit ones for the altar.

(17) And we do not say that the forbidden animal is neutralized by the greater number of fit animals. What need then is there for our Mishnah to teach us the same?

(18) For our Mishnah to state that the forbidden animals are not neutralized in any larger number!

(19) The cited Mishnah referring to the cases of sin-offerings which are condemned to die and an ox condemned to be stoned, of which no use whatever may be made.

(20) As these forbidden animals are considered of great importance.

(21) Our Mishnah.

(22) An animal which covered a woman and which was covered by a man may be eaten by a private person, for the case dealt with here is where the evidence of covering is given by one witness, there being no punishment of stoning in such circumstances.

(23) And on the other hand if the Tanna had informed us here in our Mishnah that there is no neutralization, I might have thought that here, since these animals are rejected for the altar, there is no neutralization in any larger number and the animals pasture until blemished and are then eaten. But in the case of something which is forbidden even for a private person, as in the cases mentioned in the cited Mishnah, I might have thought that there would be neutralization. We are therefore informed there that all the dedications which became mixed up

are condemned to die, and that even in the case of a private person there is no neutralization, since the Mishnah does not say there that a dedication shall pasture until blemished and be eaten by private people after redemption (v. Rashi and Zeb. 71b).

(24) That there is no neutralization.

(25) The greatest in value among the animals, since we cannot identify the offering.

(26) If the offering which became mixed up was a peace-offering, then a peace-offering is brought, and if a burnt-offering, then a burnt-offering is brought, since the rights of Hekdesh are superior, v. Zeb. 71a. Consequently we see from here that there is no neutralization in the larger number.

(27) Of there being two Mishnahs teaching the same thing.

(28) Our Mishnah.

(29) I.e., the mixing up of the forbidden animal took place when the other animals were Hullin and he proceeded to dedicate them after the mixing.

(30) In Zeb. 72a.

(31) The mixing up of the forbidden animal with the dedicated animals.

(32) When the mixing up was with dedicated animals.

(33) Why there is no neutralization in the greater number.

(34) Animals covered or that have been covered are rejected as unseemly for the altar.

(35) Since these animals of Hullin are not rejected as unseemly for the altar when they became mixed up, as there was no share for the altar among them, and therefore when subsequently they were dedicated for the altar, it is quite in order, as they have already been neutralized (Rashi). In Zeb. the Talmud asks why then not state only the Mishnah in Temurah referring to Hullin and then there would be no need for the Mishnah in Zebahim? And it answers that the reason is because the Mishnah in Zeb. informs us of something fresh, viz., that there is a remedy as regards dedications, i.e., that he sells, etc. unlike the case in the Mishnah of Temurah where there is no remedy (v. Rashi).

(36) That there is neutralization in the greater number.

(37) That there is no neutralization in any larger number, even with actual Hullin in the case of living things and important prohibitions (Rashi).

(38) When mixed up.

(39) Wine used for idolatrous libation.

(40) Which were let loose into the open field and from which it was prohibited to benefit.

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- (41) These were forbidden, because the heart had been cut out for idolatrous purposes.
- (42) Which was burnt under the pot boiling the peace-offering.
- (43) If the meat then became mixed up with even a thousand other pieces, they are all forbidden to be used in any way.
- (44) To be profitably used.
- (45) The prohibited thing may be; v. 'A.Z. 74a.
- (46) In Zeb.
- (47) Why there is no neutralization.
- (48) The Mishnah of Temurah.
- (49) That they are not neutralized.
- (50) Lev. I, 2.
- (51) The word 'of' implying but not all cattle may be brought as a sacrifice.
- (52) A conclusion from minor to major, so that there is no need for a Scriptural text.
- (53) The same will therefore apply to the case of an animal that covered or was covered. There is thus need for a special text to render them unfit for the altar.
- (54) Therefore one can employ the above a minori argument and dispense with the special text.
- (55) From the plowing with an ox and an ass together.
- (56) Since it is no question, for the reason just mentioned.
- (57) The conclusion from the minor to the major, quoted above.
- (58) That the animal is forbidden for the altar, since it is condemned to die.
- (59) In which case the animal is not condemned to die but is forbidden for the altar.
- (60) In which case the animal is exempted from death. In these cases surely a text is necessary.
- (61) And there is no need for a Scriptural text.
- (62) Since the expert says it is a permanent blemish, it is disqualified from being offered on the altar.
- (63) Since it is stoned to death.
- (64) Then why bring the Scriptural text?

T'murah 28b

Said R. Ashi: Because there is an objection to the basis of the analogy [as follows]: The case of a blemished animal is different, since its blemish is visible. Can you however say the same as regards the case of [an animal] which covered [a woman] and [an animal] which was covered [by a man] whose blemish is not visible? And since its blemish is not visible, it should be fit for the altar. The text therefore states: 'Of the

cattle', to exclude the cases of [an animal] that covered [a woman] and [an animal] which was covered [by a man]. [The words:] Even of the herd,¹ exclude ne'ebad.² But can we not learn this from an analogy?³

If in the cases of a [harlot's] hire and the price [of a dog], whose overlayings are permitted,⁴ they [the animals themselves] are forbidden for the altar, in the case of Ne'ebad whose overlayings are forbidden,⁵ how much more should the animal itself be forbidden for the altar?⁶ Or is it not the reverse⁷ [as follows]: If in the case of a [harlot's] hire, and the price [of a dog], which themselves are forbidden for the altar, yet their overlayings are permitted, in the case of Ne'ebad which is permitted for the altar,⁸ how much more so should its overlayings be permitted? If so,⁹ you do away with the Scriptural text: Thou shalt not desire the gold and silver that is on them, nor take it into thee?¹⁰ I will explain the text: 'Thou shalt not desire the gold and the silver that is on them', as referring to a thing without life, but in the case of a living being [i.e., an animal], since it is permitted [for the altar], its overlayings should also be permitted.¹¹ The text therefore states: 'Even of the herd,'¹² in order to exclude the case of ne'ebad.¹³

To this R. Hanania demurred: The reason¹⁴ then is because the Scriptural text made a limitation, but if the text had not made a limitation, the overlayings would be permitted. But is it not written: And you shall destroy their names,¹⁵ implying everything made for them?¹⁶ —

That is for the purpose of substituting a name for the idols. When [the idolaters] call a place Beth-Galia,¹⁷ [Israelites should call] it Beth Karia,¹⁸ Penei Hamolekh [they should call] Penei Keleb,¹⁹ 'Ain Kol²⁰ [they should call] 'Ain Koz.²¹ And why not reverse the exclusions [from the texts as follows]: 'Of the cattle' excludes Ne'ebad

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and ‘even of the herd’ excludes the cases of [an animal] that covered [a woman] and [an animal] that was covered [by a man]? —

In the one case²² we exclude something which is associated with the subject of the text, and in the other, we also exclude something which is associated with the subject of a text. With regard to [the feminine term] ‘Behemah’ [cattle]²³ it is written: And if a man lie with a Behemah [beast], he shall surely be put to death,²⁴ and with regard to [the masculine term] ‘Bakar’ [herd] it is written: Thus they changed their glory with the similitude of an ox that eateth grass.²⁵ ‘Of the flock’²⁶ excludes mukzeh;²⁷ ‘and of the flock’ excludes the goring ox²⁸ [from the altar].

Said R. Simeon: If Scripture [excludes the case] of roba’,²⁹ what need is there for [the exclusion of] the goring ox?³⁰ And if Scripture [excludes the case of] the goring ox, what need is there for [the exclusion of] the case of Roba’? —

Because there is a law applying to Roba’ which does not apply to the gorer [and³¹ there is a law applying to the gorer which does not apply to Roba’]. There is a law as regards Roba’ that the unintentional act is on a par with the intentional act, unlike the case of the gorer.³² There is a regulation applying to the gorer that [the owner of the ox] pays indemnity,³³ unlike the case of Roba’. There is need therefore [for Scripture] to mention [the exclusion] of Roba’ and the gorer.³⁴ And the following Tanna derives this³⁵ from here [as follows]: For it has been taught as regards Roba’ and Nirba’ [etc.], if one dedicated them they are like dedicated animals in which a transitory blemish occurred before their dedication and which require a permanent blemish in order to redeem them, since it says: Because their corruption is in them, there is a blemish in them.³⁶ But how can you derive that from the text?³⁷ —

A clause is missing [in the Baraita] which should read as follows: Whence do we infer that they are forbidden [for the altar]? Because Scripture says: ‘Because their corruption is in them, there is a blemish in them’. And a Tanna of the School of R. Ishmael taught: Whenever the term Hashhatha [corruption] is used [in the Scriptures] it refers to lewdness³⁸ and idolatry.³⁹ ‘Lewdness’, as it Says: For all flesh had corrupted its way, etc.⁴⁰ and ‘idolatry’, as it says: Lest ye corrupt yourselves and make you a graven image the similitude of any figure.⁴¹ [We thus argue:]⁴² Wherever a blemish disqualifies [an animal for the altar], ‘lewdness’ and ‘idolatry’ also disqualify them.⁴³ And how does the Tanna of the School of R. Ishmael expound the texts, Of the cattle, of the herd and of the flock?⁴⁴ —

These [texts] are required by him in order to exclude the following cases: A sick, old or evil-smelling animal.⁴⁵ Now the former Tanna [quoted above] who derives the cases of Roba’ and Nirba’ as unfit for the altar from those texts,⁴⁶ whence does he derive the cases of a sick, old and evil-smelling animal [as being forbidden for the altar]? — He derives these from [the texts]: ‘And if of the flock, of the sheep, or of the goats.⁴⁷ And what will the Tanna of the School of R. Ishmael do with these texts?⁴⁸ — It is the way of Scripture to speak in such a manner.⁴⁹

WHAT IS MEANT BY MUKZEH? THAT WHICH HAS BEEN SET ASIDE FOR IDOLATROUS USE, etc. Said Resh Lakish: Mukzeh is forbidden only if it had been set aside for seven years,⁵⁰ since it says: And it came to pass that the Lord said unto him: Take thy father's young bullock even a second bullock of seven years old.⁵¹ But there [in the text], was it only a case of Mukzeh? Was it not also a case of ne'ebad?⁵² Said R. Aha son of R. Jacob: It was designated for idolatry but they did not actually use it [as an idol]. Raba says: One

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can still maintain that they actually used it [the bull, as an idol],⁵³ but there it⁵⁴ was an innovation, as R. Aba b. Kahana explained. For R. Aba b. Kahana said: Eight things were permitted that night [as follows]: [The killing of an animal] outside [the tabernacle, the killing] at night,⁵⁵ [the officiating by] a non-priest,

(1) Lev. I, 2.

(2) That an animal which has been used for an idolatrous purpose is forbidden for the altar. We infer this from 'of', taken in a partitive sense.

(3) A conclusion from the minor to the major that Ne'ebad is forbidden for the altar. What need then is there for a Scriptural text?

(4) If after he had given the harlot an article he overlaid it with gold or silver etc, the overlay may be brought to the Temple for the covering of the altar.

(5) Scripture saying: Thou shalt not desire the gold and silver, etc. (Deut. VII, 25).

(6) Granted that the animal cannot be prohibited for private use, since a living thing cannot be forbidden, nevertheless it should be unfit for the altar, seeing that its overlayings are forbidden even for private use. What need therefore is there for a Scriptural text?

(7) If there existed no text, then I might have reversed the analogy.

(8) Since there is no explicit Scriptural text which prohibits (Rashi).

(9) That the overlaying of an idol used also as an idol is permitted to be used.

(10) Deut. VII, 25. One cannot therefore reverse the analogy and say that the overlayings of a Ne'ebad may be used for a sacred purpose. We therefore might have inferred from the analogy above that a Ne'ebad is forbidden for the altar, and therefore a Scriptural text is not required to exclude a Ne'ebad.

(11) And therefore I can reverse the analogy and derive that a Ne'ebad is fit for the altar and that its overlayings are also permitted to be used.

(12) 'Of', implying a restriction and limitation.

(13) That it is forbidden for the altar. And since the animal is forbidden to be offered, the overlayings are also forbidden, even for private use, as we apply here the text: 'Thou shalt not desire the gold and silver that is on them' (Rashi and Tosaf.).

(14) Why the overlayings of a Ne'ebad are forbidden to be used.

(15) Deut. XII, 3.

(16) Lit., 'in their name'.

(17) Lit., 'the high house'.

(18) A House of Heaps (ruins), in derogation. It is a cacophemistic change of name.

(19) A contemptuous change of name, from 'face of Molekh' to 'face of a dog'.

(20) Lit., 'the eye of all'.

(21) Koz means a thorn, another contemptuous change of name.

(22) Lit., 'there'.

(23) We find the word Behemah in connection with the case of an animal that covered a woman and an animal which was covered by a man, while in connection with idolatry we find the word Bakar (herd) used.

(24) Lev. XX, 15.

(25) Ps. CVI, 20. The term used there is the masculine 'Shor' (ox).

(26) Lev. I, 2.

(27) That which is set aside for idolatrous purposes.

(28) Which killed a man according to the evidence of one witness, where the animal is not stoned to death.

(29) An animal which covered a woman, from being offered on the altar.

(30) Since both are alike in this, that both animals are stoned to death on the testimony of two witnesses.

(31) Inserted with Sh. Mek.

(32) Only an ox which gores on its own accord is condemned to be stoned to death, but not an ox of the arena which is forced by others to gore.

(33) For killing a man, although the ox is stoned to death.

(34) That they are unfit for the altar.

(35) That Roba' and Nirba' (that which covered or had been covered) are forbidden for the altar.

(36) Lev. XXII, 25.

(37) What bearing has the text just quoted on Roba' and Nirba'?

(38) Illicit sexual relations.

(39) And Roba' and Nirba' are cases of 'lewdness' and Mukzeh, and Ne'ebad are cases relating to idolatry.

(40) Gen. VI, 12.

(41) Deut. IV, 16.

(42) Comparing the earlier part of the text: 'Because their corruption, etc.' with the latter part: 'There is a blemish in them'.

(43) From being offered on the altar.

(44) Since he derives the exclusion of Roba', etc. from the text: 'Because their corruption, etc.'

(45) As being unfit for the altar.

(46) 'Of the cattle, etc.'

(47) An entirely different verse, Lev. I, 20.

(48) 'And 1f of the flock, etc.' just quoted.

(49) That no special interpretation is meant in the way of excluding any cases from being offered.

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(50) And after the conclusion of seven years the animal is to be offered to the idols.

(51) Judg. VI, 25. Having fattened it for seven years. We therefore see that this is the usual period for fattening before it is used for idolatrous purposes.

(52) Since Scripture says: And throw down the altar of Baal (Judg. VI, 25) which means the altar which was built for the bullock which was Baal (R. Gershom).

(53) And yet you cannot derive any law from this particular incident.

(54) The whole incident of Gideon here.

