

**The Soncino Babylonian Talmud**

**Folios 2a-22a**



**ME'LOH**

TRANSLATED INTO ENGLISH  
WITH NOTES

*Reformatted by Reuven Brauner, Raanana 5771*  
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# ME'ILAH - 2a-22a

## Me'ilah 2a

### CHAPTER I

**MISHNAH.** IF THE MOST HOLY SACRIFICES<sup>1</sup> WERE SLAUGHTERED ON THE SOUTH SIDE [OF THE ALTAR],<sup>2</sup> THE LAW OF SACRILEGE<sup>3</sup> [STILL] APPLIES TO THEM. IF THEY WERE SLAUGHTERED ON THE SOUTH SIDE AND THEIR BLOOD RECEIVED ON THE NORTH OR [SLAUGHTERED] ON THE NORTH SIDE AND THEIR BLOOD RECEIVED ON THE SOUTH, OR IF THEY WERE SLAUGHTERED BY DAY AND [THEIR BLOOD] SPRINKLED DURING THE NIGHT<sup>4</sup> OR [SLAUGHTERED] DURING THE NIGHT AND [THEIR BLOOD] SPRINKLED BY DAY,<sup>5</sup> OR IF THEY WERE SLAUGHTERED [WITH THE INTENTION OF EATING THE FLESH] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE,<sup>6</sup> THE LAW OF SACRILEGE STILL APPLIES TO THEM.

**R. JOSHUA LAID DOWN THE GENERAL RULE:** WHATEVER HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS DOES NOT COME UNDER THE LAW OF SACRILEGE,<sup>7</sup> AND WHATEVER HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS DOES COME UNDER THE LAW OF SACRILEGE. WHICH IS THAT WHICH HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS? [SACRIFICES] WHICH REMAINED OVERNIGHT<sup>8</sup> OR BECAME DEFILED OR WERE TAKEN OUT [OF THE TEMPLE COURT].<sup>9</sup> WHICH IS THAT WHICH HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS?

[SACRIFICES] THAT WERE SLAUGHTERED [WHILE PURPOSING AN ACT] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE, OR THE BLOOD OF WHICH WAS RECEIVED BY THE UNFIT<sup>10</sup> AND THEY SPRINKLED IT.<sup>11</sup>

**GEMARA.** It is stated: IF THE MOST HOLY SACRIFICES WERE SLAUGHTERED ON THE SOUTH SIDE,

THE LAW OF SACRILEGE [STILL] APPLIES TO THEM. Is this not obvious? Should the Law of Sacrilege cease to apply to them merely because they were slaughtered on the south side?<sup>12</sup> —

It need be stated, for it might otherwise have entered your mind to say: Since 'Ulla said in the name of R. Johanan<sup>13</sup> that 'sacrifices which died were, as far as the law of the Torah rules,<sup>14</sup> excluded from the Law of Sacrilege', so were also Most Holy sacrifices when slaughtered on the south side considered as if they were strangled. It is therefore made known to us [that the instance of the Mishnah is different, for] sacrifices which died are in no case of any avail,<sup>15</sup> while the south side, though it is not the proper place for Most Holy sacrifices, is, however, the proper place for sacrifices of a minor degree of holiness.<sup>16</sup> Why was it necessary to enumerate [in the Mishnah all those cases]? —

It was necessary, for if only SLAUGHTERED ON THE SOUTH SIDE AND THEIR BLOOD RECEIVED ON THE NORTH were stated, [I would argue:] The law of Sacrilege still applies to [the sacrifices in] this case, because the receiving [of the blood]<sup>17</sup> was after all on the north side, but in the case where they were SLAUGHTERED ON THE NORTH SIDE AND THEIR BLOOD RECEIVED ON THE SOUTH, since [the blood] was received on the south side, [I Would say that] the Law of Sacrilege no longer applies to them. And if only these [first two instances] were stated, I would argue: [The law of Sacrilege still applies to them, because in these cases the sacrifices were at least offered during the day and] the day is the proper time for offering; in the case, however, where they were SLAUGHTERED BY NIGHT AND [THEIR BLOOD] SPRINKLED DURING THE DAY, since night is not the proper time for offering and the sacrifices were slaughtered by night, I might have thought that the Law of Sacrilege would no longer apply to them.

# ME'ILAH - 2a-22a

And if **SLAUGHTERED BY NIGHT [AND THEIR BLOOD SPRINKLED DURING THE DAY]** was stated<sup>18</sup> I would argue: The Law of Sacrilege still applies to them, because the blood was received during the day. In the case, however, where they were **SLAUGHTERED DURING THE DAY AND THEIR BLOOD SPRINKLED BY NIGHT**,<sup>19</sup> since it is not the proper time for offering,<sup>20</sup> the sacrifices are to be considered as if strangled, and the Law of Sacrilege would accordingly not apply to them; therefore [also this instance] has been made known to us. **IF SLAUGHTERED [WITH THE INTENTION OF EATING THE FLESH] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE.** Of what avail are such sacrifices?<sup>21</sup> —

[The Law of Sacrilege still applies to them] because [the performance of] the other acts of offering<sup>22</sup> [is yet necessary]<sup>23</sup> for rendering the sacrifices piggul.<sup>24</sup>

- (1) Viz., burnt-offerings, sin-offerings, guilt-offerings and communal peace offerings. They are considered wholly the 'possession of God' until their blood is sprinkled (Tosaf.).
- (2) And not on the north side as required, v. Zeb. 47a.
- (3) Lit., 'trespass', or malappropriation of the property of the Temple.
- (4) Night is not the time for sacrificial rites.
- (5) Tosaf. reverse the order of the last two instances, which is more in accord with the discussion in the Gemara below.
- (6) Zeb. V. 3 and 5.
- (7) Because it has, so to speak, become the private possession of the priests.
- (8) V. Lev. VII, 17.
- (9) After the sprinkling of the blood, so that the flesh was for a time permissible to the priests.
- (10) Priests who have a blemish, or who are unclean (in case of private sacrifices), v. Rashi. In these three latter cases the offerings were never valid and as such never became permissible to the priests.
- (11) V. Gemara.
- (12) Surely they are still sacred!
- (13) Infra 12a.
- (14) Not, however, by rabbinical enactment.
- (15) The prescribed manner of slaughtering allows no exception. It is & more rigid rule than that

which prescribes the south side, and its non-fulfillment deprives the sacrifice of its sacred character.

(16) Zeb. 55a.

(17) Which is a holier act of offering than slaughtering, as it must be performed by a priest.

(18) But not the following instance.

(19) This argumentation proves that the version of Tosaf. in the Mishnah is correct, cf. p. 1. n. 5.

(20) Viz., sprinkling.

(21) Are they not irrevocably disqualified from the moment of slaughtering alike for the priests and the altar? Why then should the Law of Sacrilege apply to them?

(22) Lit., '(rites) that make acceptable', Sc. receiving the blood, carrying it to the altar and the sprinkling thereof.

(23) With regard to the penalty of Kareth (v. Glos) cf. Lev. XIX, 7.

(24) פִּיגּוּל lit., 'abomination'; sacrificial flesh which has lost its sacred character in consequence of an improper intention in the mind of the officiating priest. v. Zeb. 28b.

## Me'ilah 2b

The following was queried: If they<sup>1</sup> were already laid<sup>2</sup> [upon the altar], must they be brought down? Rabbah said, even if laid [upon the altar] they must be brought down. R. Joseph said, If laid [upon the altar] they need not be brought down. According to the view of R. Judah<sup>3</sup> there can be no question that all agree that even if laid [upon the altar], they must be brought down.

The dispute arises according to the view of R. Simeon.<sup>4</sup> R. Joseph conforms [also here] to the view of R. Simeon; while Rabbah argues: R. Simeon maintained his view only in regard to offerings [the blood of which] should be applied below [the red line] and was applied above, or should be applied above [the red line] and was applied below; [since] they were at any rate slaughtered and their blood was received on the north side. In our case, however, since they were slaughtered<sup>5</sup> on the south side they are to be considered as if they were strangled.

We have learnt: **IF THE MOST HOLY SACRIFICES WERE SLAUGHTERED ON THE SOUTH SIDE, THE LAW OF**

# ME'ILAH - 2a-22a

**SACRILEGE APPLIES TO THEM.** This is in order on the view of R. Joseph; but on the view of Rabbah it presents, however, difficulties.<sup>6</sup> —

[Rabbah would reply]: **THE LAW OF SACRILEGE APPLIES...** is [to be understood as enacted] by the Rabbis only. What is the actual difference between [its application] by law of the Torah and that by [enactment of] the Rabbis? — When by law of the Torah a fifth [of the value misappropriated] must be paid,<sup>7</sup> when by enactment of the Rabbis it is not paid.<sup>8</sup> But is there a Law of Sacrilege as a Rabbinical enactment? —

Yes, there is. For 'Ulla said in the name of R. Johanan<sup>9</sup> that 'sacrifices which died were, as far as the law of the Torah rules, excluded from the Law of Sacrilege', from which we may infer that by rule of the Torah only they are excluded from the Law of Sacrilege, by [enactment of] the Rabbis, however, the Law of Sacrilege still applies to them. In the same way [in our Mishnah it is to be interpreted as applying] by enactment of the Rabbis. May we then infer<sup>10</sup> that the statement of 'Ulla in the name of R. Johanan has already been learnt [in our Mishnah]?<sup>11</sup> —

Although it has been learnt, 'Ulla's statement is still necessary, for it might otherwise have entered your mind to say: [In the instance of our Mishnah the Rabbis have enacted the application of the Law of Sacrilege, because] people do not keep away from those sacrifices;<sup>12</sup> but in the case of sacrifices which died, since people do keep away from them,<sup>13</sup> I might have thought that even as a Rabbinical enactment Sacrilege does not apply to them. Therefore ['Ulla has made his view] known to us. But has not also [the case of sacrifices which] died been learnt already? [For we have learnt]: If one enjoyed of a sin-offering,<sup>14</sup> if it was still alive he is not guilty of Sacrilege until he has diminished its substance, but if it was dead he is guilty of