(55) Scripture saying: He did it by night (Ibid. 27).

T'murah 29a

[without] a ministering vessel,¹ ministering with vessels of asherah,² the wood of asherah,³ Mukzeh and Ne'ebad.

R. Tobi b. Mattenah reported in the name of R. Josiah: Where in the Torah is Mukzeh intimated?⁴ Since it says: Shall ye observe to offer unto Me,⁵ intimating that every dedication requires special observation.⁶

To this Abaye demurred: If this is so, if one brought a lean lamb without having kept it under observation, is it really the case that it is not fit to be offered on the altar? He [R. Tobi] replied to him [Abaye]: I mean [the text says]: 'Shall ye observe to offer unto Me', 'unto Me' implying but not to another lord. What is meant by another lord to whom offering is made? It is idolatry.⁷

Raba son of R. Adda reported in the name of R. Isaac: Mukzeh remains forbidden only until it has been used for some work.⁸ 'Ulla reported in the name of R. Johanan: Until the animal is handed over to the ministers of the idol [to be eaten].⁹ Beha¹⁰ reported in the name of R. Johanan: Until they feed the animal with vetches set aside for idolatry.¹¹ Said R. Abba to Beha: Do you¹² and 'Ulla differ? —

He replied to him: No. 'Ulla himself means that it is fed¹³ with vetches set aside for idolatry.

R. Abba said: Beha knew how to explain this teaching. Had he not, however, gone¹⁴ there [Palestine], he would not have known how to explain it, for it was the Land of Israel which was the cause.¹⁵ Said R. Isaac to him: Beha belonged to both Babylon¹⁶ and the Land of Israel.¹⁷

R.¹⁸ Hanania of Trita¹⁹ recited in the presence of R. Johanan: Mukzeh remains forbidden only until some act has been done with it. He taught this and also explained: What is meant by some act? — Such as shearing its wool or doing some work with it.

WHAT IS MEANT BY NE'EBAD, etc. Whence is this proved?²⁰ Said R. Papa: Since Scripture says: From the well-watered pastures of Israel;²¹ this intimates,²² from what is legitimate for Israel.²³ Now if you were to assume that they²⁴ are forbidden for private use, what need is there for a [special] Scriptural text²⁵ to exclude them from the altar?²⁶ But is it the case that wherever a thing is forbidden for private use there is no need for a Scriptural text?²⁷ Is there not the case of Trefah which is forbidden for private use and yet a Scriptural text excludes it from being offered on the altar? For it has been taught: [Even of the herd²⁸ excludes ne'ebad.²⁹ Perhaps it is not so, and the object of the text is to exclude Trefah?] When Scripture however says further on: Of the herd,³⁰ which there is no need to repeat, it must be in order to exclude the case of Trefah from the altar!³¹ —

[Both] texts³² are necessary. For you might think that the text³³ refers to a case where the animal became Trefah and then it was dedicated,³⁴ but where the animal was dedicated and then it became Trefah, I might have thought that it is legitimate [for

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the altar].³⁵ But we do not derive this³⁶ from the following. [It says:] Whatsoever passeth under the rod,³⁷ thus excluding the case of Trefah which cannot pass?³⁸ —

That text³⁹ is also necessary. You might have thought that [the former text] refers only to an animal which was at no time fit for the altar, having been born a Trefah in the inside of its mother; but in a case where it was fit at one time [for the altar], and it was born⁴⁰ and then became Trefah, I might have thought that it is legitimate for the altar. [The text]⁴¹ therefore teaches us [that it is not so].⁴²

MISHNAH. WHAT IS MEANT BY A [HARLOT'S] HIRE? IF ONE SAYS TO A HARLOT: TAKE THIS LAMB FOR YOUR HIRE, EVEN IF THERE ARE A HUNDRED LAMBS, THEY ARE ALL FORBIDDEN [FOR THE ALTAR]. SIMILARLY, IF ONE SAYS TO HIS FELLOW: HERE IS A LAMB AND ASSIGN YOUR [NON-ISRAELITISH] MAIDSERVANT FOR MY SERVANT, R. MEIR⁴³ SAYS: IT [THE LAMB] IS NOT REGARDED AS [HARLOT'S] HIRE, WHEREAS THE SAGES SAY: IT IS REGARDED AS [HARLOT'S] HIRE.

GEMARA. The Master says: EVEN IF THERE ARE A HUNDRED LAMBS THEY ARE ALL FORBIDDEN. How is this meant? Shall I say that she took a hundred animals for her hire? Surely it is obvious that they are all forbidden [for the altar]! What is the difference whether there be one or a hundred [lambs]?⁴⁴ — No; it is necessary⁴⁵ in a case where she took one lamb as her hire⁴⁶ and he gave her a hundred; all are then forbidden, since they all come by reason of the hire.⁴⁷

Our Rabbis have taught: If he gave her,⁴⁸ but he had no intercourse with her, if he had intercourse with her, but did not give her, her hire is legitimate [for the altar]. In the case where he gave her but did not have intercourse with her, do you call this her

hire? And, moreover, the case where he had intercourse with her but did not give her, [you say that her hire is legitimate]. But what did he give her? — What is meant is this: If he gave her and then had intercourse with her, or if he had intercourse with her and then gave her [a lamb for] her hire, it is legitimate [for the altar]. But should not the law of [harlot's] hire take effect retrospectively?⁴⁹ —

Said R. Eleazar:

- (1) I.e., one consecrated for the purpose of ministry.
- (2) With the same vessel that he ministered to Asherah (a tree or grove worshipped as a god), he ministered to the Name.
- (3) With which he burnt the offering.
- (4) Misunderstood by Abaye as meaning: Where is it intimated that an animal must be kept in an enclosed space for some time to be looked after before it can be offered on the altar?
- (5) Num. XXVIII, 2.
- (6) To be designated and looked after before being offered.
- (7) R. Tobi therefore says: Whence in the Torah is Mukzeh, an animal designated for idolatry, forbidden?
- (8) Whereby its designation for the idolatrous altar is annulled. This is Rashi's second interpretation which he prefers. The first interpretation is: Mukzeh is forbidden only when some work has been done with it, but previous to this there is no prohibition for the altar.
- (9) After which it will no longer be offered on the altar.
- (10) The name of an Amora.
- (11) To fatten them for the idolatrous priests.
- (12) V. Sh. Mek.
- (13) Lit., 'he rubs for it'.
- (14) Var. lec. 'come up from'.
- (15) For the air of the Land of Israel made people wise.
- (16) Lit., 'from here and here'.
- (17) And had the advantage of studying in both countries and his wisdom was not due only to his being a student from the Land of Israel.
- (18) V. Marginal Gloss.
- (19) In Babylonia.
- (20) That Mukzeh and Ne'ebad are permitted to be eaten privately.
- (21) Ezek. XLV, 15. The verse refers to the bringing of sacrifices.
- (22) That an offering can be brought.

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- (23) To be eaten.
- (24) Mukzeh and Ne'ebad.
- (25) 'Of the herd, of the flock', the former text including Ne'ebad and the latter excluding Mukzeh.
- (26) Lit., 'the Most High'. Since we can exclude Mukzeh and Ne'ebad as regards offering them on the altar from the text: 'From the well-watered pastures' inasmuch as they are forbidden to Israel! The fact therefore that the special Scripture texts are required proves that Mukzeh and Ne'ebad are permitted to be eaten privately.
- (27) To render it unfit for the altar.
- (28) Lev. I, 2. The bracketed passage is inserted with Sh. Mek.
- (29) That an animal which is used as an idol is forbidden for the altar.
- (30) Lev. I, 3.
- (31) And since the second text certainly excludes the case of Trefah, therefore the first text must exclude Ne'ebad. We see therefore that although Trefah is forbidden to be eaten there is a special Scripture text to exclude it from the altar (Rashi).
- (32) 'From the well-watered' and 'of the herd, etc.'
- (33) 'From the well-watered pastures, etc.'
- (34) In which case, since it was Trefah and forbidden to be eaten before the dedication, it is unfit for the altar.
- (35) The text therefore 'of the herd, etc.' excludes Trefah from being offered on the altar, even where the Trefah occurred subsequently to the dedication (Rashi).
- (36) That where one dedicated an animal and it afterwards became Trefah, it is forbidden for the altar.
- (37) Lev. XXVII, 32.
- (38) Since it implies that although the animal entered the shed to be tithed it was not Trefah, if it became Trefah, i.e., if its legs were broken from the ankle upwards after entering the shed, so that it cannot pass under the rod, it is excluded from being offered on the altar (R. Gershom).
- (39) 'All that passeth, etc.'
- (40) Lit., 'came into the air space of universe'.
- (41) 'All that passeth'.
- (42) And where the animal became Trefah after its birth and was dedicated, it was also forbidden for the altar. And the text, 'of the herd' excludes the case of the animal which became Trefah after dedication (Rashi).
- (43) Var. lec. 'Rabbi'.
- (44) As they are all a harlot's hire and forbidden for the altar.
- (45) For the Mishnah to say that even a hundred animals are forbidden.

- (46) The man only promised her one lamb.
- (47) And we do not say that they were given to her as a present.
- (48) A lamb as hire.
- (49) In the case where he gave her a lamb before he had intercourse with her, why should not the lamb be considered her hire? For, since at the time of the intercourse the lamb is alive, and he had intercourse with her on the strength of promising it, then wherever the lamb is to be found, it should be regarded as the hire of a harlot. Now there is no difficulty in the case where he had intercourse with her and then gave her a lamb, for one might say that since the animal was not assigned to her at the time of the intercourse, it was not forbidden for the altar and should be regarded as a present (Rashi).

T'murah 29b

[We are dealing with a case] where she offered [the lamb] before [intercourse]. How are we to understand this? Shall we say that he gave her immediate possession [of the lamb]?¹ Surely it is obvious that it is legitimate for the altar,² since so far he has had no intercourse with her!³ Shall we then suppose that he said: Do not acquire ownership of it [the lamb] until the time of intercourse?⁴ But can she in such conditions offer it, Seeing that the Divine Law says: And when a man shall sanctify his house to be holy unto the Lord,⁵ [and we infer] just as 'his house'⁶ is in his possession,⁷ So all things must be in his possession?⁸ — No. It is necessary⁹ where he said: '[The lamb] shall not be acquired by you until the time of intercourse, but if you need it,¹⁰ let it be acquired by you from now'.¹¹

R. Oshaia asked: What is the ruling if she dedicated the lamb before [the intercourse]? — But why not solve this from the teaching of R. Eleazar, since R. Eleazar said [above]: Where she offered [the lamb] before [the intercourse]? Now [he says] that where she offered it, it is legitimate [for the altar] because it is not in existence at the time of the intercourse, implying that where she dedicated it, [since the animal is in existence at the time of the

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intercourse],¹² it is forbidden [for the altar]?¹³ —

This itself is the inquiry of R. Oshaia:¹⁴ [Do we say that] where she offered it, since it is not in existence at the time of the intercourse, the animal is legitimate [for the altar], but where she dedicated it at the time of the intercourse, the animal is forbidden [for the altar],¹⁵ or perhaps since we have learnt: The word of mouth is in dedication what delivery is in private transaction,¹⁶ [if she] dedicated it, it is legitimate [for the altar], and all the more is it legitimate [for the altar] if she offered it?¹⁷ — Let it remain undecided.

[The Master said:]¹⁸ ‘If he had intercourse with her and then he gave her her hire, it is legitimate for the altar’. But has it not been taught: If he had intercourse with her and he gave her a lamb, even after twelve months,¹⁹ the hire is forbidden [for the altar]? —

Said R. Hanan son of R. Hisda: There is no difficulty. Here²⁰ we suppose that he said to her: ‘Submit to intercourse for this lamb,’²¹ and there²² that he said to her: ‘Submit to intercourse for a lamb’, without specifying.²³ [And²⁴ if he said to her: ‘Submit to intercourse] for this animal’, is the animal forbidden for the altar? Is not meshikah²⁵ still wanting?²⁶ —

We are dealing with a non-Israelitish harlot who does not acquire possession by meshikah.²⁷ And if you prefer [another solution] I may say that we are even dealing with an Israelitish harlot,²⁸ where e.g., the animal is standing in her courtyard.²⁹ If so, surely he gave it to her at the beginning?³⁰ [And, moreover, surely the animal is forbidden in such a case!]³¹ —

We suppose that he assigned to her the animal as security and said to her: ‘If I give you your money on a certain day, well and

good. And if not, the [whole] lamb will be your hire’.³²

Said Rab: The law of [harlot's] hire applies to a male³³ and to all forbidden relations, except the hire of his wife when she is a niddah.³⁴ What is the reason? It is written: ‘A harlot’,³⁵ and a Niddah is not a harlot. Levi, however, says: Even of his wife when a Niddah. What is the reason? It is written: An abomination,³⁶ and this is also an abomination. But as to Levi, is it not written: ‘A Zonah [harlot]’?³⁷ —

He can answer you: [It is to intimate] Zonah but not zoneh.³⁸ And whence will Rab infer [the limitation of] Zonah but not Zoneh? — He would derive it from the dictum of Rabbi. For it has been taught: Rabbi said, Hire is forbidden only when it comes to him through a transgression.³⁹ But the hire of his wife when a niddah,⁴⁰ or payments for her loss of time,⁴¹ or if she [the harlot] gave him a lamb for hire — these are legitimate [for the altar]. And although there is no proof for it in the Bible,⁴² there is an indication of it,⁴³ [Scripture saying:] And in that thou givest hire, and no hire is given unto thee, thus thou art contrary.⁴⁴ And what does Rab do with the text: ‘An abomination’?⁴⁵ —

He needs it for the teaching of Abaye. For Abaye said: The hire of a heathen harlot is forbidden for the altar. What is the reason? Here it is written: ‘An abomination’, and there Scripture says: For whosoever shall commit any of these abominations.⁴⁶ [We therefore argue,] just as there the reference is to forbidden relations where betrothal has no effect, similarly here [in the case of a harlot] we are dealing with a case where betrothal has no legal effect. And a priest who has intercourse with her is not punished with lashes for [having intercourse with] a Zonah. What is the reason? Since Scripture says: And he shall not profane his seed,⁴⁷ implying such seed as is attributed to him, to the exclusion of a

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heathen women whose seed is not attributed to him.⁴⁸ The hire of an Israelitish harlot is legitimate [for the altar]. What is the reason? Because betrothal has effect with her. And a priest who has intercourse with her is punishable [with lashes] for [having intercourse with] a Zonah. What is the reason? Because his seed is attributed to him.⁴⁹

Raba, however, says: In both cases⁵⁰ her hire is forbidden for the altar, and a priest who has intercourse with her is punishable [with lashes] for [having intercourse with] a Zonah. What is the reason? We infer one from the other:⁵¹ Just as in the case of an Israelitish harlot there is a negative command,⁵² similarly there is a negative command in connection with a heathen harlot. And just as the hire of a heathen harlot is forbidden [for the altar], similarly the hire of an Israelitish harlot is also forbidden [for the altar].

An objection was raised: The hire of either a heathen harlot or an Israelitish harlot is forbidden [for the altar]. Shall we say that this refutes Abaye?⁵³ — Abaye can answer you: This⁵⁴ will represent the view of R. Akiba who holds that betrothal takes no effect in relationships involving the infringement of a negative command.⁵⁵ [But⁵⁶ does not the Baraitha say in a later clause, as e.g., a widow for a High Priest and a divorcee or one who has performed Halizah for a common priest, her hire is forbidden?]⁵⁷ This is what [the Baraitha] informs us, that [in the case of any harlot with whom betrothal takes no effect] as is the case with a widow [for a High Priest], the hire is forbidden.⁵⁸ And according to Raba, why does [the Baraitha] say: ‘As e.g., the case of a widow for a High Priest’?⁵⁹ —

[The Baraitha means:] It is like the case of a widow [for a High Priest]: Just as a widow for a High Priest is not punishable with lashes until she is warned, similarly with a harlot there is no prohibition until

he said to her: ‘Here is [the hire]’,⁶⁰ thus excluding the teaching of R. Eleazar. For R. Eleazar said: If an unmarried man had intercourse with an unmarried woman without the intention thereby of making her his wife, he makes her a harlot. Where, however, she is already a harlot, even if he gave her a lamb [without giving the reason, Raba also agrees that] it is forbidden for the altar.

Another version: [The Baraitha] above refers to forbidden relations, where betrothals take no effect.⁶¹ But does not the latter clause say: As e.g., a widow for a High Priest, a divorcee or one who has performed Halizah for a common priest, her hire is forbidden? Now in these cases betrothals take effect!⁶² — [The Baraitha] will represent the opinion of

- (1) When he presented it to her.
- (2) Even if she did not hurry to offer it, as the law of hire does not here apply at all (R. Gershom).
- (3) When he gave it to her.
- (4) And she hurried to offer it before there was intercourse.
- (5) Lev. XXVII, 14.
- (6) Which he wishes to dedicate.
- (7) Must be his to dedicate.
- (8) In order to be able to dedicate them. And here since the lamb only becomes hers at the time of intercourse, how can she legitimately offer it beforehand?
- (9) For the Baraitha above to say that the hire is legitimate for the altar.
- (10) To be eaten or sacrificed on the altar.
- (11) We therefore regard it as a case of being in her possession to dedicate, since she can use it if she is in need. And since he said to her that the lamb is only hers at the time of intercourse, the Baraitha therefore needs to inform us that it is not a hire if she hurried and offered it before the act of intercourse.
- (12) Inserted with Sh. Mek.
- (13) What therefore is R. Oshaia's inquiry about?
- (14) R. Eleazar's teaching itself is a matter of doubt with R. Oshaia.
- (15) As it is in existence at the time of intercourse.
- (16) And one cannot withdraw from his word.
- (17) Before the intercourse.

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- (18) Inserted with Sh. Mek.
(19) After intercourse.
(20) In the Baraitha which says that the lamb is forbidden for the altar.
(21) And since he gave it to her at the time of intercourse, the law of hire has effect immediately on the animal and even if she did not receive it till twelve months later, it is forbidden for the altar (v. Sh. Mek.).
(22) In the Baraitha which says that the animal is legitimate for the altar.
(23) A particular lamb. What he therefore sends her afterwards is merely a present but not a harlot's hire.
(24) Inserted with Sh. Mek.
(25) A method of acquisition, drawing into one's possession the object to be acquired, v. Gos. s.v.
(26) Since payment alone does not confer possession and therefore she does not acquire it at the time of intercourse.
(27) V. Bek. 13a.
(28) And it can be explained that from the time that intercourse took place she possessed the animal.
(29) And one's courtyard can effect possession for a person.
(30) Before the intercourse, if the animal was placed in her courtyard. Why then does the Baraitha say that he had intercourse with her and then gave the lamb to her?
(31) V. Marginal Gloss. This appears to have been the reading in Rashi.
(32) Therefore when the day came and he did not give her the money, the animal is regarded as having been hers from the time of the act of intercourse. Nevertheless the Baraitha rightly says: 'And then he gave her the animal', since it was not hers till that particular day arrived. The Baraitha therefore needs to inform us that in such circumstances the animal is forbidden for the altar.
(33) If he had intercourse with a male and gave him a hire, the animal is forbidden to be offered.
(34) A woman during her menstruation period.
(35) Deut. XXIII, 19.
(36) Ibid.; Scripture saying: 'For the abomination of the Lord thy God, etc.' And intercourse with a Niddah is also an abomination, for it is mentioned in connection with illicit relations and with reference to all these relations the Bible says: For all these abominations (Lev. XVIII, 27).
(37) And a Niddah is not a harlot (Zonah).
(38) The male committing lewdness. I.e., that if she gave him a hire, it is legitimate for the altar.
(39) When there is no legitimate aspect to the act of intercourse.
(40) Since she becomes permissible for him after the period of menstruation.
(41) But not for the act of cohabitation.
(42) That it is legitimate to be offered.
(43) That the hire given to a male is not included in the law.
(44) Ezek. XVI, 34. Hence what she gives him is not hire (Rashi).
(45) Since he does not use it for Levi's teaching.
(46) Lev. XVIII, 29.
(47) Lev. XXI, 15.
(48) The seed from a non-Jewess is called her child but not his.
(49) Since the harlot is an Israelitish woman, the children are his, i.e., Jewish.
(50) Whether the harlot be an Israelitish or heathen woman.
(51) The case of a heathen harlot from the case of an Israelitish harlot and vice versa.
(52) 'Neither shall he profane, etc.'
(53) Who holds that the hire of an Israelitish harlot is permissible for the altar.
(54) The Baraitha just quoted.
(55) And since there is the negative command: 'Neither shall he profane' in connection with an Israelitish harlot, her hire is forbidden.
(56) The bracketed passage is inserted passage is inserted with Bah.
(57) And these examples are presumably adduced as instances where the betrothal takes effect and yet the hire is forbidden though the relationships involve no infringement of a negative command!
(58) The text in the Gemara is in disorder. V. Commentaries.
(59) Since according to him every harlot's hire is forbidden. Why therefore specifically mention the case of a widow for a High Priest?
(60) According to Raba, however, the first intercourse does not make her into a Zonah, and consequently unless he tells her 'this is your hire', what he gives her is considered a mere gift.
(61) And therefore even the hire of an Israelitish harlot is forbidden.
(62) And yet the hire is forbidden.

T'murah 30a

R. Eleazar, who said: If an unmarried man has intercourse with an unmarried woman without the intention thereby of making her his wife, he makes her a harlot.¹ If [the Baraitha] represents the opinion of R. Eleazar, why take the case of a widow for a High Priest?² Why not take the case of an unmarried woman? — It was necessary to take the case of a widow [for a High Priest].

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[For otherwise] you might think that since this³ is the typical case⁴ the [other cases] are not forbidden. [The Baraitha] informs us [that it is not so].

IF ONE SAYS TO HIS FELLOW: HERE IS THIS LAMB FOR YOU, etc. But is not a bondwoman permitted for a slave?⁵ — Said R. Huna: [The Mishnah means] for himself,⁶ and the reason why it Says, MY SLAVE is because it is a more refined expression to use. If this is so, what is the reason of R. Meir?⁷ —

Said Samuel son of R. Isaac:⁸ One can still say that the Mishnah actually means, MY SLAVE, and it refers to a Hebrew slave. If this is so, what is the reason of the Rabbis, since a bondwoman is permitted for a Hebrew slave? — The case here is where he does not possess a wife and children. For it has been taught: If a Hebrew slave does not possess a wife and children, his master cannot hand over a Canaanitish slave to him,⁹ but if he possesses a wife and children, his master can hand over a Canaanitish slave to him.

MISHNAH. AND WHAT IS MEANT BY THE PRICE OF A DOG?¹⁰ IF ONE SAYS TO HIS FELLOW, HERE IS THIS LAMB INSTEAD OF [THIS] DOG.¹¹ AND LIKEWISE IF TWO PARTNERS DIVIDED [AN ESTATE] AND ONE TOOK TEN LAMBS AND THE OTHER NINE AND A DOG, ALL THOSE TAKEN INSTEAD OF THE DOG ARE FORBIDDEN [FOR THE ALTAR],¹² BUT THOSE TAKEN WITH A DOG ARE LEGITIMATE [FOR THE ALTAR]. THE HIRE OF A DOG¹³ AND THE PRICE OF A HARLOT¹⁴ ARE LEGITIMATE [FOR THE ALTAR], SINCE IT SAYS: [FOR EVEN] BOTH [OF THESE]¹⁵ ‘BOTH’ BUT NOT FOUR.¹⁶ THEIR ISSUE¹⁷ ARE LEGITIMATE [FOR THE ALTAR SINCE IT SAYS]: [BOTH OF THESE,] IMPLYING THEY¹⁸ BUT NOT THEIR ISSUE.

GEMARA. Our Rabbis have taught: ‘A Mekir of a dog’,¹⁹ this refers to that taken

in exchange for a dog. And likewise it says:²⁰ Thou sellest thy people for naught and hast not set high their price.²¹ And why not say [that Mekir means] the hire [of a dog]?²² — The text ‘both’ implies, but not three.²³ But did we suggest the hire and the price of a dog; what we suggested is that [it means] the hire and not the price? — If so, let Scripture say: Thou shalt not bring the hire of a harlot and a dog. Since Scripture says: The hire of a harlot or the price of a dog, you can prove from here [that it means the price but not the hire of a dog].

PARTNERS WHO DIVIDED [THEIR ESTATE] AND ONE TOOK, etc. But why not take out [one lamb] for the dog, and all the remaining [lambs] should then be legitimate [for the altar]? — We are dealing here with a case where the value of the dog was greater than the value of any one [of the corresponding lambs] and this additional amount is distributed over all [the corresponding lambs].²⁴

THE HIRE OF A DOG AND THE PRICE OF A HARLOT ARE LEGITIMATE, etc. Said Raba of Parzakia²⁵ to R. Ashi:

- (1) And therefore the hire is forbidden, whereas Abaye will hold the opinion of the Rabbis who dispute with R. Eleazar.
- (2) In the latter clause of the Baraitha.
- (3) The case mentioned by R. Eleazar.
- (4) If the case of an unmarried man who had intercourse with an unmarried woman had been taken, I might have regarded it as typical, and said that only where there is no prohibition as regards intercourse is the hire forbidden, but where intercourse is prohibited hire is not forbidden, and therefore in the case of a widow for a High Priest, etc. the hire is not forbidden. The Baraitha therefore takes as example the case of a widow for a High Priest, etc.
- (5) Why therefore do the Rabbis hold in our Mishnah that the lamb is a harlot's hire?
- (6) I.e., the Israelite. And as regards himself, he is forbidden to have intercourse with a bondwoman.
- (7) Who says in the Mishnah that it is not a harlot's hire. V. Bah.
- (8) Var. lec. b. Nahmani.

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(9) Because Scripture says: If he came in by himself, he should go out by himself (Ex. XXI, 3). R. Meir, who says that it is not a harlot's hire, does not however agree to this and holds that even if the Hebrew slave has no wife and children, his master can hand over a Canaanitish slave to him.

(10) V. Deut. XXIII, 19.

(11) The lamb is forbidden for the altar as 'price of a dog'.

(12) Since one can describe each lamb as the equivalent and price of the dog.

(13) If one gave a lamb to his neighbor in order to allow him to abuse his dog.

(14) The price obtained for selling a harlot.

(15) Deut. XXIII, 19.

(16) And there are no other cases where the lamb is forbidden in such circumstances. Now to add the cases of hire of a dog and price of a harlot would be to make four cases.

(17) Sc. of the lamb received as harlot's hire or price of a dog.

(18) The emphasis is on 'these'.

(19) 'The price of a dog'.

(20) Ps. XLIV, 13.

(21) The term used is Mehir. We therefore see that Mehir means 'the price'.

(22) For this reading cf. Rashi and Wilna Gaon.

(23) And by adding the case of hire of a dog there would be three cases of abomination.

(24) Where not one of the corresponding lambs is of equal value to the dog, some of the additional value of the dog is extended to each of the opposite lambs. E.g., suppose that each of the corresponding lambs was worth a dinar, making altogether ten dinars and each of the nine lambs with the dog was worth a dinar minus a Ma'ah (v. Glos.), the dog thus being worth one dinar plus nine Ma'ah. Then nine of the opposite lambs are regarded as possessing something of the value of the dog, while the tenth lamb just corresponds to what is left of it. The Jerushalmi explains this as follows: If the ten lambs are each worth four Zuz and a tenth, making a total of forty-one Zuz, and the dog is worth five Zuz, then the nine remaining lambs with it are worth thirty-six Zuz or four Zuz each, one tenth of a Zuz less than each of the others. Hence each lamb in one set is the equivalent of each of the nine opposite lambs plus the tenth of a Zuz, and this tenth is the equivalent of a portion of the dog and therefore causes them all to be forbidden for the altar as 'the price of a dog'.

(25) Farausag, near Nehardea.

T'murah 30b

Whence do we derive what the Rabbis taught that the term harlotry¹ does not apply to animals?² — He said to him: If that were so, Scripture would not omit to say: 'The hire of a harlot and a dog'. We have learnt to the same effect:³ Whence do we infer that the hire of a dog and the price of a harlot are legitimate [for the altar]? Because it says: 'Both' — but not four.⁴ Their issue are legitimate for the altar, since it says: 'Both of them', implying they, but not their issue.