Sacrilege. as soon as he had benefitted from it.<sup>15</sup> —

['Ulla's statement is still necessary. for] it might otherwise have entered your mind

- (1) Viz., the disqualified sacrifices as instanced in the Mishnah.
- (2) Lit., 'gone up'.
- (3) Zeb. 84a.
- (4) With reference to sacrifices the blood of which was sprinkled irregularly either above or below the red line surrounding the altar. In such a case R. Judah holds that if they had gone up they must come down again, whereas R. Simeon holds they need not, v. *ibid*.
- (5) Similarly in regard to other acts of offering.
- (6) Since he holds that they must come down again these sacrifices have lost their sacred character, and the Law of Sacrilege should not apply to them.
- (7) Lev. V, 16.
- (8) Just as the trespass guilt-offering is not brought.
- (9) *Supra*.
- (10) According to Rabbah's interpretation of the Mishnah.
- (11) Since on the view of Rabbah sacrifices slaughtered on the south are treated as if they were strangled, their case is on a par with that of sacrifices which died, the ruling of R. Johanan can be derived from the Mishnah and hence is superfluous.
- (12) And are, therefore, likely to make unlawful use of them.
- (13) As they are repulsive.
- (14) E.g., by plucking of its wool.
- (15) This is interpreted to the extent of the value of a Perutah, v. *infra* 18a. Thus the case of animals which died has already been taught, wherefore then 'Ulla's ruling in the name of R. Johanan?

## Me'ilah 3a

to say that in the case of the sin-offering, since it comes for atonement people do not keep away from it; but other sacrifices, however, since they come for atonement, people will keep away from them and there was, therefore, no [necessity for the Rabbis to enact in regard to them the] Law of Sacrilege. Therefore ['Ulla has made his view] known to us.<sup>1</sup> But is it indeed so that the Law of Sacrilege applies to a sin-offering which died? Has it not been taught: Sin-

# ME'ILAH - 2a-22a

offerings that are to be left to die<sup>2</sup> and money that is to be thrown into the Dead Sea<sup>3</sup> must not be enjoyed, yet the Law of Sacrilege does not apply to them? —

You might reply: In the case of sin-offerings that are to be left to die people keep away from them even while they are still alive;<sup>4</sup> which is not so [with ordinary sin-offerings] from which people do not keep away while they are alive.<sup>5</sup> R. Joseph raised an objection to Rabbah [by way of inference] from one [Mishnah] to another and again from this to a third. [We have learnt]: And all of them<sup>6</sup> do not defile the garments worn by him that swallows them, and the Law of Sacrilege still applies to them all except the sin-offering of a bird, which was offered below [the red line], after the manner of a sin-offering of a bird and under the name of a sin-offering.

And then in connection therewith we have learnt [the general rule]:<sup>7</sup> Whenever it became disqualified in the Sanctuary<sup>9</sup> it does not defile the garments worn by him that swallows it, and whenever it became disqualified while not in the Sanctuary it defiles the garments worn by him that swallows it.<sup>10</sup> And we have furthermore learnt: Whatever became disqualified in the Sanctuary need not be removed, if already laid upon the altar, need not be brought down.<sup>11</sup> Is this not a refutation of Rabbah's view?<sup>12</sup> — It is indeed a refutation.

Now the point which had been disputed by Rabbah and R. Joseph was a matter of course to R. Eleazar. For R. Eleazar said:<sup>13</sup> If a burnt-offering which was dedicated to a private High Place<sup>14</sup> was brought [to be offered] inside [the Sanctuary]

(1) [The meaning is obscure and the text seems to be in disorder. Bah reads: It might have entered your mind since a sin-offering comes for atonement people keep away from it and therefore no Law of Sacrilege applies to it, therefore (the Mishnah) has made known to us (that even here the Law of Sacrilege applies); consequently no question can be raised against 'Ulla from this

Mishnah which by specifying a sin-offering was taken on the view of the questioner to exclude other sacrifices, v. Sh. Mek.,]

(2) V. Tem. 21.

(3) Ibid. 22b.

(4) And are not likely to touch them after they have died.

(5) And therefore the Law of Sacrilege applies to them by Rabbinic enactment.

(6) I.e., those enumerated in the Mishnah Zeb. 66a.

(7) Zeb. 66b Mishnah.

(8) Refers to the sin-offering of a bird the 'wringing' of which (Melikah. v. Glos.) was performed in the wrong place.

(9) Through some irregularity in the prescribed method of slaughtering, Melikah.

(10) B. cause the wringing off of the head, which is prescribed for a valid sin-offering of a bird, renders it in this case Nebelah (v. Glos.); v. Zeb. 68b.

(11) Zeb. 84a.

(12) From the first Mishnah we learn that the sin-offerings of a bird whose Melikah was performed in the wrong place a case which corresponds to the instances of our Mishnah — do not defile the garments worn by him that swallows them; thus we infer that when the second Mishnah speaks of disqualification that occurred in the Sanctuary, the reference is likewise to a Melikah performed in the wrong place, and similarly the third Mishnah which states that whatever becomes disqualified in the Sanctuary need not be brought down when already laid upon the altar includes such a disqualification as Melikah performed in the wrong place, and similarly a slaughtering in the wrong place which refutes Rabbah.

(13) Zeb. 1 19b.

(14) At a time when these were permitted. In such places the offerings need not necessarily be slaughtered on the north side of the altar. Cf. Zeb. 112b.

## Me'ilah 3b

the [sacred] precincts exercise on it their retaining power in every respect.<sup>1</sup> R. Eliezer then submitted the following query:<sup>2</sup> 'If a burnt-offering, which was dedicated to a private High Place and brought inside the Sanctuary, became disqualified,<sup>3</sup> if laid [upon the altar] must it be brought down?' May we not infer from the fact that R. Eleazar queried only this [special] case, that the other case<sup>4</sup> was a matter of course to him, either

## ME'ILOH - 2a-22a

confirming to the view of Rabbah or to the view of R. Joseph? —

[No, R. Eleazar was doubtful even in regard to instances of our Mishnah and] he queries the one case as a further steps<sup>5</sup> of the other. [For I could argue on the one hand]: Rabbah maintained that even when laid upon the altar they must be brought down only [when the sacrifices were brought inside] the precincts of the Temple in conformity with their original provision,<sup>6</sup> [in which case the departure from the prescribed method of offering rightly]<sup>7</sup> disqualified them; but where [the sacrifices were brought inside] the precincts of the Temple against their original provisions [a departure from the right method of offering]<sup>9</sup> [he might hold] does not disqualify them!<sup>10</sup>

Or I could, perhaps, [argue on the other hand]: R. Joseph maintained that when laid upon the altar they need not be brought down only when the retaining power of the sacred precincts was exercised in conformity with the Original provision [of the sacrifices]; but [if the sacrifices were brought inside] the sacred precincts against their original provision the retaining power of the Temple [he might hold] is not [fully] effective!<sup>11</sup> Let this query<sup>12</sup> remain undecided.

Said R. Giddal in the name of Rab: The sprinkling of [the blood of an offering which was rendered] piggul<sup>13</sup> [at the slaughtering]<sup>14</sup> neither effects exemption from the Law of Sacrilege in the case of Most Holy sacrifices,<sup>15</sup> nor inclusion within the scope of the Law of Sacrilege in the case of sacrifices of a minor degree of holiness.<sup>16</sup>

Abaye was sitting and quoting this ruling, when R. Papa raised an objection to him: If the thank-offering<sup>17</sup> was slaughtered inside [the Temple Court] while the bread thereof remained outside the wall, the bread has not become sacred. If it was slaughtered before the loaves in the oven had formed a crust — even if all the loaves but one had formed a

crust — the bread has not become sacred. [But] if it was slaughtered<sup>18</sup> [while purposing an act] beyond the proper time or outside the proper place, the bread has become sacred?<sup>19</sup> Does this not prove that [the performance of the acts of offering of a sacrifice rendered] Piggul brings [sacrifices of a minor degree of holiness] within the scope of the Law of Sacrilege? — Thereupon he [Abaye] was silent. When he came before R. Abba the latter replied: It is through the sprinkling<sup>20</sup> [that the bread has become sacred].<sup>21</sup>

Said R. Ashi to Raba: But has not 'Ulla ruled<sup>22</sup> that if the handful of [a meal-offering, which was rendered] piggul,<sup>23</sup> was laid upon the altar the disqualification ceased?<sup>24</sup> Now, the separation of a handful [of a meal-offering] corresponds to the slaughtering [of an animal-offering].<sup>25</sup> He thereupon replied: ['Ulla's statement is to be understood in the following manner: The taking of the handful with disqualifying intention] is a prohibited act that leads to the offering becoming piggul.<sup>26</sup>

(1) Sacrifices must then be offered in accordance with all the prescriptions relating to those originally dedicated to the Sanctuary

(2) Zeb. 119b has a different version of the text.

(3) By an error which causes no disqualification on a private High Place, e.g., he slaughtered it on the south side, cf. n. 2.

(4) Relating to the instances of our Mishnah.

(5) Lit., 'out of the other'.

(6) I.e., when originally dedicated to the Temple.

(7) Because originally attached to them.

(8) Which was to offer them on a private High Place.

(9) Prescribed primarily for offerings dedicated to the Temple.

(10) And they need not be removed when laid upon the altar.

(11) And the sacrifices must be brought down from the altar.

(12) Of R. Eleazar.

(13) V. Glos.

(14) According to pseudo-Rashi the sprinkling, too, was performed with disqualifying intention, while Tosaf. hold that its performance was unqualified. The explanation that follows is according to the first view.

(15) Cf. infra 7b.