Said Raba: The issue of a beast which was used for buggery [while pregnant] is disqualified [for the altar], for mother and young have been abused. The issue of a beast which gored [while pregnant] is disqualified for the altar, for mother and young have gored. The issue of a beast which was designated for idolatry⁵ or used for idolatry⁶ [while pregnant] is legitimate [for the altar]. What is the reason? Its mother was designated for idolatry and its mother was used [as such].⁷ Some there are who say: Even the issue of a beast which was designated or used for idolatry [while pregnant] is also disqualified [for the altar]. What is the reason? Its full appearance is welcome to him.⁸

R. Ahadboi b. Ammi in the name of Rab reported: If one betrothed with the dung of an ox condemned to be stoned, the act is valid.⁹ [If one betrothed however] with the dung of the calves set aside for idolatry, the act is not valid. What is the reason? I may say it is intimated in Scripture and I may say that reason tells us so. I may say that reason tells us so, since for purposes of idol worship its full appearance is welcome to him,¹⁰ whereas in the case of an ox condemned to be stoned, its full appearance is not welcome to him.¹¹ I may say it is intimated in Scripture. With reference to idolatry it is written: Lest thou be a cursed thing like it,¹² thus intimating that whatever

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comes from it¹³ is like it and forbidden; whereas with reference to an ox condemned to be stoned, it is written: And its flesh shall not be eaten¹⁴ — ‘its flesh’ is forbidden, its dung is permitted.¹⁵

MISHNAH. IF HE GAVE HER [A HARLOT] MONEY AS HIRE IT IS LEGITIMATE [FOR THE ALTAR, BUT IF HE GAVE HER] WINE, OIL, FLOUR AND ANYTHING SIMILAR WHICH IS OFFERED ON THE ALTAR, IT IS DISQUALIFIED FOR THE ALTAR. IF HE GAVE HER DEDICATED [ANIMALS] THEY ARE LEGITIMATE [FOR THE ALTAR]. IF HE GAVE HER BIRDS [OF HULLIN]¹⁶ THEY ARE DISQUALIFIED,¹⁷ FOR ONE MIGHT HAVE REASONED [AS FOLLOWS]: IF IN THE CASE OF DEDICATED ANIMALS, WHERE A BLEMISH DISQUALIFIES THEM, [THE LAW] OF [THE HARLOT'S] HIRE AND PRICE [OF A DOG] DOES NOT TAKE EFFECT, IN THE CASE OF BIRDS, WHERE A BLEMISH DOES NOT DISQUALIFY, IS IT NOT ALL THE MORE REASON THAT THE LAW OF [THE HARLOT'S] HIRE AND PRICE [OF A DOG] SHOULD NOT TAKE EFFECT? THE TEXT THEREFORE STATES: FOR ANY VOW,¹⁸ IN ORDER TO INCLUDE THE CASE OF A BIRD.¹⁹ THE ISSUE OF ALL ANIMALS WHICH ARE DISQUALIFIED FOR THE ALTAR ARE LEGITIMATE FOR THE ALTAR. R. ELEAZAR SAYS: THE ISSUE OF A TREFAH HOWEVER MAY NOT BE OFFERED ON THE ALTAR.²⁰ R. HANINA B. ANTIGONUS SAYS: A RITUALLY CLEAN ANIMAL WHICH SUCKLED FROM A TREFAH IS DISQUALIFIED FROM THE ALTAR. ONE MAY NOT REDEEM ANY DEDICATED ANIMAL WHICH BECAME TREFAH, SINCE WE ARE NOT ALLOWED TO REDEEM DEDICATED [ANIMALS] IN ORDER TO GIVE THEM TO DOGS TO EAT.²¹

GEMARA. Our Rabbis have taught: If he gave her [a harlot] wheat [as hire] and she made it into flour, olives and she made them into oil, grapes and she made them into wine, one [Baraita] taught: They are

forbidden [for the altar], and another [Baraita] taught: They are legitimate [for the altar.]

Said R. Joseph: Gurion who came from Asporak²² recited: Bath Shammai forbid, whereas Beth Hillel permit. Beth Hillel hold, [Scripture says]: ‘Them’, implying but not their issue; ‘them’ but not their products.²³ Beth Shammai however hold: ‘Them’ implies but not their issue, and the word ‘even’ includes their products.²⁴ But do not Beth Hillel see that it is written ‘even’? — The ‘even’ is according to the opinion of Beth Hillel indeed a difficulty.

Our Rabbis have taught: [Scripture says:] In the house of the Lord thy God,²⁵ this excludes the case of the red heifer which does not come to the House.²⁶ This is the teaching of R. Eleazar. The Sages, however say: This includes beaten gold plates [as forbidden for overlaying].²⁷ Whose opinion is that of the Sages? Said R. Hisda: It is that of R. Jose b. Judah. For it has been taught: If he gave her gold as hire, R. Jose b. Judah said: One must not use it to make beaten gold plates even for the space behind the Holy of Holies.²⁸

IF HE GAVE HER DEDICATED [ANIMALS] THEY ARE LEGITIMATE, etc. And why should not [the law of] a [harlot's] hire and price of a dog take effect with dedicated animals a minori?²⁹ If in the case of birds, where a blemish does not disqualify them [from being offered, the law of] ‘hire’ and ‘price’ have effect,³⁰ in the case of dedicated animals where a blemish disqualifies them, is there not all the more reason that [the law of] ‘hire’ and ‘price’ should have effect? The text therefore states: For any vow,³¹ thus excluding what has already been vowed.³² Now the reason³³ is because a Scriptural text excludes them [the dedications], but if a Scriptural text had not excluded them, I might have thought that if he gave a harlot dedicated animals the law of ‘hire’ and

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‘price’³⁴ would apply to them, but can a man forbid what does not belong to him?³⁵—

Said R. Oshaiah: We are dealing with a case where he assigns her as hire a share in his Passover lamb and it is the opinion of Rabbi.³⁶ For it has been taught: [Scripture Says:] And if the household be too little for the lamb,³⁷ give him to live from the lamb³⁸ sufficient for food but not for a purchase.³⁹ Rabbi, however, says: Even sufficient for a purchase; if he had not the wherewithal, he can assign a share for others together with himself in his Passover lamb and his festival offerings, the money being Hullin; for it was on such a condition that Israel dedicated their Passover lambs.⁴⁰

THE ISSUE OF ALL ANIMALS WHICH ARE DISQUALIFIED FOR THE ALTAR, etc. Said Rab: The issue of all animals which are disqualified for the altar are legitimate [for the altar]. And with reference to this it was taught that R. Eliezer forbids. R. Huna b. Hinena reported in the name of R. Nahman: The difference of opinion refers only in the case where they were pregnant and in the end were used for buggery, R. Eliezer holding that an Embryo is considered as the thigh of its mother,⁴¹ whereas the Rabbis hold that an embryo is not considered as the thigh of its mother. But where they were used for buggery and afterwards they became pregnant, it is the unanimous opinion of all the authorities that they [the issue] are legitimate [for the altar].

Raba says: The difference of opinion only refers to the case where they were used for buggery and afterwards became pregnant, R. Eliezer holding that a produce of combined causes⁴² is forbidden, whereas the Rabbis hold that a product of combined causes is permitted. But where they were pregnant and then were used for buggery, it is the opinion of all the authorities

concerned that they are forbidden [for the altar].

Raba follows the opinion expressed by him elsewhere. For Raba says: The issue of a beast which was used for buggery while pregnant is disqualified [for the altar], for both mother and young have been abused. The issue of a beast which gored while pregnant is disqualified [for the altar], for both mother and young have gored. Another version: R. Huna b. Hinena reported in the name of R. Nahman: The difference of opinion refers only where they were used for buggery while they were consecrated, R. Eliezer⁴³ holding that this is a degrading thing,⁴⁴ whereas the Rabbis hold that it is not so. But where they were used for buggery as Hullin, since there is a change in status,⁴⁵ it is the opinion of all the authorities concerned that they [the issue] are legitimate [for the altar].

Raba reported in the name of R. Nahman: The difference of opinion is the same even if they were used for buggery as Hullin, R. Eliezer holding that it is a degrading thing, whereas the Rabbis hold that since there was a change [in status] they are legitimate [for the altar]. But where they were used for buggery while consecrated, it is the opinion of all the authorities concerned that they are forbidden for the altar.

- (1) Heb. Zenuth.
- (2) Since the Mishnah says that ‘the hire of a dog’ is permitted for the altar.
- (3) That ‘harlotry’ does not apply to animals.
- (4) And if we were to include the price of a harlot and the hire of a dog there would be four cases and not two.
- (5) Mukzeh, v. supra 28a.
- (6) Ne'ebad, v. supra 28a.
- (7) But not its issue.
- (8) To the idol worshipper, as it seems to lend more dignity to the act.
- (9) Lit. , ‘she is betrothed’.
- (10) The dung makes the animal look fatter and therefore it is forbidden to be used.
- (11) Since it is condemned to die, and therefore the betrothal is valid.
- (12) Deut. VII, 26.

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- (13) E.g., its dung.
(14) Ex. XXI, 28.
(15) And therefore the betrothal with it is a valid act.
(16) Like pigeons.
(17) From being used any more for the altar.
(18) Deut. XXIII, 19 in connection with the law of harlot's hire and price of a dog. The word 'any' amplifies.
(19) That the law of the harlot's hire and price of a dog has effect on them.
(20) But all will agree that it is permitted for private use, since it is not part of the body of its mother (Rashi). Tosaf., however, maintains that it is forbidden even for private use.
(21) As this would be degrading dedications.
(22) Not identified, but probably in Asia; v. Neubauer p. 386.
(23) Where he gave her grapes and she made wine, etc.
(24) As being subject to the law of harlot's hire and price of a dog.
(25) In connection with the law of hire (Deut. XXIII, 19).
(26) Since every rite in this connection is performed on the Mount of Olives. It may therefore be brought from hire.
(27) To cover the altar.
(28) This was an area of eleven cubits at the back of the Temple, of less stringent holiness. Rashi says that e.g., he gave her stones as hire to build a wall in that part of the Temple court.
(29) A conclusion from the minor to the major.
(30) As we include this from the text, 'For any vow'.
(31) Ibid.
(32) I.e., dedicated objects, and the man cannot forbid something which does not belong to him.
(33) Why the law of 'hire' and 'price' do not apply to dedications.
(34) 'Price' is irrelevant here but mentioned as a current phrase.
(35) Sh. Mek.; cur. edd 'but it is not (his) money'.
(36) We are concerned with the kind of dedication which is in his possession.
(37) Ex. XII, 4.
(38) Interpreting the text in the following manner: And if the household is diminished in resources, there being no means for the necessary things required for the Paschal lamb. מִהֵיטָב מִשָּׂה, 'Let him have the means from the lamb', i.e., to buy wood with which to roast the lamb, by taking money from others and sharing the animal with them.
(39) As, for example, to buy a garment with the money obtained by inviting others to share in the Paschal lamb, since such an article has no connection with the Paschal offering.

(40) On the understanding that if he required something even unconnected with the Passover lamb, he should be permitted to invite others to share the offering.

(41) Therefore the offspring itself was abused.

(42) One of which was forbidden. Now here, although the issue is brought about by the male, a permissible element — no prohibition attaching to the father of the offspring — since the mother which is also a cause of the offspring is prohibited, therefore the offspring is forbidden (Rashi).

(43) Who holds that the issue is forbidden.

(44) For since they are dedications, it is unseemly to use them later for the altar after being abused.

(45) Viz., from Hullin to dedications.

T'murah 31a

THE ISSUE OF A TREFAH, etc. According to the authority who holds that a Trefah can give birth,¹ we can explain [the Mishnah here] as referring to a case where e.g., it became Trefah and afterwards became pregnant, and the point at issue is that R. Eliezer holds that a product of combined causes² is forbidden, whereas the Rabbis hold that the product of combined causes is permitted. According to the authority who holds that a Trefah cannot give birth,³ it can be explained as referring to a case where e.g., it became pregnant and afterwards became Trefah, and the point at issue is that R. Eliezer⁴ holds that an embryo is considered as the thigh of its mother, whereas the Rabbis hold that an embryo is not considered as the thigh of its mother.

Said R. Huna: The Sages⁵ agree with R. Eliezer that the young bird from the egg of a bird that became Trefah is forbidden [for the altar]. What is the reason? [The Sages] differ from R. Eliezer only in the case of the issue of a Trefah, since it develops from the air,⁶ whereas in the case of a young bird from the egg of a bird that became Trefah, since it develops from the body of the bird, even the Rabbis agree.⁷

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Said Raba to R. Huna: We have the confirmation of your opinion as follows: A tarwad⁸ -full of worms that come from a living person [who then died], R. Eliezer declares to be ritually unclean⁹ whereas the Sages declare them clean.¹⁰ Now the Rabbis differ [with R. Eliezer] only as regards worms [of a human body], since they are considered merely as a discharge, but in the case of an egg, since it is part of the body of the bird, even the Rabbis would agree.¹¹

Said Abaye to him: But it is not logically the reverse? R. Eliezer only differs from the Rabbis in the case of a worm, since a man even when alive is described as a worm, as it is written: How much less man that is a worm, and son of man that is a maggot;¹² [but in the case of a young bird]¹³ even R. Eliezer would admit¹⁴ [it is fit for the altar].¹⁵ And, moreover, it has been explicitly taught: R. Eliezer agrees with the Sages in the case of [a young bird from] an egg from a bird that became Trefah, that it is legitimate for the altar! — He [Raba] replied to [Abaye]: If it has been taught,¹⁶ it has been taught.¹⁷

R. HANINA B. ANTIGONUS SAYS: A RITUALLY CLEAN ANIMAL, etc. What is the reason? Shall we say because it becomes fat from it? If this is so, if he feeds it with vetches set aside for idolatry, is it really forbidden?¹⁸ — [Rather it is as] R. Hanina of Trita recited in the presence of R. Johanan: You suppose for instance that it sucked hot milk [from a Trefah] every morning,¹⁹ since it can live for twenty-four hours.²⁰

ONE MAY NOT REDEEM ANY DEDICATED ANIMAL WHICH BECAME TREFAH, etc. Whence is this derived? — Our Rabbis have taught: [Scripture says: Thou mayest kill and eat flesh:²¹] ‘thou mayest kill’ [implies] but no shearing; ‘and eat’, but not for thy dogs; ‘flesh’, but not milk.²² Hence we infer that one must not redeem dedications in order

to give them to dogs to eat. Another version: The text, ‘Thou mayest kill and eat flesh’ [implies] that the permission to eat commences only from the time of killing and onwards,²³ because he [the Tanna] here holds that it is permitted to redeem dedications in order to give them to dogs to eat.

CHAPTER VII

MISHNAH. THERE ARE [REGULATIONS] WHICH APPLY TO DEDICATIONS FOR THE ALTAR²⁴ WHICH DO NOT APPLY TO DEDICATIONS²⁵ FOR REPAIRS OF THE TEMPLE, AND THERE ARE [REGULATIONS] WHICH APPLY TO DEDICATIONS FOR THE REPAIRS OF THE TEMPLE WHICH DO NOT APPLY TO DEDICATIONS FOR THE ALTAR. FOR DEDICATIONS FOR THE ALTAR EFFECT EXCHANGE, THEY ARE SUBJECT TO THE LAWS OF PIGGUL,²⁶ NOTHAR²⁷ AND RITUAL UNCLEANNESS;

- (1) There is a controversy on this matter in Hul. 57b.
- (2) The mother alone being forbidden but not the father. We cannot say here that the point at issue will be whether an embryo is to be regarded as the thigh of its mother, for since it became Trefah before pregnancy it cannot be regarded as the thigh of its mother, as it possesses an element which is permissible, viz., from its sire (Rashi).
- (3) So Sh. Mek.; cur. edd., cannot live.
- (4) Who forbids the issue for the altar.
- (5) Who say in the Mishnah that the issue of a Trefah may be offered on the altar.
- (6) The embryo of an animal is not attached to the latter's body but develops on its own and hangs, so to speak, in the air; whereas an egg, so long as it is not completed, is attached to the body and is completed inside the bird (Rashi). Another interpretation given by Rashi: An embryo of an animal grows and develops after it sees the light of day, i.e., after birth, whereas an egg does not develop any more after birth, thus proving that it is part of the body of the bird and can only grow when joined to it.
- (7) That the bird which comes from the egg is forbidden for the altar.
- (8) A spoon, pointed at the top and round at the end.