# ME'ILAH - 2a-22a

(16) [The principle is that the application of the Law of Sacrilege ceases from the moment the blood is sprinkled on the altar in the case of Most Holy sacrifices and in regard to sacrifices of a lesser degree of holiness it becomes operative only between the moment of the sprinkling of the blood and the burning of the portions — and that only as far as the sacrificial portions are concerned.]

(17) Which is a sacrifice of a minor degree of holiness.

(18) R. Papa assumed that the other acts of offering, too, were performed with this disqualifying intention,

(19) And the Law of Sacrilege applies to it, v. Men. 78b.

(20) Which, we should assume, was performed unqualified.

(21) While R. Giddal's ruling refers to a case where all the acts were performed with disqualifying intention.

(22) Zeb. 43a.

(23) Through the handful having been taken with disqualifying intention.

(24) Even to the extent that it must be placed upon the altar if it happened to spring off, and consequently the Law of Sacrilege applies to it.

(25) Both are respectively the first acts of offering. 'Ulla's statement proves then that the first act alone can render an offering Piggul, contrary to R. Abba's reply. And still it states that the bread is made sacred which shows that sacrifices of a minor degree of holiness are brought within the scope of the Law of Sacrilege by acts of offering performed subsequently to a slaughtering that rendered them Piggul contra R. Giddal.

(26) Viz., when the other acts, too, will be performed with disqualifying intention, but the taking of the handful itself does not render completely Piggul, nor the act of slaughtering in itself unless followed by other acts, such as sprinkling with the same disqualifying intention, which is the case to which R. Giddal refers.

## Me'ilah 4a

But does it not say:<sup>1</sup> since it [[the handful] renders others Piggul, how much more so should it itself [become Piggul]?<sup>2</sup> — Here, too, [you must understand it as meaning] a prohibited act that leads to the offering becoming Piggul.

Said Rabina to R. Ashi: But did not Ilfa say:<sup>3</sup> The dispute<sup>4</sup> is only in regard to two acts of offering,<sup>5</sup> namely when he [that officiated] said: I am cutting the first organs [while

purposing an act] beyond the proper time, and the second [while purposing an act] outside the proper place;<sup>7</sup> but in regard to one act,<sup>8</sup> they all agree that there is here an admixture of unlawful intentions?<sup>9</sup> — Here, too, [you must understand that] when the sprinkling takes place it will [retrospectively] prove whether [there was unlawful intention] in one act or in two acts of offering. If this be so,<sup>10</sup> why not say with the thanks-offering, too, [that its disqualification becomes effective] with the sprinkling?<sup>11</sup> —

'[The bread has become] sacred' means indeed only in so far as it has to be burnt by reason of its disqualification.<sup>12</sup> May not the following be cited in support [of R. Giddal]:<sup>13</sup> 'The Law of Sacrilege applies to Piggul always'. [Does this not imply] even though the blood has been sprinkled, and will then offer a support [of R. Giddal]? — [No, [that is] where the blood has not been sprinkled.<sup>14</sup> But if the blood has not been sprinkled need it be stated? — It deals, in fact, with a case where the blood has been sprinkled, but when this has been taught, it was in reference to a burnt-offering.<sup>15</sup> If it refers to a burnt-offering, is it not obvious, since this offering is wholly dedicated to the Lord?

(1) In 'Ulla's argument. MS.M.: 'Did not 'Ulla state'.

(2) V. Zeb. 43G where this is explained thus: If the disqualification rendered by the taking of the handful with the unlawful intention is not irrevocable in that if it is subsequently laid upon the altar it need not be brought down, now should it render the rest of the handful liable to the Law of Sacrilege. This proves that on the view of 'Ulla unlawful intention at the taking of the handful only renders the Piggul complete and irrevocable.

(3) Zeb. 29b.

(4) Of R. Judah and the Sages, v. *ibid.*

(5) More exactly, two separable parts of an act.

(6) The windpipe and the gullet are the two organs the cutting of which effects the ritual slaughtering.

(7) The former intention renders the sacrifice Piggul, the eating of which involves the penalty of Kareth, the second renders it only invalid.

(8) Viz., one organ. e.g., if the first half of the organ is cut with the thought of executing an act beyond the proper time and the second with the

# ME'ILAH - 2a-22a

thought of executing an act outside the proper place.

(9) And he that eats of the flesh is not liable to the penalty of Kareth. This statement at any rate indicates that the disqualification is assumed to be effective and complete with the mere act of unlawful slaughtering, and yet in the case of the thank-offering we learnt that the bread has become sacred, which refutes R. Giddal.

(10) I.e., that the disqualification of the offering becomes effective with the sprinkling.

(11) Why then should, according to R. Giddal's view, the bread become sacred and thus come under the Law of Sacrilege.

(12) But not in regard to the Law of Sacrilege.

(13) Viz., of the first part of his statement with reference to the Most Holy sacrifices.

(14) With disqualifying thought.

(15) In which - unlike sin- and guilt-offerings - the priests have no share, there then being no flesh rendered permissible by the sprinkling of the blood.

were rendered Piggul'. Now, does this not imply even though the blood was sprinkled,<sup>6</sup> and will then offer a support [of R. Giddal]? —

No, [it speaks of a case] where the blood was not sprinkled. But what would be the case if [the blood was] sprinkled? Would the Law of Sacrilege indeed not apply to it? Why then state in the concluding clause: 'The Law of Sacrilege does not apply to sacrifices of a minor degree of holiness [which were rendered Piggul]'? Could the distinction not be made in the opening clause itself [in the following manner]: The Law of Sacrilege applies [to the offering] before the blood has been sprinkled. but is not applicable after it has been sprinkled? —

## Me'ilah 4b

And moreover it says in the concluding clause: 'If the blood remained overnight, although it was still sprinkled, the Law of Sacrilege still applies [to the offering].<sup>1</sup> This would be right if it related [for instance] to a sin-offering, but if it referred to a burnt-offering. need it at all be stated?<sup>2</sup> —

The concluding clause obviously supports [R. Giddal's view], but what about the opening clause? As the concluding clause offers a support so will also the opening one?<sup>3</sup> But even the concluding clause need not necessarily support [R. Giddal's view].<sup>4</sup> — And what would be the difference? —

[The disqualification of] leaving the blood overnight is caused by actions<sup>5</sup> and [the transgressor is therefore penalized in that] the sprinkling has not the effect of exempting the offering from the Law of Sacrilege, but the thought [of Piggul] is not an action and the sprinkling has the effect of exempting the offering from the Law of Sacrilege. But may we not say that the following supports [R. Giddal]? [It was taught]: 'The Law of Sacrilege applies to Most Holy sacrifices that

[The concluding clause] undoubtedly supports [R. Giddal's view].<sup>7</sup> Shall we say: Since the concluding clause supports [R. Giddal], so will also the opening one?<sup>8</sup> — [No, the latter refers indeed to a case where the blood has not been sprinkled, and the reason why the distinction is not made within the opening clause itself is]: The statement [in the concluding clause] on sacrifices of a minor degree of holiness is absolute, the [distinction] in the opening clause would be, in form, conditional.<sup>9</sup>

**R. JOSHUA LAID DOWN THE GENERAL RULE: WHATEVER HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS DOES NOT COME UNDER THE LAW OF SACRILEGE, AND WHATEVER HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS DOES COME UNDER THE LAW OF SACRILEGE. WHICH IS THAT WHICH HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS? THAT WHICH REMAINED OVERNIGHT OR BECAME DEFILED OR WAS TAKEN OUT [OF THE TEMPLE COURT]. WHICH IS THAT WHICH HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS? THAT WHICH WAS SLAUGHTERED [WHILE PURPOSING AN ACT] BEYOND**



# ME'ILAH - 2a-22a

**ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE, OR THE BLOOD OF WHICH WAS RECEIVED BY THE UNFIT AND THEY SPRINKLED IT.**

Said Bar Kappara to Bar Pada:<sup>10</sup> O, thou son of my sister, keep in mind what to ask me tomorrow at the School House:<sup>11</sup> Does **PERMITTED TO THE PRIESTS** mean 'permitted through slaughtering'<sup>12</sup>

(1) And it is assumed that the same applies in the case of Piggul.

(2) It is now assumed that this ruling applies to other disqualifications as well.

(3) I.e., does the opening clause necessarily refer to sin-offerings because the concluding one does?

(4) As it might apply only to the case where the blood was left overnight but not to other Piggul. MS.M.: 'And does the concluding clause indeed offer a support? — He said: What is the difference? — He replied: The disqualification of leaving the bread...'

(5) Or rather by omission of action.

(6) With disqualifying thought.

(7) The concluding clause undoubtedly applies also to the case where the blood has been sprinkled, as a disqualified offering can never assume a sacred character. It therefore supports directly the second part of R. Giddal's statement with reference to sacrifices of a minor degree of holiness.

(8) In that we assume that the blood has been sprinkled.

(9) Lit., 'not cut'.

(10) Cur. edd. Pedath, but cf. Tosaf. Tem. 10d s.v. איתמר.

(11) To provoke a discussion on this matter. Thus Tosaf. According to pseudo-Rashi the query which follows was put forward by Bar-Pada.

(12) I.e., once it was properly slaughtered it is regarded as having become permissible to the priests and hence the Law of Sacrilege no longer applies to the flesh.

Said R. Zera: Our Mishnah cannot be made to correspond either with the view of Hezekiah or that of R. Johanan. For we have learnt: **THAT WHICH REMAINED OVERNIGHT OR BECAME DEFILED OR WAS TAKEN OUT [OF THE TEMPLE COURT].** Now, does this not mean that the blood remained overnight,<sup>3</sup> and yet it states that the Law of Sacrilege does not apply, [a statement which] proves that 'permitted for sprinkling' is meant? — No, it means that the flesh remained overnight, but the blood had been sprinkled, and for this reason it states that the Law of Sacrilege does not apply.