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- (9) I.e., to impart uncleanness by contact or through overshadowing, because a limb separated from a human being has the same law as a limb from a corpse (Rashi).
- (10) Since it was separated when the person was alive, it is regarded as mere dust and is not considered as part of the body.
- (11) That the bird from it is forbidden for the altar.
- (12) Job XXV, 6.
- (13) Inserted with Bah.
- (14) Var. lec. (given in curr. edd. in square brackets): ‘But with reference to an egg, the young bird is developed after the deterioration of the egg, and after deterioration the egg is mere dust, and therefore even R. Eliezer agrees.’
- (15) Since it is an entirely different body which was not inside the Trefah.
- (16) That it is permissible for the altar.
- (17) And there is nothing more to be said.
- (18) For it says (supra 29a) that only Mukzeh is forbidden in such circumstances.
- (19) All its days.
- (20) From this milk alone without any other food. This proves that the growth and development of the animal was due to its sucking from a Trefah, and therefore it is forbidden for the altar; whereas an animal which was given to eat vetches set aside for idolatry, since it cannot exist without other food in the twenty-four hours, is permitted for the altar. If, however, an animal ate vetches set aside for idolatry, all its life, it would also be forbidden (Tosaf).
- (21) Deut. XII, 15.
- (22) Milking would be work, which is forbidden.
- (23) Thus excluding milk or the shearing as forbidden, these being benefits derived while the animal is alive. Now since we do not interpret the text ‘and eat’ as excluding the food for dogs, we can therefore infer that it is allowed to feed dogs with redeemed dedications. From this Baraitha we see that there is a difference of opinion among Tannaim as to whether we may give dogs to eat from redeemed dedications.
- (24) Unlike dedications for the repairs of the Temple, because these, in the first place, are not called ‘a sacrifice’, and secondly, because they are only holy for their value.
- (25) I.e., their value.
- (26) A sacrifice rejected in consequence of an improper intention in the mind of the officiating priest.
- (27) A sacrifice which was left over after the appointed time set aside for its eating.

T'murah 31b

THEIR ISSUE AND MILK ARE FORBIDDEN¹ AFTER THEIR REDEMPTION;² IF ONE KILLS THEM WITHOUT [THE TEMPLE COURT] HE IS GUILTY [OF A TRANSGRESSION]³ AND WAGES ARE NOT PAID FROM THEM⁴ TO ARTISANS,⁵ WHICH IS NOT THE CASE WITH DEDICATIONS FOR TEMPLE REPAIRS. THERE ARE [REGULATIONS] WHICH APPLY TO DEDICATIONS FOR THE REPAIRS OF THE TEMPLE [WHICH ARE NOT FOUND ELSEWHERE], SINCE UNSPECIFIED DEDICATIONS⁶ GO TO THE REPAIRS OF THE TEMPLE, DEDICATION FOR THE REPAIRS OF THE TEMPLE TAKES EFFECT ON ALL THINGS,⁷ THE LAW OF SACRILEGE⁸ APPLIES TO THEIR PRODUCTS,⁹ AND THERE IS NO BENEFIT TO BE DERIVED FROM THEM FOR THE PRIEST.¹⁰

GEMARA. Now is this a general rule, that all dedications for the altar effect exchange? Is there not a case of birds which are dedicated for the altar, and we have learnt: Meal-offerings and birds do not effect exchange? — [The Mishnah] speaks only of beasts. But is there not the case of the offspring [of a dedicated animal] which is a dedication for the altar, and we have learnt: The offspring [of a dedicated animal] does not affect exchange? —

Our Mishnah represents the opinion of R. Judah who holds that the offspring can effect exchange. But is not the exchange itself a dedication for the altar, and we have learnt: One exchange cannot effect another exchange? — [The Mishnah] refers to original dedications.¹¹ Now that you have arrived at this conclusion, you may even say that the Mishnah above will be in accordance also with the opinion of the Rabbis [the disputants of R. Judah], since it only refers to original dedications.

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AND WAGES ARE NOT PAID FROM THEM TO ARTISANS, etc. We infer that we do pay from the dedications for the repair of the Temple.¹² [Whence do we derive this?]¹³ Said R. Abbahu: Since Scripture says. And let them make Me [a sanctuary],¹⁴ [intimating] from what is Mine.¹⁵

THERE ARE [REGULATIONS] WHICH APPLY TO DEDICATIONS FOR THE REPAIRS OF THE TEMPLE;¹⁶ UNSPECIFIED DEDICATIONS GO FOR THE REPAIRS OF THE TEMPLE. Who is the Tanna who holds that unspecified dedications¹⁷ go for the repairs of the Temple?¹⁸ —

R. Hiyya b. Abba reported in the name of R. Johanan: It is not R. Joshua.¹⁹ For we learnt: If one dedicated his estate and he had among them animals fit for the altar, males and females, R. Eliezer says: The males are to be sold for the purpose of being used as burnt-offerings²⁰ and the females are to be sold for the purpose of being used as peace-offerings and their monies, with the rest of the estate, are devoted to the repairs of the Temple.²¹ R. Joshua, however, says: The males are themselves offered as burnt-offerings and the females are sold for the purpose of peace-offerings.²² Burnt-offerings are purchased with their monies and the rest of the estate is devoted to the repairs of the Temple. And this²³ will differ from the opinion of R. Adda b. Ahabah [reporting Rab].²⁴

For R. Adda b. Ahabah reported in the name of Rab: In the case of a herd consisting altogether of male animals even R. Eliezer agrees,²⁵ since a man will not ignore dedications for the altar and make dedications for the repair of the Temple. The point at issue, however, is with reference to a herd where half were male [animals] and the other half female [animals]. R. Eliezer holds: A man does not

divide his vow,²⁶ and since the female animals are not meant for burnt-offerings,²⁷ therefore even the male [animals] are also not meant for burnt-offerings. R. Joshua, however, says: A man does divide his vow.²⁸

Another version is current as follows: R. Adda b. Ahabah reported in the name of Rab: If he dedicated animals only, even R. Eliezer admits,²⁹ since a man does not ignore dedications for the altar and make dedications for the repairs of the Temple. The point at issue, however, is where there is other property with them [the animals]. R. Eliezer holding that one does not divide his vow, and since therefore the rest of the estate is not for dedications for the altar, the animals [of the estate] are also not for the altar; whereas R. Joshua says: A man does not divide his vow.

Now according to the latter version [of R. Adda b. Ahabah's teaching], it is in order to state [above]: Their monies, together with the rest of the estate, go for the repair of the Temple. It is for this reason that it says 'together with the rest of the estate, go for the repair of the Temple'.³⁰ But according to the first version [of R. Adda's teaching],³¹ let R. Eliezer say: They [the monies] shall go to the repairs of the Temple?³² — Do in fact read so:³³ And their monies go for the repair of the Temple.

DEDICATIONS FOR THE REPAIRS OF THE TEMPLE TAKE EFFECT ON ALL THINGS. What does this include³⁴ — Said Rabina: It includes the shavings [of a tree]³⁵ and sproutings.³⁶

SACRILEGE APPLIES TO THEIR PRODUCTS. What does this³⁷ include? — Said R. Papa: It includes the milk of dedicated animals³⁸ and the eggs of turtle-doves, as we learnt: With regard to milk of dedicated animals and eggs of turtle-doves, one may not benefit from them nor does the

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law of sacrilege apply to them. This only refers to dedications of the altar, but as regards dedications for repairs of the Temple. [e.g.,] if one dedicated a hen,³⁹ the law of sacrilege applies to its eggs; [if one dedicated the value of] a she-ass [for the repairs of the Temple], the law of sacrilege applies to its milk.⁴⁰ And even according to the authority who holds that the law of sacrilege applies to the products of dedications for the altar, this only refers to products which are fit for the altar,⁴¹ but to products which are not fit for the altar the law of Sacrilege does not apply.

- (1) If their mother became blemished.
- (2) Scripture saying 'flesh', thus excluding milk. The case of the issue is where the pregnancy took place before redemption and the birth after redemption, but where the pregnancy took place after redemption, it would be permissible. But in the case of dedications for the repairs of the Temple, even if the pregnancy took place before redemption, it would be permissible, for the consecration was for their value and therefore the holiness is not so stringent.
- (3) In connection with the killing without the confines of the Temple.
- (4) From the money assigned for dedications for the altar.
- (5) For helping to build something in the Temple. Wages are paid, however, from dedications for the repairs of the Temple.
- (6) Where it is not specified whether for repairs of the Temple or for the altar.
- (7) Even upon unclean animals, stones or wood.
- (8) The unlawful use of sacred things.
- (9) If one dedicated an animal, the value of which goes for the repairs of the Temple, its milk must not be used or if one dedicated a hen, its eggs must not be used unlawfully, unlike the case of the milk and eggs belonging to dedications for the altar.
- (10) V. Marginal Gloss. Cur. edd.: 'to the owners'. Whereas with dedications for the altar in the majority of cases the flesh is eaten by the priests. and even in the case of a burnt-offering the skin is used by the priest.
- (11) The first dedication and not an exchange which is the second dedication arising from an exchange with the first.
- (12) Since I might have thought that one can, only use money set aside for Temple repairs for the purchase of stone and wood, which are actually used in the building and repairing of the Temple, but that it is forbidden to pay

workmen with this money and it becomes Hullin if used in that manner. There would then have to be a special fund donated for this purpose wherewith to pay workmen.

- (13) Inserted with Sh. Mek.
- (14) Ex. XXV, 8.
- (15) And is set aside for the sanctuary, i.e., from the monies dedicated for the building of the Temple.
- (16) For reading v. Sh. Mek.; cur. edd., 'The Master said'.
- (17) Implying even a dedicated animal (Rashi).
- (18) v. Sh. Mek.
- (19) Var. lee.: It is R. Eliezer.
- (20) Since unblemished dedications can never be excluded from being offered on the altar.
- (21) For R. Eliezer holds that unspecified dedications go for the repair of the Temple even in the case of animals, except those which are fit for the altar.
- (22) We see consequently that according to R. Joshua anything fit for the altar is generally intended to be used for the altar unlike the opinion stated in the Mishnah; v. supra 20a.
- (23) The interpretation of the Mishnah just given, that it will be according to the opinion of R. Eliezer and not of R. Joshua.
- (24) Inserted with Sh. Mek.
- (25) That the dedications were meant for the altar.
- (26) Half for one kind of dedication and the other half for a different kind of dedication.
- (27) For burnt-offerings must be males.
- (28) Males for burnt-offerings and females for the value of burnt-offerings, since he cannot offer females for peace-offerings without redemption (Rashi). Thus we see that according to R. Adda, even R. Eliezer will maintain that unspecified dedications are for the altar, the case however being different here in the Baraitha for the reason explained.
- (29) That unspecified dedications are for the altar. For although there are female animals, since all are fit for the altar, we may suppose that they are meant for the altar. Male animals are therefore offered as burnt-offerings and female animals are sold and with the money burnt-offerings are bought, as we can say that he dedicated them all for the altar.
- (30) As we are dealing with the case where there is other property in addition to animals.
- (31) That in a herd where half were male animals and the other half were female animals, R. Eliezer holds that a man does not divide his vow, half for the altar and half for the Temple repairs, and even where there is no other estate and one can maintain that everything was meant for the altar (Rashi).

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(32) Why does it then say: 'They (their monies) and the other property, etc.' since often there is no other estate according to this version.

(33) For reading v. Wilna Gaon Glosses.

(34) The word ALL.

(35) If a man dedicated the value of a tree for the repairs of the Temple, there is sacrilege in respect of the shavings.

(36) Which come up in the winter and are used as manure.

(37) The products spoken of in the Mishnah.

(38) Their value goes for the Temple repairs.

(39) For Temple repairs one would not consecrate something which is fit for the altar and a hen is not fit for the altar.

(40) Although the animal is unclean, the holiness of the dedication for the repair of the Temple attaches to it as if it were a clean animal.

(41) The offspring of a dedicated animal (Rashi). Tosaf. explains that the term 'products' refers to the blood of sacrifices and the passage means this: And even according to the authority who holds that the law of sacrilege applies to 'products', i.e., the blood of a sacrifice, this only refers to blood which is fit to be sprinkled, but to 'products' like milk of dedicated animals and eggs of turtle-doves, the law of sacrilege does not apply.

T'murah 32a

MISHNAH. NEITHER DEDICATIONS FOR THE ALTAR NOR DEDICATIONS FOR THE REPAIRS OF THE TEMPLE MAY BE CHANGED FROM ONE HOLINESS TO ANOTHER.¹ WE MAY DEDICATE THEM² WITH A VALUE-DEDICATION,³ AND WE MAY DECLARE THEM HEREM.⁴ IF THEY⁵ DIE,⁶ THEY ARE BURIED.⁷ R. SIMEON SAYS: DEDICATIONS FOR THE REPAIRS OF THE TEMPLE, IF THEY DIED, THEY ARE REDEEMED.⁸

GEMARA. Said R. Huna: If one designated⁹ dedications for the altar for dedications as priestly property,¹⁰ his action is of no consequence.¹¹ What is the reason? Scripture says: Every devoted thing is most holy unto the Lord,¹² intimating that every devoted thing that comes from what is most holy¹³ belongs to the Lord.¹⁴ An objection was raised: If one designated dedications for repairs to the Temple, whether for

dedication for the altar or for dedication as priestly property, his action is of no consequence.¹⁵ If one designated dedications for priestly property, whether for dedication for the altar or for dedication for the repairs of the Temple, his action is of no consequence.¹⁶ Now this implies that if one designated dedications for the altar¹⁷ by dedicating them as priestly property, his action is valid.¹⁸ Shall we say that this refutes R. Huna? —

R. Huna can answer you: When [the Tanna] leaves over this case,¹⁹ it is for the purpose [of teaching] that if he designated dedications for the altar for the repairs of the Temple, his action is valid,²⁰ but if for dedication as priestly property, his action is of no consequence.²¹ But why not state this case,²² together with others [in the Baraitha above]?²³ — He [the Tanna in the Baraitha] mentions a case which has both aspects,²⁴ but does not state a rule which has not both aspects.²⁵

We have learnt: WE MAY DEDICATE THEM WITH A VALUE-DEDICATION, AND WE MAY DECLARE THEM HEREM. Now does not the expression VALUE-DEDICATION refer to the dedication for the repairs of the Temple and the expression 'WE MAY DECLARE THEM HEREM' mean as priestly property?²⁶ —

No. In both cases the reference is to dedications for the repairs of the Temple,²⁷ and [the Mishnah teaches that] it is immaterial whether he expresses this in the language of 'dedication' for the repairs of the Temple or in the language of Herem for the repairs of the Temple.²⁸ But it is not so! For it has been taught: We may dedicate them²⁹ with a value-dedication for the repairs of the Temple, and we may declare them Herem as priestly property.³⁰ And, moreover, it has been [explicitly] taught: If dedications for the altar are dedicated as priestly property, the act is valid.³¹ Shall we

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say that this refutes R. Huna? — It is a refutation. But does not R. Huna adduce a Scriptural text?³² —

Said ‘Ulla:³³ Scripture [could have] said: ‘A devoted thing’ and it says ‘every devoted thing’.³⁴ But did ‘Ulla say this? Did not Ulla say: If one designated a burnt-offering for the repairs of the Temple, there is nothing to prevent the offering of a sacrifice except that we must wait

(1) E.g., to offer a burnt-offering in place of a peace-offering, or vice versa. Similarly, if one dedicated something for the repair of the Temple, one must not change this for a dedication for the altar or vice versa.