We have learnt: **WHICH IS THAT WHICH HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS? THAT WHICH WAS SLAUGHTERED WHILE PURPOSING AN ACT BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE, OR THE BLOOD OF WHICH WAS RECEIVED BY THE UNFIT AND THEY SPRINKLED IT.** How is [the last instance] to be understood? Shall I say that the blood was received by unfit [priests] and sprinkled by unfit [priests]? Why is it necessary to have this twofold [disqualification]?<sup>4</sup> You must then understand it that the blood was received by the unfit and sprinkled by the fit,<sup>5</sup> and it states that [in this case] the Law of Sacrilege applies.<sup>6</sup> This would prove that 'permitted for sprinkling' is meant.

To this R. Joseph demurred: Should you say that a distinction of this character can be made. how [would you explain] that which we have learnt elsewhere:<sup>7</sup> 'The blood of a disqualified sin-offering need not be washed off<sup>8</sup> [if splashed upon a cloth], no matter whether the offering had at one time been fit for use and then became disqualified. or had at no time [been fit for use]. Which is that which had at one time been fit for use, but became disqualified? That<sup>9</sup> which remained overnight or became defiled or was brought outside the Temple Court. Which is that which had at no time been fit for use? That which was slaughtered [while purposing an

## Me'ilah 5a

or 'permitted for sprinkling',<sup>1</sup> or 'permitted for consumption'?<sup>2</sup> Hezekiah said: It means 'permitted at the time of slaughtering'. R. Johanan said: It means 'permitted for consumption'.

# ME'ILAH - 2a-22a

act] beyond the proper time or outside the proper place, or the blood of which was received by the unfit and they sprinkled it'. Now, how is this to be understood? Shall I say that [the blood] was received by the unfit, and was sprinkled by the unfit [and thus infer that only in this case] need the blood not be washed off; if, however, it was received and sprinkled by the fit, the blood has to be washed off? [But this could not be!]

Apply here the verse: And when there is sprinkled of the blood thereof... ,<sup>10</sup> but not of that which has already been sprinkled. You must then say [that the text of the Mishnah there] is not meant to be taken precisely [so as to exclude other instances],

(1) I.e., the receiving of the blood must have been in order.

(2) I.e., also the sprinkling must have been in order.

(3) After the receiving was properly performed.

(4) The mere fact that the blood had been received by the unfit prevented the flesh from becoming permissible to the priests.

(5) The receiving was undoubtedly by unfit according to the text.

(6) But not if the receiving was by fit and the sprinkling by unfit, in which case the flesh would have been rendered at a time permissible to the priests.

(7) Zeb. 92.

(8) V. Lev. VI, 20.

(9) I.e., the blood.

(10) Lev. VI, 20. The verb is used in the future tense indicating that the blood has yet to be sprinkled.

## Me'ilah 5b

and likewise here, [that the text is] not to be taken precisely [so as to exclude other instances].<sup>1</sup>

Said R. Assi: If so, why has this [loose phrasing] been used twice?<sup>2</sup> You must therefore indeed say that used in connection with the Law of Sacrilege is to be taken precisely [as excluding other instances],<sup>3</sup> [yet your objection that to state this twofold disqualification was unnecessary does not

hold good as] it is to let us know that an unfit person [through his sprinkling] renders [the blood]<sup>4</sup> a residue,<sup>5</sup> so that although after the unfit received and sprinkled [the blood] a fit priest received and sprinkled it again, the action of the latter is of no avail. Why? Because the blood<sup>6</sup> is considered a residue.

But did not Resh Lakish put this forward as a query to R. Johanan:<sup>7</sup> 'Does [the act of] an unfit person render the blood a residue?' Whereupon the latter replied: 'Nothing makes [the blood] a residue save [the sprinkling while purposing an act] beyond its proper time or outside its proper place, because such a sprinkling [is in so far of effect as to] render [the sacrifice] 'acceptable' in respect of piggul.<sup>8</sup> Now, does this not exclude [the sprinkling by] an unfit person?—

No, also the [sprinkling] by the unfit [is included]. But does it not say: 'Nothing... save'? — This is to be understood in the following manner: There is no [disqualification] such as to render [an offering] non-acceptable in the case of a congregation [sacrifice]<sup>9</sup> and yet to make the blood a residue save that caused by [the thought of executing an act] beyond the proper time or outside the proper place; but a defiled [priest],<sup>10</sup> since he is considered fit in the case of the congregation,<sup>11</sup> makes the blood a residue, whilst other unfit [priests]<sup>12</sup> who are not considered fit in the case of the congregation, do not make the blood a residue.

Come and hear: 'The Law of Sacrilege applies to piggul<sup>13</sup> always',<sup>14</sup> Does this not refer to a case where the blood has not been sprinkled, and would then prove<sup>15</sup> that 'permitted for sprinkling' is meant? — No, it [refers to a case where the blood] has been sprinkled. And what is the meaning of 'always'? — It is to confirm the statement of R. Giddal.<sup>16</sup> For R. Giddal said in the name of Rab: 'The sprinkling of [the blood of a sacrifice rendered] Piggul] [with

# ME'LOH - 2a-22a

slaughtering] effects neither exemption from nor inclusion in the Law of Sacrilege'.<sup>17</sup>

(1) E.g., where it was received by the fit and sprinkled by the unfit, for even in such a case the Law of Sacrilege applies since the slaughtering has been properly performed. The inference that 'permitted for sprinkling' is meant would then be invalid.

(2) Both here and in Zeb. 92a.

(3) Viz., that it refers to a case where both receiving and sprinkling were performed by the unfit, though the phrasing in Zeb. is not to be taken precisely, as proved by the verse Lev. VI. 20; v. n. 1.

(4) Also that life-blood which remained in the body of the beast.

(5) Which must not be used again and poured out into the duct, v. Zeb. 34b. Had the sprinkling not been performed by the unfit, receiving as well as sprinkling could have been executed again by a fit person from the life-blood that remained in the body of the beast. Cf. Zeb. 32a.

(6) Left over after the receiving and sprinkling performed by the unfit.

(7) Zeb. 34b.

(8) So that he who eats thereof is liable to the penalty of Kareth. Cf. Zeb. 28b.

(9) E.g., Piggul, Nothar and 'taking out of the Temple Court'.

(10) The unfit to whom R. Assi in his explanation of our Mishnah is meant to refer.

(11) If the majority of the congregation are unclean, v. Pes. 66b. 77a.

(12) E.g., those with a blemish.

(13) Viz., of Most Holy sacrifices.

(14) No matter whether the disqualification was accomplished with the slaughtering or the receiving.

(15) By the conclusion that if, however, both slaughtering and receiving were in order the Law of Sacrilege would no longer apply.

(16) V. supra 3b.

(17) 'Always' means thus 'for ever'.

## Me'ilah 6a

Come and hear: R. Simeon said:<sup>1</sup> 'There is a kind of nothar<sup>2</sup> that is subject to the Law of Sacrilege and there is a kind of Nothar that is exempted from the Law of Sacrilege. How is this? If [the blood was] left overnight before sprinkling it is subject to the Law of Sacrilege, if after the sprinkling it is exempted from the Law of Sacrilege'. Now it states, at all events: 'Is subject to the Law of

Sacrilege'. Does this not refer to a case where there was still time [during the day] to sprinkle it, so that if he wished, he could have performed the sprinkling?<sup>4</sup> This would then prove that 'permitted for consumption' is meant? —

No, it refers to a case where the blood was received near sunset, so that there was no time for sprinkling. But what would be the case if there was time [during the day to sprinkle it]? Would the Law of Sacrilege indeed not apply? Why then was it necessary to instance 'before the sprinkling'?<sup>5</sup> Let [the distinction] be made between 'before sunset' and 'after sunset'?<sup>6</sup> — This indeed is the way in which [the distinction] is to be understood, viz., 'Before it was ready<sup>7</sup> for sprinkling' and 'after it was ready for sprinkling'.

Come and hear: R. Simeon said, 'There is Piggul that is subject to the Law of Sacrilege. and there is Piggul that is exempted from the Law of Sacrilege. How is this? If [enjoyed] before the sprinkling it is subject to the Law of Sacrilege, if after it is exempted from the Law of Sacrilege'. It states, at all events: 'If before the sprinkling it is subject to the Law of Sacrilege'. Now does this not refer to a case where there was still time [during the day] to sprinkle it, so that if he wished he could have performed the sprinkling, yet it states that it comes under the Law of Sacrilege, which would prove that 'permitted for consumption' is meant? —

No, there was no time during the day to sprinkle it. But what would be the case if there was time during the day to sprinkle it? Would it indeed cease to be subject to the Law of Sacrilege? Why then was it necessary to instance 'after sprinkling'? Let [the distinction] be made between 'before sunset' and 'after sunset'?<sup>8</sup> — This indeed is the way in which [the distinction] is to be understood, viz., 'Before it was ready<sup>9</sup> for sprinkling' and 'after it was ready for sprinkling'.

# ME'ILAH - 2a-22a

Come and hear: 'The Law of Sacrilege applies to Most Holy sacrifices that were rendered Piggul'. Now, does this not refer to a case where the blood has been sprinkled, and would then prove that 'permitted for consumption' is meant?<sup>10</sup> —

No, it was not sprinkled. But what would be the case if sprinkled? Would the Law of Sacrilege indeed not apply to it? Why then was it necessary to state:<sup>11</sup> 'But if the sacrifices were of a minor degree of holiness they are exempted from the Law of Sacrilege'? Let [the distinction] be made between 'before sprinkling' and 'after sprinkling'? —

[The distinction made is to be preferred] to let know the rule: Whatsoever has to be brought within the scope of the Law of Sacrilege<sup>12</sup> can achieve this status only if the sprinkling was according to proper procedure, but whatsoever has to cease to be subject to the Law of Sacrilege<sup>13</sup> can achieve this also by a sprinkling that was not in accordance with the proper procedure.

(1) Tosef. I, 1.

(2) Portions left over from sacrifices. Lev. VII, 17.

(3) I.e., it was received in the vessel on the same day but not sprinkled till the following.

(4) It was thus 'fit for sprinkling' and is yet subject to the Law of Sacrilege.

(5) I.e., to distinguish between 'before sprinkling' and 'after sprinkling'.

(6) I.e., 'there being time before sunset' and 'there being no time before sunset'.

(7) During the day.

(8) I.e., 'there being time before sunset' and 'there being no time before sunset'.

(9) During the day.

(10) By the inference that if, however, it was not Piggul the law of Sacrilege would not apply to it.

(11) In the concluding clause.

(12) E.g., the sacrificial portions, Emurim, of sacrifices of a minor degree of holiness, v. supra p. 8. n. 6.

(13) Such as the flesh of Most Holy sacrifices. R. Giddal's statement is thus refuted, v. ibid.

## Me'ilah 6b

*MISHNAH.* IF THE FLESH OF THE MOST HOLY SACRIFICES WAS TAKEN OUT [OF THE TEMPLE COURT] BEFORE THE BLOOD WAS SPRINKLED,<sup>1</sup> R. ELIEZER SAYS: IT IS STILL SUBJECT TO THE LAW OF SACRILEGE<sup>2</sup> AND ONE DOES NOT BECOME GUILTY IN REGARD TO IT OF [TRANSGRESSING THE LAWS OF] NOTHAR,<sup>3</sup> PIGGUL<sup>4</sup> AND DEFILEMENT.<sup>5</sup>

R. AKIBA SAYS: IT IS EXEMPTED FROM THE LAW OF SACRILEGE AND ONE CAN BECOME GUILTY OF [TRANSGRESSING IN REGARD TO IT THE LAWS OF] NOTHAR, PIGGUL AND DEFILEMENT. SAID R. AKIBA: IF ONE SET ASIDE HIS SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE ANOTHER IN ITS STEAD AND AFTERWARDS THE FIRST WAS FOUND SO THAT BOTH WERE DESIGNATED [FOR SLAUGHTERING].<sup>6</sup> [DO YOU NOT AGREE] THAT LIKE AS [THE SPRINKLING OF] THE BLOOD [OF THE ONE BEAST] EXEMPTS ITS OWN FLESH [FROM THE LAW OF SACRILEGE] SO IT EXEMPTS THE FLESH OF THE OTHER BEAST?

NOW, IF THE SPRINKLING OF ITS BLOOD CAN EXEMPT THE FLESH OF OTHER BEASTS<sup>7</sup> FROM THE LAW OF SACRILEGE, HOW MUCH MORE MUST IT EXEMPT ITS OWN FLESH. IF THE EMURIM<sup>8</sup> OF SACRIFICES OF A MINOR DEGREE OF HOLINESS WERE TAKEN OUT [OF THE TEMPLE COURT] BEFORE THE BLOOD WAS SPRINKLED, R. ELIEZER SAYS: THEY ARE EXEMPTED FROM THE LAW OF SACRILEGE AND ONE DOES NOT BECOME GUILTY IN REGARD TO THEM OF [TRANSGRESSING THE LAWS OF] NOTHAR. PIGGUL AND DEFILEMENT. R. AKIBA SAYS: THEY ARE SUBJECT TO THE LAW OF SACRILEGE AND ONE DOES BECOME GUILTY [OF TRANSGRESSING THE LAWS OF] NOTHAR, PIGGUL AND DEFILEMENT.<sup>9</sup>

*GEMARA.* Why was it necessary to state both these instances? — It was necessary. for if

# ME'ILAH - 2a-22a

[the instance of] the Most Holy sacrifices alone was stated, I might have said: In this case ruled R. Eliezer that it is still subject to the Law of Sacrilege, because [he held that] sprinkling executed according to the proper procedure effects exemption from the Law of Sacrilege, but [a sprinkling] not according to the proper procedure does not effect exemption. But as to effecting the inclusion within the scope of the Law of Sacrilege,<sup>10</sup> he might concede to R. Akiba that also [sprinkling that was] not performed in accordance with the proper procedure effects the inclusion within the scope of the Law of Sacrilege.

And if the instance of a sacrifice of a minor degree of holiness alone was stated, I might have said: In regard to sacrifices of a minor degree of holiness only did R. Akiba rule that the Law of Sacrilege applies. because [he held that] even sprinkling that was not performed in accordance with the proper procedure [has the power of] including [the flesh] within the scope of the Law of Sacrilege; but in regard to Most Holy sacrifices in which case [the sprinkling] is to effect the exemption from the Law of Sacrilege. [I might say that] if not performed in accordance with the proper procedure it does not possess the power of exempting from the Law of Sacrilege. Therefore he informs us [regarding both instances].

It was stated, R. Johanan said: R. Akiba held his view that the sprinkling is of effect in the case of an offering that was taken out, only if it was partly taken out [of the Temple Court],<sup>11</sup> but if it was wholly taken out [R. Akiba did] not [hold this view]. Said R. Assi to R. Johanan:<sup>12</sup> My friends in the Diaspora [Babylon] have already taught me:

(1) And brought in again, and then the blood was sprinkled.

(2) The sprinkling does not effect an exemption from the Law of Sacrilege since the offering is invalid.

(3) Lit., 'left over'. Lev. VII, 17.

(4) V. Glos. Lev. VII, 18; Zeb. II, 3 and 28a.

(5) Lev. VII, 21. For only a valid sprinkling can bring the sacrifices within the scope of these laws.

(6) And he slaughtered both and after receiving the blood of each in two separate vessels he sprinkled the blood of only one of them.

(7) Though it be invalid, as the remnant of a sin-offering.

(8) I.e., the portions that are to be offered upon the altar.

(9) The sprinkling does not effect the application of the Law of Sacrilege, since the offering is invalid.

(10) Which is in the direction of greater stringency.

(11) Because the sprinkling is then of effect for the portions that remained inside.

(12) Tosaf. do not read 'to R. Johanan'. The following discussion is then independent of R. Johanan's statement.

## Me'ilah 7a

'The disqualifying thought<sup>1</sup> in respect of lost or burnt [portions of an offering] is of effect'.<sup>2</sup> Now, the lost and the burnt no longer exist, yet it was taught that a disqualifying thought [relating to them] is effective.<sup>3</sup> But does R. Assi indeed hold this view? Did not R. Assi ask R. Johanan: 'What is the case if one purposed [to sprinkle on the] following day blood which has to be poured'?<sup>4</sup>

Whereupon R. Zera replied: 'Did you not teach us [the Mishnah] about allal?<sup>6</sup> Now, this allal, because it has no substantial value, an un lawful thought relating to it is of no effect.<sup>7</sup> The same applies to the blood that is to be poured; because it is destined for destruction an unlawful thought relating to it must be of no effect'. At all events, that which was stated concerning the lost and the burnt offers a difficulty!<sup>9</sup> —

Said Raba: Say, ['The disqualifying thought in respect of portions] that were about to be lost or burnt...'.<sup>10</sup> Said R. Papa: R. Akiba held that sprinkling is effective in respect of [offerings that] were taken out only if the flesh was taken out, but if the blood was taken out<sup>11</sup> the sprinkling is of no effect. It was also taught likewise: 'If the slaughtering was performed undefined, and the blood was

# ME'ILOH - 2a-22a

taken out, although it was afterwards sprinkled [the sprinkling] is of no effect: Most Holy sacrifices remain subject to the Law of Sacrilege, and sacrifices of a minor degree of holiness remain exempted from the Law of Sacrilege'.

**SAID R. AKIBA: TO WHAT CAN THIS BE COMPARED...**<sup>12</sup> Said R. Eleazar: R. Akiba held his view<sup>13</sup> only if [both sin-offerings were slaughtered] simultaneously.<sup>14</sup> but if successively R. Akiba did not hold his view.<sup>15</sup> It has been taught:<sup>16</sup>

Said R. Simeon, When I went to Kefar Pagi<sup>17</sup> an old man<sup>18</sup> met me and asked me: Does R. Akiba indeed hold that sprinkling is of effect in the case of an offering that was taken out? I said to him: Yes, he does. When I came and quoted these words before my colleagues in Galilee they said unto me: But is it not disqualified? How can [the sprinkling] be of effect<sup>19</sup> with a disqualified offering?

When I left and brought up these words before R. Akiba himself, he said unto me: My son, do you not hold the same view? Behold, if one set aside his sin-offering and it was lost and he set aside another in its stead and afterwards the first was found, so that both were designated [to be slaughtered], both are still subject to the Law of Sacrilege; if they were slaughtered and their [respective] blood was placed in two [separate] receptacles, the Law of Sacrilege still applies to both.

(1) During sprinkling. Lit., 'one can think (with effect)'.

(2) To render the flesh Piggul.

(3) In the same way should, in the case where the whole offering was taken out, the sprinkling be of effect in regard to the Law of Sacrilege.

(4) Over the base of the altar, cf. Zeb. 47a.

(5) Zeb. 35a.

(6) 'Offal of meat' which is uneatable. Cf. Hul. 121a as to what kind of offal is meant.

(7) Thus the version of Tosaf. and MS.M. Cur. edd.: 'is not susceptible of defilement'. The quotation concerning allal would then be from Hul. 121a, thus also pseudo-Rashi.

(8) I.e., the statement reported by R. Assi in the name of his colleagues in the Diaspora.

(9) Viz., to R. Assi's teaching concerning allal.

(10) I.e., they had still been in existence at the time of the sprinkling. But if already lost or burnt an unlawful thought would indeed be of no effect.

(11) Though brought in again and then sprinkled.

(12) Cur. edd. and MS.M. do not contain this phrase in the Mishnah.

(13) That the sprinkling of the blood of the one exempts the flesh of the other beast from the Law of Sacrilege.