(2) Dedications for the altar.

(3) If e.g., one said with reference to a burnt-offering: ‘Let this animal (i.e., its value) be for the repairs of the Temple’, the dedication is assessed and the money is given to the Temple treasurer. This applies to a Neder, i.e., where he said: ‘I vow to dedicate a burnt-offering’, for since he is responsible if it became lost or died, therefore the whole animal belongs to him, and if he subsequently dedicated it for the repairs of the Temple, he must give the whole value of the dedication to the Temple treasurer. But in the case of a Nedabah, i.e., where he said: ‘This animal is to be a freewill-offering’, since if it died or if it became lost, he is not responsible for it, if he therefore subsequently dedicated it for the repairs of the Temple, he only gives the Temple treasurer a small amount, in consideration for the right he has to receive a small sum from an Israelite friend for allowing the latter's grandson, a priest, to offer the animal and receive the skin of the burnt-offering (Rashi).

(4) ‘Devoted’ (v. Lev. XXVII, 28), consecrated for a sacred use. Here, too, if the animal is a Neder, he gives the full value to the priest and if Nedabah he gives a small amount as consideration to the priest (R. Gershom).

(5) The dedications for the altar.

(6) Even after becoming blemished but before redemption.

(7) And they cannot be redeemed and given as food to the dogs. And even according to the authority who holds that we may give redeemed blemished dedications to the dogs as food, this only applies when they become Trefah, since they can be set before us and appraised, but not when they are dead. Or IF THEY DIE means where he killed the animal before their

redemption. There cannot therefore be any further redemption nor eating of them, since setting down and appraising are necessary (v. Gemara). Consequently they are buried.

(8) As these are not included in the law of being required to be presented to the priest and appraised by him. V. Lev.

XXVII, 12-13.

(9) Lit., ‘he attached them’.

(10) Declaring them Herem. Unspecified Herem are meant for the priests. The reason why it mentions priestly property is because at times Herem goes for the repairs of the Temple, as e.g., where he declares, ‘Let this be Herem for the repairs of the Temple’.

(11) He does not give the priest the value of the dedication nor a consideration, i.e., the smaller amount (Rashi and R. Gershom).

(12) Lev. XXVII, 28.

(13) I.e., dedications for the altar which were declared Herem.

(14) But not to the priests.

(15) Because an object dedicated for the repair of the Temple cannot itself be released from the purpose of its consecration (Rashi).

(16) Since he has no share in them, not even the right of disposal, since he can only give them to the priests of that particular division.

(17) Where there is a right of disposal.

(18) And he gives a consideration to the priests.

(19) Of dedications for the altar, which is not explicitly mentioned in the Baraitha.

(20) And he gives for the repairs of the Temple the value of a dedication.

(21) Since there is a definite Scriptural text: ‘Every devoted thing, etc’, excluding this case as explained above.

(22) Of dedications for the altar declared as priestly property.

(23) Where the action is of no consequence.

(24) I.e., dedications for the repair of the Temple, in regard to which his action is of no consequence, whether he designated them for the altar or as priestly property, dedications for the repairs of the Temple applying here in two instances as being of no avail.

(25) Since in regard to dedications for the altar only if they were designated as priestly property is the action of no avail, as R. Huna teaches, whereas if they were designated for repairs of the Temple, the action would be valid.

(26) Unlike the opinion of R. Huna above.

(27) The value of the dedications is given to the Temple treasurers.

(28) But if dedications for the altar have been declared Herem for priests, the act is of no consequence.

(29) Dedications for the altar.

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(30) That the value belongs to the priests, as the property of the priests, and not to the Temple treasurer.

(31) Lit., 'what he did is done'.

(32) 'Every devoted thing is most holy unto the Lord'. How is then the text to be interpreted?

(33) This Scriptural text will not be in accordance with the opinion of R. Huna.

(34) This is in order to intimate that Herem takes effect on all things, even upon most holy things.

T'murah 32b

for the approach of the Temple treasurer [as representatives of the owners]?¹ — [The Baraitha above]² means Rabbinically³ and the Bible text refers to sacrilege.⁴ [You say] in respect of sacrilege? But what need is there for a Bible text⁵ for this purpose? Is it not written in this connection, 'It is most holy'? —

And suppose Scripture does say so, has not R. Jannai taught: The law of sacrilege is not explicitly mentioned in the Torah, except in the case of a burnt-offering, since it says: If a soul commit a trespass and sin through ignorance in the holy things of the Lord,⁶ which means such dedications as are exclusively to the Lord; but that the law of sacrilege applies to a sin-offering and guilt-offering is derived only from the teaching of Rabbi, as it has been taught: Rabbi says, The text: All fat is the Lord's,⁷ this includes the emurim⁸ of dedications of a minor grade as subject to the law of sacrilege.⁹ Now here too we may ask, what need is there for a Bible text, for does it not say in connection with sin-offering and guilt-offering, 'Most holy'?¹⁰ We see then that although Scripture says, 'Most holy' in that connection, there is need for a text to include them under the law of sacrilege; and the same applies to Herem, that although the text says in that connection, 'Most holy' there is need for a special text to include them under the law of sacrilege. The text [stated above]: 'If one dedicated a burnt-offering, there is nothing to prevent the offering of a sacrifice, except that we

must wait for the approach of the Temple treasurers'. An objection was raised: If one dedicated a burnt-offering for the repairs of the Temple, one must not kill it until it is redeemed!¹¹ —

It¹² is a Rabbinical enactment. It also stands to reason, since the latter clause [of the Baraitha] says: If he transgressed and killed it,¹³ the action is valid. Now if it were from the Torah, why is the act valid?¹⁴ Then what will you say? That it is a Rabbinical enactment? If so, read the latter clause: 'And if he unlawfully used the burnt-offering,¹⁵ he has transgressed twice the law of sacrilege'.¹⁶ Now if it were only a Rabbinical enactment why are there two transgressions of the law of sacrilege?¹⁷ — The Baraitha means as follows: And it is capable of involving one in two transgressions of sacrilege.¹⁸

AND IF THEY DIED THEY ARE BURIED, etc. Said R. Johanan: According to the Rabbis [of the Mishnah] both dedications for the altar and dedications for the repairs of the Temple are included in the law requiring the sacrifice to be presented¹⁹ and appraised.²⁰ Resh Lakish, however, says: According to the Rabbis, dedications for repairs of the Temple were included in the law of being presented and appraised, whereas dedications of the altar were not included in the law of being presented and appraised. And both²¹ admit that according to R. Simeon, the dedications for the repairs of the Temple were not included in the law of being presented and appraised, whereas dedications for the Temple were included in the law of being set down and appraised.²² And [both]²¹ admit that according to all the authorities concerned,²³ an animal blemished from the beginning [before dedication], is not included in the law of being presented and appraised.²⁴

We have learnt: R. SIMEON SAYS, DEDICATIONS FOR THE REPAIRS OF

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THE TEMPLE WHICH DIED ARE REDEEMED. Now this is quite correct according to R. Johanan who says that, according to the Rabbis, both [dedications for the altar] and [dedications for the repair of the Temple] are included in the law of being presented and appraised. There is need therefore for R. Simeon to explain that dedications for the repairs of the Temple which died are redeemed.²⁵ But according to Resh Lakish, what need is there for R. Simeon to explain this? Let him say: If they die, they are redeemed?²⁶ —

Resh Lakish can answer you: R. Simeon did not know what the first Tanna [in the Mishnah] meant.²⁷ And this is what he said to him: If you refer to dedications for the altar,²⁸ I agree with you;²⁹ if you refer to dedications for the repairs of the Temple, if they die they are redeemed.³⁰ It has been taught according to R. Johanan: Scripture says, And if it be any unclean beast of which they may not bring an offering,³¹ the text refers to blemished animals which were redeemed. You say that the text refers to blemished animals, perhaps it is not so and it refers to an unclean animal? When, however, it says: And if it be of an unclean beast, then he shall redeem it according to thy estimation,³² the case of an unclean animal is thus already mentioned.

(1) Who gives the necessary permission to kill the burnt-offering without redemption, but no money is given to the Temple treasurer. Now since the holiness in respect of repairs of the Temple has no effect on dedications for the altar, how much less does Herem take effect on dedications for the altar, since R. Huna above, who holds that dedications for the repairs of the Temple take effect on dedications for the altar, yet maintains that Herem for priests has no effect on dedications for the altar. How much more then will 'Ulla, who holds that dedications for the repair of the Temple have no effect on dedications for the altar, maintain that Herem will have no effect on dedications for the altar. This will therefore refute 'Ulla's opinion above where he interprets the text 'every devoted thing, as teaching that Herem has effect even on

the most holy things, i.e., dedications for the altar (R. Gershom).

(2) Which left over the case of dedications for the altar which were designated as Herem, implying that the action is valid.

(3) But, according to the Torah, there is only the waiting for the Temple treasurer, for 'Ulla's explanation above is only according to Rabbinical requirement, the text adduced in this connection being a mere support for the Rabbinical enactment.

(4) The main purpose of the text 'every devoted thing' is, however, to include the case of Herem for priests as being subject to the law of sacrilege, interpreting the text thus: 'Every devoted thing belongs to the Lord', i.e., if one used it unlawfully there is sacrilege.

(5) 'Every devoted thing'.

(6) Lev. V, 15.

(7) Lev. III, 16.

(8) The sacrificial parts burnt on the altar.

(9) And from Rabbi's text R. Jannai also infers the cases of the most holy dedications as liable to the law of sacrilege, since Scripture says, 'All fat' (v. Rashi).

(10) Lev. VI, 18 and VII. 1, resp.

(11) I.e., as stated above, if it is a Neder he gives their full value to the Temple treasurer, and if a Nedabah he gives a consideration (R. Gershom).

(12) The Baraitha which says, 'One must not kill, etc.'

(13) Without redemption.

(14) Inserted with Sh. Mek.

(15) Either the animal itself or its wool.

(16) Once on account of dedications for the altar and again on account of its being an object dedicated for its value for the repairs of the Temple.

(17) Since the holiness for the repairs of the Temple only attaches to it according to a Rabbinical enactment.

(18) If the subsequent dedication for the repairs of the Temple were by enactment of the Torah, then there would be two transgressions of the law of sacrilege.

(19) Before the priest. Lit., 'made to stand'.

(20) By the priest. And since this cannot be done after death, therefore they are not redeemed but buried, and this applies to all kinds of dedications.

(21) R. Johanan and Resh Lakish.

(22) And the Mishnah when it says: Dedications for the repairs of the Temple are burnt, means only dedications for the repairs of the Temple but not dedications for the altar.

(23) The Rabbis and R. Simeon.

(24) Referring to dedications for the altar, since as regards dedications for repairs for the Temple, it is immaterial whether the blemish

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occurred before the dedication or after the dedication, for this dedication has effect even on wood and stone (Rashi and Tosaf.).

(25) For otherwise if he had not stated, 'If they died, they are buried', I might have thought that it refers to both dedications, since the Rabbis also deal with both forms of dedication.

(26) And I should have known that he refers only to dedications for the repairs of the Temple, since the Mishnah is not concerned with dedications for the altar, whether as regards their redemption or their burial.

(27) To what kind of dedication the Rabbis alluded.

(28) That the dedication requires to be presented and appraised.

(29) And therefore they are buried.

(30) As these are not included in the law of being presented and appraised.

(31) Lev. XXVII, 11.

(32) Ibid. 27.

T'murah 33a

How therefore do I explain the text: And if it be any unclean beast of which they may not bring an offering unto the Lord?¹ It refers to blemished animals [which were redeemed]. One might think that they may be redeemed on account of a transitory blemish. The text, however, states: 'Of which they may not bring an offering', thus referring to a sacrifice which is not offered at all,² to the exclusion of this³ which is not offered to-day but to-morrow [maybe]. And the Divine Law says the sacrifice requires to be presented and appraised.⁴

R. Giddal reported in the name of Rab: What is the reason of Resh Lakish in saying that according to the Rabbis dedications for the altar are included in the law of being presented and appraised, whereas dedications for the repairs of the Temple are not included in the law of being presented and appraised? Because Scripture says: And the priest shall value it whether it be good or bad.⁵ Now what is the kind of dedication where there is no difference between 'good' [an unblemished animal] and 'bad' [a blemished animal]? You must admit that it is dedications for

the repairs of the Temple and Scripture says 'it', thus excluding dedications for the altar.⁶ And what will the text 'it' exclude according to the opinion of R. Johanan? —

It excludes an animal blemished from the beginning.⁷ And according to the Tanna of the School of Levi who says that even an animal blemished from the beginning is included in the law of being presented and appraised — for Levi taught: All sacrifices are included in the law of being presented and appraised, even an animal blemished from the beginning. And Levi himself taught the same in his Baraitha:⁸ Even a beast and even birds⁹ — [what then does the word 'it' exclude?]¹⁰ — It is indeed a question.

Rab Judah reported in the name of Rab: What is the reason of R. Simeon in saying that dedications for the altar are included in the law of being presented and appraised, whereas dedications for the repairs of the Temple are not? Because Scripture says: 'And the priest shall value it whether it be good or bad'.¹¹ Now what is the kind of dedication in which there is a difference between 'good' [an unblemished animal] and 'bad' [a blemished one]? You must admit it is dedications for the altar, and Scripture says, 'it', thus excluding the case of dedications for the repairs of the Temple. If so,¹² the text should read 'between good and bad'?¹³ — This remains a difficulty.

An objection was raised: If they die unblemished they are buried,¹⁴ if blemished they are redeemed. This refers only to dedications for the altar.¹⁵ But dedications for repairs of the Temple,¹⁶ whether they are unblemished or blemished, are buried. R. Simeon, however, says: In the case of both dedication for the altar and dedication for the repairs of the Temple, if unblemished they are buried,¹⁷ if blemished they are redeemed. Shall we say that this

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refutes R. Johanan from the first clause?¹⁸—

R. Johanan can answer you: We are dealing here with an animal which became blemished from the beginning.¹⁹ It also stands to reason.²⁰ For if you say that the case is where their dedication preceded their blemish,²¹ why does not R. Simeon dispute in that connection?²² Hence you must [must you not] say that the case here is of an animal blemished from the beginning.²³ But then are we to say that this refutes Resh Lakish?²⁴ Resh Lakish will explain [the Baraitha]²⁵ as dealing with a case where their dedication was prior to their blemish.²⁶ If so, let R. Simeon dispute with reference to it?²⁷ —

Resh Lakish reverses [the names of the authorities in the Baraitha] and asks a question from another Baraitha²⁸ [as follows]: If they die, whether unblemished or blemished, they are buried. This applies²⁹ to dedications for the repairs of the Temple, but dedications for the altar are redeemed.³⁰ R. Simeon says: If [they died] unblemished they are buried, if blemished they are redeemed.³¹ Shall we say that R. Johanan can be refuted from the latter clause of the teaching [of the former Tanna]?³² —

R. Johanan can answer you: We are dealing here with an animal blemished from the beginning.³³ It stands to reason.³⁴ For if you say that it is a case of where their dedication preceded the blemish, why does not R. Simeon dispute with reference to it?³⁵ Shall we say that this refutes Resh Lakish?³⁶ —

Resh Lakish will answer you: We are dealing here with a case where their dedication preceded their blemish.³⁷ But why does not R. Simeon differ with reference to it?³⁸ —

Resh Lakish can answer you: R. Simeon does indeed differ.³⁹ Said R. Jeremiah to R. Zera: According to Resh Lakish, who says that according to the Rabbis dedications for the altar are not included in the law of being presented and appraised, since [the Baraitha above] states with reference to dedications for the altar

- (1) The reading in Tosaf.
- (2) I.e., an animal with a permanent blemish.
- (3) An animal with a transitory blemish.
- (4) Since immediately after Scripture says: 'Then he shall present it before the priest and the priest shall value it'. And this text certainly refers to dedications for the altar, since a permanent blemish is required for redemption, for if it refers to dedications for the repairs of the Temple, what difference is there between an unblemished and a blemished animal, as even an unblemished animal is redeemed in such circumstances? Consequently we see that dedications for the altar are also included in the law of being presented and appraised according to the view of the Rabbis in the Mishnah. For this Baraitha is the opinion of the Rabbis and an anonymous view in the Sifra is that of R. Judah, the disputant of R. Simeon. Thus the Baraitha will be according to the opinion of R. Johanan alone. Now from here we learn the law of dedications for the altar, according to the Rabbis, and from the Mishnah we learn the law of dedications for the repairs of the Temple. For since R. Simeon said in the Mishnah that dedications for repairs of the Temple are redeemed, this implies that according to the Rabbis they are buried (Rashi).
- (5) Lev. XXVII, 12. Implying both unblemished and blemished as being on a par.
- (6) And the text, 'And the priest shall value it' will not therefore refer to the previous v. 12, since the latter deals with dedications for the altar.
- (7) Prior to the dedication. R. Johanan certainly holds that the text, 'Whether it be good or bad' refers to dedications for the repairs of the Temple. Nevertheless the text, 'And the priest shall value it' refers both to the text, 'Of which they do not offer', which we explained above as dealing with dedications for the altar and to the later text, 'Whether it be good, etc.' which deals with dedications for the repairs of the Temple. And the text 'it' excludes an animal blemished from the beginning from being dedicated for the altar. And, according to Resh Lakish, there is no need to exclude the case of an animal blemished

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from the beginning from the law of being presented and appraised, since according to his opinion, the Rabbis hold that dedications for the altar are not, included in the law of being presented and appraised, even if the dedication preceded the blemish, and how much more so is this the case with an animal blemished from the beginning.

(8) Levi compiled a collection of Baraithas.

(9) E.g., geese and hens which are not fit for the altar (Rashi). He causes them to be invested with the holiness of the repairs for the Temple, as they have not any bodily holiness for the altar (Tosaf.).

(10) Inserted with Sh. Mek.

(11) V. n. 4, p. 241.

(12) If the text deals with the dedications for the altar.

(13) Which would have implied that there is a difference between good and bad. The text, whether it be good or bad, however, implies that whether blemished or unblemished they are both alike.

(14) Even those which are not included in the law of being presented and appraised. Where they died unblemished, the Rabbis gave them an advantage, since they were fit for the altar.

(15) Presumably because they are not included in the law of being presented and appraised.

(16) Which are included in the law of being presented and appraised.

(17) Since they possessed the advantage of being fit for the altar.

(18) Of this Baraitha, which states that according to the Rabbis dedications for the altar are redeemed.

(19) And therefore they are redeemed, whereas in the case of dedications for the repairs of the Temple, they are buried since there is no difference between an animal blemished before dedication or after dedication.

(20) That the Baraitha is dealing with an animal blemished from the beginning.

(21) And the Baraitha says, according to the Rabbis, that they are redeemed, the reason being as Resh Lakish explains, because dedications for the altar are not included in the law of being presented and appraised.

(22) And say: Dedications for the altar are buried, since according to R. Simeon it is the opinion of all that dedications for the altar are included in the law of being presented and appraised (R. Gershom).

(23) Since therefore R. Simeon does not dispute on this point we can infer that the Baraitha is dealing with an animal blemished from the beginning, and therefore according to the Rabbis, dedications for the altar are redeemed and dedications for the repairs of the Temple

are buried, and according to R. Simeon, even dedications for the repairs of the Temple are also redeemed, since these are not included in the law of being presented and appraised.

(24) We see that the Baraitha deals with the case of an animal blemished from the beginning and we can therefore say that the reason why the Rabbis hold that the animals are redeemed is because the blemish preceded the dedication, but if the dedication preceded the blemish, then even the Rabbis will hold that they are buried. This would be unlike the opinion of Resh Lakish who holds that dedications for the altar are not included in the law of being presented and appraised.

(25) Where the Rabbis say: And blemished animals are redeemed.

(26) And the reason of the Rabbis is because dedications for the altar were not included in the law of being presented and appraised.

(27) I.e., dedications for the altar, and say that they are burnt according to the view of Resh Lakish? Why then does R. Simeon say that dedications for the altar as well as dedications for the repair of the Temple are redeemed?

(28) Heb. Mekilta, the name by which the Halachic Midrash on Exodus is now known.

(29) The teaching of the former Tanna that blemished animals are buried.

(30) Not being included in the law of being presented and appraised.

(31) Referring to dedications for the altar, concerning which the first Tanna says that they are buried.

(32) Where he says: But dedications for the altar are redeemed, whereas according to R. Johanan, since being presented and appraised are required, they are buried.

(33) Which is not included in the law of being presented and appraised, and therefore is redeemed. And dedications for the repairs of the Temple are buried, since in that case there is no difference whether a blemish occurred previous to dedication or after.

(34) That the case is as explained.

(35) And say two things: Dedications for the repairs of the Temple are redeemed and dedications for the altar are buried.

Since therefore he only differs as regards dedications for the repairs of the Temple, holding that they are redeemed, and is silent with regard to dedications for the altar which according to the Rabbis are redeemed, this proves that we are dealing with animals blemished from the beginning, i.e., before dedication (Rashi).

(36) Since if we interpret the Baraitha as dealing with animals blemished from the beginning, we can infer from the words of the Rabbis that

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where the blemish occurred after dedication, dedications for the altar are buried, whereas according to Resh Lakish, the Rabbis hold that the dedications for the altar are not included in the law of being presented and appraised, and therefore should be redeemed.

(37) And therefore the Rabbis say that dedications for the altar are redeemed.

(38) And say that dedications for the altar are buried.

(39) R. Simeon not only differs with the Rabbis with reference to dedications for the repairs of the Temple, maintaining that they are redeemed, but also with reference to dedications for the altar, holding that they are buried, since they require being presented and appraised in accordance with the interpretation of Resh Lakish.

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that blemished animals are redeemed and we explained this [as being a case] where dedications preceded their blemish, may we infer from here that we may redeem [disqualified] dedicated animals in order to give them for food to dogs?¹ —

[No,] the case here² is where he transgressed and killed them [before redemption]³ as it has been taught: As regards animals in which a blemish occurred and which he killed, R. Meir says: They shall be buried,⁴ whereas the Sages say they are redeemed.⁵ Said R. Jeremiah to R. Zera: According to R. Simeon, who says that dedications for the repairs of the Temple were not included in the law of being presented and appraised, why are unblemished dedicated animals buried?⁶ —

It is because they are fit to be offered,⁷ as it has been taught: If one caused unblemished animals to be invested [with the holiness of] dedications for the repairs of the Temple, when they are redeemed [for their value] they can only be redeemed in order to be used on the altar, since everything which is fit for use on the altar is never released from the lien of the altar.

Said R. Papa to Abaye [or according to another version, to Raba]: According to R. Johanan who explains [the Baraitha above] as dealing with the case of an animal blemished from the beginning,⁸ which would imply that all the authorities [in the Baraitha] hold that an animal blemished from the beginning is not included in the law of being presented and appraised — is it indeed not [included]? Have we not learnt: All dedicated animals whose permanent blemish preceded their dedication, if redeemed are subject to the law of the firstling and the priestly gifts;⁹ they become Hullin to be shorn and worked after their dedication; their issue and milk are permitted after their dedication;¹⁰ if one kills them without [the Temple court] he does not incur any guilt; they do not effect exchange; and if they die, they are redeemed.¹¹

And Rab Judah reported in the name of Rab:¹² This¹³ is the teaching of R. Simeon who says that dedications for the altar are included in the law of being presented and appraised, whereas dedications for the repairs of the Temple are not,¹⁴ as we have learnt: R. Simeon says, Animals dedicated for the repairs of the Temple, if they die are redeemed; but R. Simeon admits that a dedicated animal blemished from the beginning is redeemed. What is the reason? Scripture says, 'it',¹⁵ the word 'it' excluding the case of a dedicated animal blemished from the beginning. The Sages, however, say: Even a dedicated animal blemished from the beginning is also included in the law of being presented and appraised!¹⁶ —

He [Abaye]¹⁷ said to him [R. Papa]: Whose opinion do the Sages represent? That of the Tanna of the School of Levi.¹⁸ If so, why does Rab say above: 'This is the opinion of R. Simeon' and nothing more? Should he not have said: This is the opinion of R. Simeon and [the Rabbis] who differ from him?¹⁹ —

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He [Abaye] answered him: The reason why he [Rab] does not state this is because he holds the opinion of Resh Lakish who says that, according to the Rabbis, dedications for the repairs of the Temple are included in the law of being presented and appraised, whereas dedications for the altar are not,²⁰ the first clause [of the cited Mishnah] saying: And if they die they are redeemed;²¹ while the latter clause [of the Mishnah says]: If they²² die they are buried.²³ And if you prefer [another solution] I may say: Rab holds the opinion of R. Johanan;²⁴ and as for your difficulty that [Rab] should have stated: ‘This is the teaching of R. Simeon and [the Rabbis] who differ from him’, read here: This is the opinion of R. Simeon and the Rabbis who differ from him.²⁵

MISHNAH. AND THE FOLLOWING ARE THE THINGS WHICH ARE TO BE BURIED;²⁶ IF A DEDICATED ANIMAL HAD AN UNTIMELY BIRTH IT IS TO BE BURIED;²⁷ IF A DEDICATED ANIMAL HAD AN AFTERBIRTH IT²⁸ IS TO BE BURIED.²⁹ AN OX WHICH WAS CONDEMNED TO BE STONED;³⁰ THE HEIFER WHOSE NECK WAS BROKEN; THE BIRDS [BROUGHT IN CONNECTION WITH THE PURIFICATION] OF A LEPER;³¹ THE HAIR OF A NAZIRITE;³² THE FIRSTBIRTH OF AN ASS;³³ [A MIXTURE OF] MEAT AND MILK; AND HULLIN WHICH WERE KILLED IN THE TEMPLE COURT. R. SIMEON HOWEVER SAYS: HULLIN WHICH WERE KILLED IN THE TEMPLE COURT ARE TO BE BURNT.³⁴ AND LIKEWISE [SAYS R. SIMEON] AN ANIMAL OF CHASE WHICH WAS KILLED IN THE TEMPLE COURT [IS ALSO BURNT].³⁵ AND THE FOLLOWING ARE TO BE BURNT: LEAVENED BREAD ON PASSOVER IS TO BE BURNT; UNCLEAN TERUMAH; ‘ORLAH;³⁶ MIXED SEEDS IN THE VINEYARD;³⁷ THAT³⁸ WHICH IT IS CUSTOMARY TO BURN³⁹ IS TO BE BURNT AND THAT WHICH IT IS CUSTOMARY TO BURY⁴⁰ IS TO BE BURIED. WE MAY BURN⁴¹ THE BREAD AND OIL OF [UNCLEAN]

TERUMAH.⁴² ALL DEDICATED ANIMALS WHICH WERE KILLED [WITH THE INTENTION OF BEING EATEN] BEYOND THE ALLOTTED TIME OR BEYOND THE ALLOTTED PLACE⁴³ ARE TO BE BURNT.

(1) For since we say that dead animals which are not fit for an Israelite to eat are redeemed, we can only infer that the redemption is meant for dogs. Now according to R. Johanan who explains the Baraitha as referring to a case of an animal blemished from the beginning, before dedication, it does not matter to us if the animal is redeemed for dogs to eat, as no physical holiness is possessed by an animal in such circumstances.

(2) In the Baraitha which says: ‘If they died’. This does not actually mean that they died and thus became unfit for Jewish consumption.

(3) They are therefore redeemed and are fit to be eaten.

(4) In accordance with the opinion of R. Simeon who says that dedications for the altar are included in the law of presentation and valuation, and since this cannot be carried out now, after being killed, the animal is buried.

(5) Since they were not included in the law of presentation and valuation.

(6) For since the law of being presented, etc. does not apply to them, they should be redeemed.

(7) And therefore a greater stringency was imposed on them.

(8) And for this reason R. Simeon does not differ from the Rabbis in the Baraitha, agreeing that dedications for the altar are redeemed.

(9) The shoulder, cheeks and maw.

(10) Even if the pregnancy took place before their redemption and they were born after the redemption.

(11) Bek. 14a.

(12) With reference to the Mishnah just cited.

(13) The statement that they are redeemed.

(14) And a dedicated animal blemished from the beginning is like an animal dedicated for the repairs of the Temple.