(14) E.g., by different people. V. Tosaf.

(15) V. infra.

(16) Tosef. I.

(17) Beth Page, near Jerusalem.

(18) MS.M.: 'from among the disciples of R. Akiba', v. Tosef.

(19) Lit., 'make acceptable', cf. Zeb. 28a.

## Me'ilah 7b

If the blood of one of them was sprinkled, do you not agree that like as the [sprinkling of the] blood exempts its flesh from the Law of Sacrilege so it exempts also the flesh of the other beast from the Law of Sacrilege? Now, if it can save the flesh of another offering from the Law of Sacrilege, though it is disqualified, how much more must it save its own flesh.

Said Resh Lakish in the name of R. Oshaia: Inexact<sup>1</sup> was the reply that R. Akiba gave to that disciple, [as it<sup>2</sup> suggests that his instance holds good] only if they were slaughtered simultaneously but not if successively. Now, since [the other offering<sup>3</sup> is, at all events] disqualified,<sup>4</sup> what is the difference between 'simultaneously' and 'successively'?

Said R. Johanan to Resh Lakish: And you, do you not make this distinction? Suppose one set apart two guilt-offerings for surety<sup>5</sup> [one against the other], and he had them both slaughtered and had the emurim<sup>6</sup> of one of them placed upon the altar before sprinkling.<sup>7</sup> Would you not agree that although [those Emurim were] already placed upon the altar they have to be brought down? Now, if your assumption was right that they are considered in such a case as one

## ME'LOH - 2a-22a

offering, why have they to be brought down? Did not 'Ulla rule: 'If the Emurim of sacrifices of a minor degree of holiness were laid upon the altar before the sprinkling they must not be brought down, as they have become the food of the altar!?' Thereupon he gave no reply. Said R. Johanan: I have cut off the legs of that child.<sup>9</sup>

**MISHNAH.** THE ACT OF [SPRINKLING THE] BLOOD OF MOST HOLY SACRIFICES MAY HAVE EITHER A LENIENT OR A STRINGENT EFFECT, BUT WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT.

HOW SO? WITH MOST HOLY SACRIFICES, BEFORE THE SPRINKLING THE LAW OF SACRILEGE APPLIES BOTH TO THE EMURIM AND TO THE FLESH; AFTER THE SPRINKLING IT APPLIES TO THE EMURIM BUT NOT TO THE FLESH;<sup>10</sup> IN RESPECT OF BOTH ONE IS GUILTY<sup>11</sup> OF [TRANSGRESSING THE LAWS OF] NOTHAR, PIGGUL AND DEFILEMENT.<sup>12</sup> IT IS THUS FOUND THAT WITH MOST HOLY SACRIFICES THE ACT OF SPRINKLING HAS A LENIENT AS WELL AS A STRINGENT EFFECT. WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT'.

HOW SO? WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS, BEFORE THE SPRINKLING THE LAW OF SACRILEGE APPLIES NEITHER TO THE EMURIM NOR TO THE FLESH; AFTER THE SPRINKLING IT APPLIES TO THE EMURIM BUT NOT TO THE FLESH; IN RESPECT OF BOTH ONE IS GUILTY OF TRANSGRESSING THE LAWS OF NOTHAR, PIGGUL AND DEFILEMENT. IT IS THUS FOUND THAT WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT.

**GEMARA.** It teaches:<sup>13</sup> 'THE LAW OF SACRILEGE APPLIES... NOT TO THE FLESH' which implies that the penalty of Sacrilege is not inflicted, but the prohibition

still remains.<sup>14</sup> But why? Is it not the possession of the priest?<sup>15</sup> —

This is no difficulty, since in the opening clause he had to use [the phrase] 'THE LAW OF SACRILEGE APPLIES' he uses also in the concluding clause<sup>16</sup> [the phrase] 'THE LAW OF SACRILEGE APPLIES NOT'.<sup>17</sup> But read then the second section of the Mishnah: 'WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT', HOW SO? WITH FLESH OF SACRIFICES OF A MINOR DEGREE OF HOLINESS, BEFORE THE SPRINKLING THE LAW OF SACRILEGE APPLIES NEITHER TO THE EMURIM NOR TO THE FLESH; AFTER THE SPRINKLING IT APPLIES TO THE EMURIM BUT NOT TO THE FLESH. This implies: The penalty of sacrilege is not inflicted but the prohibition still remains.<sup>18</sup> Why? Is it not the possession of the owner?<sup>19</sup> —

Said R. Hanina: [It refers] to an offering that was taken out [of the Temple Court] and the Mishnah stands in accordance with R. Akiba's view.<sup>20</sup> For R. Akiba held that 'sprinkling is of effect in the case of an offering that was taken out [of the Temple Court]' only in regard to its burning,<sup>21</sup> but

(1) Lit., 'a stolen reply'.

(2) Viz., the phrase. 'they were slaughtered', and the repetition of 'both' in the text. Pseudo-Rashi 'reads: 'they were both slaughtered'.

(3) The one whose blood has not been sprinkled..

(4) As a remnant of a sin-offering. Yet R. Akiba ruled that it is exempted from the Law of Sacrilege. He must apparently hold that the two sin-offerings are considered as one offering.

(5) In case one is lost.

(6) V. Glos.

(7) Then the blood of the other offering was sprinkled

(8) The same applies, of course, also to Most Holy sacrifices.

(9) I.e., I have proved his argument to be wrong. Resh Lakish was younger than R. Johanan, hence the designation 'of that child'.

(10) This is the lenient outcome.

(11) After sprinkling.

# ME'ILAH - 2a-22a

- (12) V. supra p. 17. nn. 9-11. This is the stringent outcome.  
(13) In the first section of the Mishnah.  
(14) Viz., to the priest.  
(15) Once the blood has been sprinkled.  
(16) Of the first section of the Mishnah.  
(17) For the sake of symmetry.  
(18) Viz., to the layman.  
(19) The answer given in the first instance is not applicable here, as there is no clause in this section which demanded the use of the phrase for the sake of symmetry.  
(20) Infra 8b.  
(21) Viz., that it may not be burnt at once, like offerings whose disqualifications are essentially in themselves, but only after the flesh has begun to decay.

## Me'ilah 8a

in regard to eating it does not effect permission.

### CHAPTER II

**MISHNAH.** THE LAW OF SACRILEGE APPLIES TO THE SIN-OFFERING OF A BIRD FROM THE MOMENT OF ITS DEDICATION. WITH THE PINCHING OF ITS NECK<sup>1</sup> IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM<sup>2</sup> OR ONE WHO STILL REQUIRES ATONEMENT<sup>3</sup>, OR BY REMAINING OVERNIGHT. ONCE ITS BLOOD HAS BEEN SPRINKLED IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR<sup>4</sup> AND DEFILEMENT, BUT THE LAW OF SACRILEGE NO LONGER APPLIES TO IT.<sup>5</sup>

**GEMARA.** It is stated: IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. [That is, it becomes] 'susceptible for unfit' but not for defilement.<sup>6</sup> With whom then will our Mishnah agree? — With the Sages, for it has been taught:<sup>7</sup> 'Abba Saul says. A Tebul Yom

- (1) This is the prescribed form of slaughter, v. Lev. I, 25.  
(2) The immersion of an unclean person does not effect immediate purification. In order to be able to partake of a sacred meal he has to wait until sunset. A Tebul Yom, lit., 'a person immersed by day'. is one who took his immersion in day-time and is waiting for sunset.  
(3) In four instances of uncleanness an offering is required in addition to immersion, v. Ker. 8b. As long as this 'ceremony of atonement is not performed one is not permitted to partake of a sacred meal.  
(4) V. supra p. 17, n. 9.  
(5) For it has become the possession of the priests.  
(6) The term 'unfit' פסול through contact with an unclean person or thing denotes that the uncleanness contracted is not of such a degree as to be transmitted to another object. 'Defiled' or 'unclean' טמא, on the other hand, denotes the capacity of transmitting further the uncleanness contracted.  
(7) Tosef. Toh. I, 3. There is a scale of degrees of uncleanness: the 'source of sources'; the 'source' of uncleanness; the first, second, third and fourth degree of uncleanness. The degree of uncleanness of the defiled object is (in general) one degree lower than that of the object from which it derived its defilement. The susceptibility to uncleanness is not uniform. The holier a thing the more susceptible it is to uncleanness. Holy things קדושים, e.g. are susceptible to 'uncleanness' in the third degree and to 'unfitness' in the fourth, and Terumah to 'uncleanness' in the second degree and to 'unfitness' in the third.

## Me'ilah 8b

is unclean of the first degree in regard to holy things.<sup>1</sup> R. Meir says: He renders holy things "unclean" and terumah<sup>2</sup> "unfit".<sup>3</sup> The Sages say, Just as he renders "unfit" liquids and edibles of Terumah, so he renders "unfit"<sup>4</sup> sacred liquids and edibles! —

Said Raba, on the view of Abba Saul, A higher standard has been set with holy things in that the Rabbis declared the Tebul Yom to be [in regard to them unclean in] the first degree. And on the view of R. Meir, [he possesses by Rabbinic enactment the same measure of uncleanness] as food which is unclean in the second degree;<sup>5</sup> while on the view of the Sages, since he has immersed, his



# ME'ILAH - 2a-22a

uncleanness has weakened, and he renders things 'unfit' but not 'unclean'.<sup>6</sup>

**ONCE ITS BLOOD HAS BEEN SPRINKLED... THE LAW OF SACRILEGE NO LONGER APPLIES TO IT.** This implies that the Law of Sacrilege no longer applies though the prohibition still remains.<sup>7</sup> But why? Is it not now the possession of the priests? —

Said R. Hanina, [The Mishnah refers to an offering] which was taken out [of the Temple Court] so that [the flesh] is indeed not fit for consumptions and is in accordance With the view of R. Akiba<sup>9</sup> Who holds that the sprinkling of the blood is of avail<sup>10</sup> with an offering that was taken out [of the Temple precincts].