(15) Contained in a Scriptural verse (Lev. XXVII, 12) and the priest shall value it, etc.

(16) We see therefore that, according to the Sages, a dedicated animal blemished from the beginning is included in the law of presentation and valuation, contrary to the opinion of R. Johanan. This creates no difficulty according to Resh Lakish, since he explains the Baraitha above as dealing with a case of an unblemished animal which became blemished after

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dedication. We can therefore say that a dedicated animal blemished from the outset is on a par with a dedication for the repairs of the Temple, for although he dedicated it for the altar, nevertheless it is like a dedication for the repairs of the Temple, being holy only for its value and it is included in the law of presentation and valuation according to the Rabbis (Rashi).

(17) Or, according to the other version, Raba.

(18) but not of the Rabbis who differ from R. Simeon.

(19) Since the Rabbis who dispute with him also agree that a dedicated animal blemished from the beginning, is not included in the law of presentation and valuation.

(20) And therefore the whole Mishnah from Bek. could not have been explained as representing the views of the Rabbis.

(21) And this opinion will be held even by the Rabbis, since the case dealt with there is of an animal which was blemished from the beginning.

(22) Viz., dedicated animals whose dedication preceded their blemish.

(23) This opinion, according to Resh Lakish, would not be held by the Rabbis. The Mishnah thus will not be altogether the opinion of the Rabbis and therefore Rab could not have taught: This is the opinion of R. Simeon and those who differ with him.

(24) That both dedications for the altar and dedications for the repairs of the Temple require to be presented and appraised, except for the case of an animal blemished from the outset, and both the first and second clauses of the Mishnah in Bek. will thus represent the opinion of the Rabbis as well as of R. Simeon.

(25) So Sh. Mek.; cur. edd., 'say indeed so'.

(26) Because they are forbidden to be used in any way.

(27) Viz., the untimely birth.

(28) The afterbirth.

(29) Because we maintain that there can be no afterbirth without an embryo.

(30) For killing a man.

(31) This refers to the bird which was killed for purification, but the other bird after being sent away, may even be eaten.

(32) Who became ritually unclean and had to commence afresh to count the period of his Nazirite vow. But the hair of a clean Nazirite who completed the period of his vow is burnt under the pot where his sacrifices boiled.

(33) Whether its body or its hair.

(34) For if we say that they are buried, there is a danger that since one cannot tell whether they are holy or Hullin, it may be said that in all cases of disqualified dedications it is permissible

to bury them, whereas the law is that disqualified dedications are burnt.

(35) For although one cannot mistake such an animal for a consecrated animal, as it cannot be dedicated for the altar, we still burn it if it was killed in the Temple court on account of an animal of Hullin which is burnt in similar circumstances.

(36) The fruit of a tree during the first three years after its planting is called 'Orlah (uncircumcision), and the law of burying is inferred from Kil'ayim (v. Rashi).

(37) V. Deut. XXII, 9.

(38) This sentence refers to 'Orlah and the mixture of seeds in a vineyard.

(39) I.e., foods.

(40) I.e., liquids.

(41) To derive a benefit therefrom.

(42) Although the case of unclean Terumah is mentioned above together with homes, leavened bread on Passover, as being burnt, the Mishnah informs us here that in the case of Terumah we may derive a benefit from it.

(43) Or if the blood was intended to be received or sprinkled beyond the allotted time, etc.

T'murah 34a

A GUILT-OFFERING OFFERED BY ONE IN DOUBT [AS TO WHETHER HE HAS COMMITTED A SINFUL ACT] IS TO BE BURNT.¹ R. JUDAH, HOWEVER, SAYS: IT IS TO BE BURIED. A SIN-OFFERING OF A BIRD THAT IS BROUGHT FOR A DOUBT² IS BURNT.³ R. JUDAH, HOWEVER, SAYS: IT IS CAST INTO THE SEWER.⁴ ALL THINGS REQUIRING TO BE BURIED MUST NOT BE BURNT, AND ALL THINGS WHICH REQUIRE TO BE BURNT MUST NOT BE BURIED.⁵ R. JUDAH SAYS: IF ONE WISHES TO BE STRINGENT WITH HIMSELF, TO BURN THINGS WHICH ARE BURIED, HE IS PERMITTED TO DO SO. THEY SAID TO HIM: IT IS NOT ALLOWED TO CHANGE.

GEMARA. Tobi⁶ raised an objection to R. Nahman: We have learnt: THE HAIR OF A NAZIRITE IS BURIED. This contradicts the following: If one weaves the size of a sit⁷ from the wool of a firstling animal⁸ in a garment, the garment is to be burnt; [if one weaves] from the hair of a Nazirite and

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[from the hair of the] first-birth of an ass in a sack,⁹ the sack is to be burnt¹⁰ —

He [R. Nahman] said to him [Tobi]: Here,¹¹ we are dealing with a [ritually] unclean Nazirite,¹² and there,¹³ we are dealing with a [ritually] clean Nazirite.¹⁴ He [Tobi] said to him [R. Nahman]: You have accounted for the disagreement between the case of [the hair of] a Nazirite [mentioned in our Mishnah] and the case of [the hair of] a Nazirite [mentioned in the other]. But you have still to account for the difference between the teaching concerning the first-birth of an ass [in our Mishnah] and the teaching concerning the first-birth of an ass [mentioned in the other]? He [R. Nahman] was [at first] silent and said nothing at all to him, but [thereupon] he said to him: Have you heard Something with reference to this matter? —

He [Tobi] replied to him: Thus said R. Shesheth: Here,¹⁵ we are dealing with a sack,¹⁶ and there,¹⁷ with hair.¹⁸ It has also been stated: Said R. Jose son of R. Hanina: Here we are dealing with a sack and there we are dealing with hair. R. Eleazar says: Here¹⁹ we are dealing with a [ritually] clean Nazirite²⁰ and there²¹ we are dealing with a [ritually] unclean Nazirite.²² He [R. Nahman] asked him: Why should not the forbidden hair be neutralized in the larger size of the sack?²³ —

Said R. Papa: We suppose that he wove [the figure of] a bird.²⁴ If [he indeed wove the figure of] a bird, why cannot he pull out [the forbidden hair]?²⁵ —

Said R. Jeremiah: [The cited Mishnah] represents²⁶ the view of R. Judah, who holds that if one wishes to be stringent with himself so as to burn the things which only require to be buried, he is permitted to do so. He said to him: We ask why you should not pull out [the forbidden hairs] from the sack²⁷ and you explain [the cited Mishnah] as representing the view of R. Judah!²⁸ —

This is what I mean: If it is possible to pull out [the forbidden hair] it is better,²⁹ but if not,³⁰ [the cited Mishnah]³¹ may be explained as representing the opinion of R. Judah who says that if he wishes to be stringent with himself so as to burn things which only require to be buried, he is permitted to do so.

AND THE FOLLOWING ARE TO BE BURNT. The Master said: LEAVENED BREAD ON PASSOVER IS BURNT. The Tanna [of our Mishnah] states here anonymously the opinion of R. Judah who said: The removal of unleavened bread is only through fire.

UNCLEAN TERUMAH, ‘ORLAH, MIXED SEEDS IN THE VINEYARD. [THAT WHICH IT IS CUSTOMARY, etc.] How is this explained? Food for burning and liquids for burial.³²

A SIN-OFFERING OF A BIRD, etc. It has been taught: Said R. Judah, A sin-offering of a bird which is brought in virtue of a doubt, is cast into the sewer. He cuts it, limb by limb, and throws it into the sewer and it rolls and goes down to the Brook of Kidron.

ALL THINGS WHICH ARE BURIED MUST NOT BE BURNT, etc. What is the reason?³³ Because the ashes of things which are buried are forbidden [to be used], whereas the ashes of things which are burnt are permitted [to be used].³⁴ But are the ashes of things which are buried forbidden [to be used]? Has it not been taught: The blood of a niddah³⁵ and the flesh of a corpse which has crumbled³⁶ are ritually clean? Now does this not mean ‘clean’ and permitted [to be used]?³⁷ — No, it means ‘clean’ but forbidden [to be used].

R. Phinehas raised an objection: The crop and the plumage of the burnt-offering of a bird whose blood has been squeezed³⁸ are not subject to the law of sacrilege.³⁹ Now

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does this not mean that they are not subject to the law of sacrilege and are permitted [to be used]?⁴⁰ —

No, it means that they are not subject to the law of sacrilege but are forbidden to be used. But are the ashes of things consecrated permitted to be used? Has it not been taught: The ashes of all things which are burnt⁴¹ are permitted to be used⁴² save the ashes of asherah,⁴³ and the ashes of consecrated objects are always forbidden. (And the reason⁴⁴ why the Tanna in the Baraitha here does not state both cases together⁴⁵ is because Asherah can be made void by a heathen⁴⁶ whereas consecrated objects can never be made void.) At any rate the Baraitha states that the ashes of consecrated objects are always forbidden? —

Said Rami b. Hama: The case here⁴⁷ is where e.g., a fire broke out [of itself] among consecrated wood, seeing⁴⁸ that there was nobody who could be guilty of sacrilege for the ashes to become hullin.⁴⁹ R. Shmaya says: The Baraitha⁵⁰ above refers to the ashes which are separated⁵¹ and which are always forbidden [to be used]. For it has been taught: [Scripture says:] And he shall put it,⁵² meaning ‘he shall put it’ quietly;⁵³ ‘he shall put it’⁵⁴ — the whole of it [the handful]; and ‘he shall put it’ — that he must not scatter it.⁵⁵

(1) If he killed it, and before the sprinkling of the blood it became known to him that he had not sinned. It is therefore like a disqualified sacrifice, the law of which is that it is to be burnt. But if he did not become aware that he had not sinned, it may be eaten, as is the case with other guilt-offerings (Rashi).

(2) As to whether the embryo of a woman who had an untimely birth was of such a nature as to require her to bring the usual sin-offering after childbirth. For, since the sin-offering of a woman after childbirth is a bird, she can bring it even if there is a doubt concerning the untimely birth, as it does not matter if the sprinkling is performed on behalf of a doubtful case, since in any case the sin-offering is not eaten for fear that the untimely birth was not a

genuine embryo and therefore the bird would be Hullin, which by reason of the pinching of its neck, has become Nebelah (v. Glos.).

(3) As is the case with other disqualified dedications.

(4) For since the bird is tender it decays and the flow of the water in the sewer is not obstructed.

(5) Lest one might find them and forget the reason for their burial and eat them.

(6) For reading v. Sh. Mek.

(7) The distance between the tip of the thumb and that of the index finger when held apart.

(8) Which is forbidden to be used, being from a dedicated animal.

(9) In connection with wool, the Baraitha uses the word ‘garment’ and in connection with hair, it uses the word ‘sack’, which in both cases are the appropriate terms.

(10) ‘Orlah III, 3. This is contrary to our Mishnah.

(11) Our Mishnah which speaks of burying the hair of a Nazirite.

(12) Rashi says here that the reason is because Scripture does not mention that burial is required in the case of the hair of an unclean Nazirite, as it does with reference to a clean Nazirite. Tosaf., however, (Nazir 45a) raises the question how we know that the hair of an unclean Nazirite is buried.

(13) In ‘Orlah.

(14) Since Scripture mentions burning: And put it in the fire (Num. VI, 18).

(15) The Mishnah which speaks of burning.

(16) Where he wove the hair of a Nazirite or of the first-birth of an ass into a sack. Now if you say the sack is only buried, someone may come and derive benefit therefrom, seeing that it is not destroyed until after a time.

(17) Our Mishnah which speaks of burying.

(18) Where the hair was not woven into any article. And both Mishnahs refer either to an unclean or clean Nazirite.

(19) In ‘Orlah.

(20) And therefore the hair is burnt as Scripture enjoins in Num. VI, 18.

(21) Our Mishnah.

(22) And therefore the hair of a Nazirite is buried. And in both cases we are dealing with the weaving of the forbidden hair in the sack (Rashi).

(23) Since the statement: ‘If one weaves the hair of a Nazirite into a sack’ implies something small in a large thing.

(24) From the forbidden hair of the Nazirite in the sack, thus making the sack more valuable by decorating it. The hair is therefore not neutralized in the larger size of the sack and the sack is consequently burnt.

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- (25) And why not therefore bury the sack and not burn it?
- (26) We assume for the moment that we adopt a stringent attitude and for this reason the Mishnah says that the sack is burnt (Rashi).
- (27) Since there is here a remedy.
- (28) Where there is a way out, does R. Judah hold that one may burn things which only require burial?
- (29) That the sack should not be burnt (R. Gershom). Tosaf. comments here that the passage does not refer at all to the question of neutralizing the forbidden hair, but has reference to the incongruity between the Mishnah in 'Orlah and our Mishnah above.
- (30) The Wilna Gaon Glosses have the version **לך ואמנא לך** which in an abbreviated form is **ל"א** 'but I tell you'.
- (31) Which speaks of burning, contrary to our Mishnah above.
- (32) As liquids cannot be burnt.
- (33) That things which are buried must not be burnt.
- (34) If therefore he burns things which are to be buried, he might use the ashes which are forbidden.
- (35) A menstruant woman.
- (36) And became dust. Now these things require to be buried.
- (37) We therefore see that the ashes of things which are buried are permitted to be used.
- (38) On the wall of the altar, the ritual in connection with a burnt-offering having been carried out.
- (39) These are things which are buried.
- (40) So that one may directly dig them up and use them. We therefore see that the ashes of buried things are permitted.
- (41) E.g., leaven on Passover, 'Orlah, etc.
- (42) In order to wash clothes therewith (Rashi).
- (43) Trees used as objects of idolatry.
- (44) The Gemara proceeds to explain the Baraitha just quoted before completing the question.
- (45) Those of Asherah and consecrated objects by saying: Save for the ashes of Asherah and consecrated objects, instead of: 'Save for the ashes of Asherah, and the ashes of, etc.' seeing that both are forbidden.
- (46) A heathen can nullify objects of idolatry belonging to a heathen.
- (47) In the Baraitha where it says that the ashes of consecrated objects are forbidden.
- (48) For reading v. sh. Mek.
- (49) But if a man deliberately burnt consecrated wood, the ashes became Hullin, by the unlawful use of consecrated property.
- (50) The Baraitha which says that the ashes of consecrated objects are forbidden.
- (51) The handful of ashes taken away by the priest every morning and which he puts near the altar.
- (52) Le.; VI, 3.
- (53) I.e., not throw the ashes but put them near the altar, in an orderly manner, since Scripture does not say 'he shall cast it'.
- (54) Since the Torah could have said: 'And he shall put' without the objective suffix 'it' (R. Gershom).
- (55) This is an obvious inference, after the previous interpretations. We therefore see that these ashes require to be hidden away and, this being the case, it is forbidden to benefit from them. But other ashes of consecrated objects are permitted to be used.