Said R. Huna in the name of Rab: The draining out of the blood<sup>11</sup> of the sin-offering of a bird is not indispensable,<sup>12</sup> for Rab learnt [in our Mishnah]: 'When its blood has been sprinkled'.<sup>13</sup>

R. Adda son of Ahabah in the name of Rab said: The draining out of the blood of the sin-offering of a bird is indispensable, and Rab, in fact, learnt [in our Mishnah]: 'When its blood has been drained out'.

Come and hear: It is said, and the rest of the blood shall be drained at the base of the altar; it is a sin-offering.<sup>14</sup> Now on the view of R. Adda son of Ahabah it is right when it is written, 'and the rest of the blood shall be drained... it is a sin-offering',<sup>15</sup> but according to R. Huna, what is the meaning of 'the 'est, etc.'? — As it has been taught in the School of R. Ishmael: 'If there remained...'.<sup>16</sup> But then what of the phrase, 'it is a sin-offering'?<sup>17</sup> — It refers to the preceding text.<sup>18</sup>

Said R. Aha son of Raba to R. Ashi: If so, with the meal-offering where it is written 'and the remainder'<sup>19</sup> does it also mean 'if

there remained'? And should you say: Indeed, so it is, surely it has been taught:

(1) This means, the sacred thing touched by a Tebul Yom is 'unclean' of the second degree. It can thus transmit the uncleanness two stages further. It 'defiles' other holy things and 'renders unfit' Terumah.

(2) I.e., the priests' share of the produce of the land, v. Num. XVIII, 11f, v. Glos.

(3) As the Tebul Yom is considered unclean of the second degree.

(4) But not 'unclean' so as to defile other things, as in our Mishnah.

(5) Which renders a holy thing unclean in the third degree.

(6) According to Raba's explanation our Mishnah may well agree with the views of Abba Saul and R. Meir, for their rulings result from the enactment of the Rabbis, whilst the 'Mishnah refers to the original law of the Torah.

(7) Its use is still forbidden although the attached penalty does not apply. It is thus considered the property of the Temple. This inference is made from the fact that the term 'permitted' would otherwise have been used in our Mishnah.

(8) But has to be burnt.

(9) V. supra 7b.

(10) To exempt it from the Law of Sacrilege.

(11) A ceremony performed after the sprinkling of the blood, v. Lev. V, 9.

(12) If omitted or if there is not sufficient blood in the organs of the animal for this act, the sprinkling remains valid in regard to the laws of Sacrilege, Piggul, etc. as ruled in our Mishnah.

(13) No mention has been made of the draining out an indication that it is not indispensable.

(14) Ibid.

(15) Suggesting there has to be a rest and that the rest which is to be drained is a sin-offering, hence indispensable.

(16) Then it has to be drained out. But if there is no rest the service is still valid without it.

(17) Which might suggest that it is the draining out which makes it a valid sin-offering.

(18) Viz., the sprinkling of the blood, without which the offering is indeed invalid.

(19) Lev. II, 3.

## Me'ilah 9a

[The verse], and he shall take there-out his handful of the fine flour thereof, and of the oil thereof with all the frankincense thereof,<sup>1</sup> is to exclude the case where there was not the full quantity of fine flour, oil and

## ME'LOH - 2a-22a

frankincense?<sup>2</sup> — I will tell you. There it is written [again] 'and the remainder' which is superfluous.<sup>3</sup>

The father of Samuel raised an objection to R. Huna: Both in the case of the sin-offering of a bird and in that of the burnt offering of a bird if the neck was pinched or the blood drained out while purposing an act outside the proper place, the offering is invalid but one is not liable to the penalty of extinction; if while purposing an act beyond its proper time, it is Piggul, and one is liable to extinction.<sup>4</sup> It states at all events, 'the blood drained out'.<sup>5</sup> — He raised this objection and he himself answered it: It is to be understood in a disjunctive sense.<sup>6</sup> [To revert to] the [above] text: The School of R. Ishmael taught: 'If there remained of the blood'.<sup>7</sup> But has not the School of R. Ishmael taught elsewhere:<sup>8</sup> 'The remnant is indispensable'. and R. Papa explained that they<sup>9</sup> differed as to whether the draining out of the blood of a sin-offering of a bird was indispensable? — There are two [contradictory traditions of] Tannaim as to what was the view of R. Ishmael.

**MISHNAH.** THE LAW OF SACRILEGE APPLIES TO THE BURNT-OFFERING OF A BIRD FROM THE MOMENT OF ITS DEDICATION. WITH THE PINCHING OF ITS NECK IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM, OR ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT.

ONCE ITS BLOOD HAS BEEN DRAINED OUT,<sup>10</sup> IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE APPLIES TO IT UNTIL [THE ASHES HAVE BEEN] REMOVED [FROM THE ALTAR] TO THE PLACE OF THE ASHES.<sup>11</sup> THE LAW OF SACRILEGE APPLIES TO THE BULLOCKS WHICH ARE TO BE BURNT AND THE HEGOATS WHICH ARE TO

BE BURNT<sup>12</sup> FROM THE MOMENT OF THEIR DEDICATION.

ONCE SLAUGHTERED THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT.

ONCE THEIR BLOOD HAS BEEN SPRINKLED THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE APPLIES TO THEM EVEN WHILE THEY ARE AT THE PLACE OF THE ASHES SO LONG AS THE FLESH HAS NOT BEEN CHARRED TO CINDERS. THE LAW OF SACRILEGE APPLIES TO A BURNT-OFFERING FROM THE MOMENT OF ITS DEDICATION.

ONCE SLAUGHTERED IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT.

ONCE ITS BLOOD HAS BEEN SPRINKLED IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT. THE LAW OF SACRILEGE DOES NOT APPLY TO THE SKIN,<sup>13</sup> BUT IT APPLIES TO THE FLESH UNTIL [THE ASHES] HAVE BEEN REMOVED TO THE PLACE OF THE ASHES. THE LAW OF SACRILEGE APPLIES TO BURNT- AND SIN-OFFERINGS AND TO PEACE-OFFERINGS OF THE CONGREGATION FROM THE MOMENT OF THEIR DEDICATION.

ONCE SLAUGHTERED THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT, OR BY REMAINING OVERNIGHT.

ONCE THEIR BLOOD HAS BEEN SPRINKLED THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF]

# ME'ILOH - 2a-22a

PIGGUL, NOTHAR AND DEFILEMENT. THE LAW OF SACRILEGE THEN NO LONGER APPLIES TO THE FLESH,<sup>13</sup> BUT APPLIES TO THE EMURIM UNTIL THE ASHES ARE REMOVED TO THE PLACE OF THE ASHES. THE LAW OF SACRILEGE APPLIES TO THE TWO LOAVES OF BREAD<sup>14</sup> FROM THE MOMENT OF THEIR DEDICATION.

ONCE THEY HAVE FORMED A CRUST IN THE OVEN THEY ARE SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', AND THE [FESTIVAL] OFFERINGS<sup>15</sup> CAN THEN BE OFFERED.

ONCE THE BLOOD OF THE LAMBS HAS BEEN SPRINKLED THEY [THE LOAVES] ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE NO LONGER APPLIES TO THEM. THE LAW OF SACRILEGE APPLIES TO THE SHEWBREAD<sup>16</sup> FROM THE MOMENT OF ITS DEDICATION.

ONCE IT HAS FORMED A CRUST IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', AND MAY BE ARRANGED UPON THE TABLE [OF THE SANCTUARY].

ONCE THE CENSERS OF INCENSE<sup>17</sup> WERE OFFERED IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE NO LONGER APPLIES TO IT.<sup>18</sup> THE LAW OF SACRILEGE APPLIES TO MEAL-OFFERINGS FROM THE MOMENT OF THEIR DEDICATION.

ONCE THEY HAVE BECOME SACRED BY BEING PUT IN THE VESSEL [OF MINISTRY] THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL

REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT.

ONCE THE HANDFUL<sup>19</sup> HAS BEEN OFFERED THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAW OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE NO LONGER APPLIES TO THE REMNANT,<sup>20</sup> BUT IT APPLIES TO THE HANDFUL UNTIL ITS ASHES HAVE BEEN REMOVED TO THE PLACE OF THE ASHES.

*GEMARA.* It was stated: If one has made use of the ashes of the tappuah<sup>21</sup> which was on the altar, Rab says he has not transgressed the Law of Sacrilege, and R. Johanan says he has transgressed. Both agree that before the separation of the ashes<sup>22</sup> the Law of Sacrilege still applies to them, they differ as to what is the case after the separation of the ashes. Rab says the Law of Sacrilege no longer applies to them, since the prescribed ceremony<sup>23</sup> has already been performed with them; but R. Johanan holds, since it is written: And the priest shall put on his linen garments...<sup>24</sup> as priestly garments are necessary, it proves that they [the ashes] still maintained their sacredness.

We have learnt: THE LAW OF SACRILEGE APPLIES<sup>25</sup> UNTIL THE ASHES HAVE BEEN REMOVED TO THE PLACE OF THE ASHES. This presents a difficulty on the view of Rab. — Rab would tell you: [The meaning is]: Until it is fit for removal to the place of the Ashes.<sup>26</sup>

(1) Ibid. II, 2.

(2) I.e., even after the handful, which is only a portion of the prescribed quantity, has been taken, the ingredients of the offering must be whole. In other words, the remainder is indispensable.

(3) The phrase occurs twice II, 3 and 10. The indispensable nature of the offering of the 'remainder' in the case of the meal-offering is thus an exception and based on a special text.

(4) Zeb. 64b.

(5) Were it dispensable, it would not render the offering Piggul.

(6) Viz., the pinching of the neck refers both to the sin- and to the burnt-offering, while the draining

# ME'ILOH - 2a-22a

out refers to the burnt-offering only, in which case the blood is not sprinkled upon the altar and the draining takes the place of the sprinkling and is therefore rightly indispensable.

(7) This interpretation implies that the draining out of the blood is not indispensable.

(8) Ibid. 52a, where R. Akiba and R. Ishmael differ in general terms on the question whether the remnant of an offering is indispensable or not

(9) Viz., R. Akiba and R. Ishmael.

(10) The draining out of the blood takes here the place of the sprinkling of the blood prescribed of other offerings.

(11) V. Lev. VI. 4.

(12) These have to be burnt outside Jerusalem, at the Place of the Ashes. To this category belong the sacrifices brought by the High Priest for communal transgression and for idolatry, and those offered on the Day of Atonement.

(13) Which becomes the possession of the priests.

(14) To be offered on the Feast of Weeks. V. Lev. XXIII, 17.

(15) I.e., the two lambs appertaining to the bread, v. ibid. v. 19.

(16) Cf. Lev. XXIV, 5f.

(17) The censers of incense were offered before the bread was distributed among the priests. This act stands therefore in place of the sprinkling of the blood prescribed for animal sacrifices. Cf. Men. XI.

(18) It can then be eaten by the priests.

(19) A handful was separated from the meal-offering and burnt upon the altar.

(20) Which becomes the possession of the priests.

(21) Lit., 'apple', 'pile'. I.e., the place upon the altar where the ashes were piled up.

(22) Cf. Lev. VI, 3 and Yoma 22a.

(23) Viz., the separation of the ashes. These were then deposited outside Jerusalem.

(24) Ibid. The proof is actually from the following verse: And he shall put off his garments and put on other garments, and carry forth the ashes without the camp unto a clean place. This is taken to prove that the depositing of the ashes is: part of the ceremony. The ashes are still sacred before this is done.

(25) Apparently even after the separation of the ashes was performed they are subject to the Law of Sacrilege.

(26) I.e., until the separation of the ashes has been performed.

similarly, if a coal burst off from the altar it need not be replaced'.<sup>2</sup> [It appears that if] however [the coal] burst off [from the fire but still remained] on the altar, it has to be replaced [upon the fire].<sup>3</sup> This is right according to the view of R. Johanan, but presents a difficulty on the view of Rab. —

Rab would reply: It is different with coal, as it is still substance.<sup>4</sup> Some there are who say the objection was raised in the other direction: [It appears that coal only has to be replaced]<sup>5</sup> because it is of substance, but ashes that are not of substance, though still upon the altar, are not subject to the law of Sacrilege. This would be right according to Rab, but presents a difficulty on the view of R. Johanan! —

R. Johanan would reply: This ruling<sup>6</sup> applies to ashes as well, and the reason why coal has been instanced is to let us know even in the case of coal, that is of substance, if it burst off from the altar it must not be replaced. It was stated: If one enjoyed of the flesh of Most Holy sacrifices<sup>7</sup> before the sprinkling of the blood, or of the Emurim of sacrifices of a minor degree of holiness after the sprinkling of the blood, Rab says: The [values of that] which he enjoyed must be restored to the nedabah<sup>9</sup> fund.

Levi says: He shall buy something which is wholly for the altar.<sup>10</sup> It was taught in confirmation of Levi's view: To which fund goes this repayment for this sacrilege? Those that were permitted to argue before the Sages<sup>11</sup> say: He shall buy something which is wholly for the altar. Which is it? Incense'. It was taught in confirmation of Rab's view: 'If one has enjoyed of the money destined for his sin- or guilt-offering, if<sup>12</sup> his sin-offering has not been offered yet, he shall add [a fifth] and offer [for the whole sum] his sin-offering; similarly if his guilt offering has not been offered, the money is to be taken to the Dead Sea;<sup>13</sup> similarly if his guilt-offering has already been offered, it shall be restored to the Nedabah fund.

## Me'ilah 9b

The following objection was raised: [We have learnt]: 'And if any of them<sup>1</sup> burst off from the altar, they need not be replaced;

# ME'ILAH - 2a-22a

If one had enjoyed of Most Holy sacrifices before the sprinkling of the blood, or of the Emurim of sacrifices of a minor degree of holiness after the sprinkling of the blood, [the value of] that which he has enjoyed goes to the Nedabah fund.<sup>14</sup>

[If one has enjoyed of] any kind of offerings dedicated to the altar, [the money is refunded] for the altar, if of objects dedicated to the Temple Repair Fund [it is employed] for the Temple Repair Fund, if of sacrifices of the congregation, it is employed for freewill-offerings of the congregation'. Now, does this not contain a contradiction in itself?

[For it states]: 'If his sin-offering has not been offered yet, he shall add [a fifth] and offer for the whole sum his sin-offering; and if his sin-offering has been offered already, the money is to be taken to the Dead Sea'. And then it states: 'If one has enjoyed any kind of offerings dedicated to the altar, it is employed for the altar', and there is apparently no distinction made as to whether the owner has been atoned or not! —

The former clause is in accordance with the view of R. Simeon who holds,<sup>15</sup> 'Every sin-offering whose owner has already been atoned<sup>16</sup> is left to die',

(1) Viz., those disqualified offerings that need not be removed when already laid upon the altar, Zeb. IX, 2.

(2) Zeb. 86a.

(3) As 'coal' here is unqualified it is assumed to include also coals which have already been removed from the fire place of the altar to the Tappuah, i.e., coals with which the 'separation' has already been performed; and yet it says that only if it has burst off from the altar it need not be replaced, but if it was shifted to some other place upon the altar it has to be replaced upon the fire, which implies that even after the 'separation' it is still considered sacred; the Law of Sacrilege should then still apply.

(4) While ashes are considered of no substance.

(5) If still upon the altar. This version of the objection is also based upon the implication that if the coal was shifted from its place but remained

upon the altar, it has to be replaced. It is thus still considered sacred.

(6) Viz., that the sacredness of things burnt upon the altar continues even after their separation.

(7) The flesh of Most Holy sacrifices is subject to sacrilege only prior to the sprinkling, while the 'sacrificial portions' of sacrifices of a lesser degree of holiness come under the Law of Sacrilege with the sprinkling of the blood, v. Mishnah 7b.

(8) Or rather, the value plus a fifth, v. Lev. V, 16.

(9) Lit., 'freewill'; i.e., freewill burnt-offerings to be offered at a time when the altar was employed (Tosaf.).

(10) I.e., incense as distinct from the freewill burnt-offerings, the skin of which belongs to the priests.

(11) V. Sanh. 17b, that this paraphrases 'Levi before R. Judah the Prince', but Tosaf. rejects here this assumption. V. Men. 80b.

(12) At the moment of repayment. Tosaf.

(13) I.e., destroyed.

(14) This supports the view of Rab.

(15) Tem. 15a.

(16) I.e., he has brought in the meantime another offering for the sin which this sin-offering was to expiate.

## Me'ilah 10a

while the latter clause<sup>1</sup> is in accordance with the Sages.<sup>2</sup>

Said R. Gebiha of Be Kathil<sup>3</sup> to R. Ashi: [Indeed] thus said Abaye: 'The former clause reflects R. Simeon's view and the latter that of the Sages'.<sup>4</sup>

Said Raba: All<sup>5</sup> agree that if he enjoyed of the flesh of Most Holy sacrifices which was defiled,<sup>6</sup> or of the Emurim of sacrifices of a minor degree of holiness after they had been placed upon the altar,<sup>7</sup> he is free [from the payment of indemnity]. Is this not obvious? For what loss did he cause?<sup>8</sup> — I might have thought that since the flesh of most holy sacrifices became defiled there is still attached to it the duty of being burnt by the priests,<sup>9</sup> and with the Emurim of sacrifices of a minor degree of holiness [placed on the altar fire] the duty of turning it over by the poker.<sup>10</sup> We are therefore informed [that he is free].

# ME'ILAH - 2a-22a

Said Raba: The statement, 'If the sin-offering has already been offered the money is to be taken to the Dead Sea', holds good only in the case where he became aware of his transgression [of the Law of Sacrilege] before this atonement, but if after his atonement, it goes to the Nedabah fund.<sup>11</sup> Why? Because one may not at the outset set aside [holy things] for destruction.

**MISHNAH. THE LAW OF SACRILEGE APPLIES TO THE HANDFUL [OF A MEAL-OFFERING], THE FRANKINCENSE, THE INCENSE, THE MEAL-OFFERING OF A PRIEST,<sup>12</sup> THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST<sup>13</sup> AND THE MEALOFFERING THAT IS ACCOMPANIED BY A LIBATION<sup>14</sup> FROM THE MOMENT OF THEIR DEDICATION.**

**ONCE THEY HAVE BECOME SACRED BY BEING PUT IN THE VESSEL [OF MINISTRY], THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT, AND THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] NOTHAR AND DEFILEMENT, BUT [THE LAW OF] PIGGUL DOES NOT APPLY TO THEM.**

**THIS IS THE GENERAL RULE: WHATSOEVER HAS THAT WHICH RENDERS IT PERMISSIBLE [FOR THE ALTAR OR FOR THE USE OF THE PRIESTS]<sup>15</sup> IS NOT SUBJECT TO [THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT UNTIL THAT ACT HAS BEEN PERFORMED. AND WHATSOEVER HAS NOT THAT WHICH RENDERS IT PERMISSIBLE<sup>16</sup> BECOMES SUBJECT [TO THE LAWS OF] NOTHAR AND DEFILEMENT AS SOON AS IT HAS BECOME SACRED BY BEING PUT IN THE VESSEL [OF MINISTRY], BUT [THE LAW OF] PIGGUL DOES NOT APPLY TO IT.**

(1) Which makes no distinction whether or not the owners had been atoned for.

(2) Who dispute with R. Simeon, v. Tem. 15a.

(3) On the Tigris N. of Bagdad.

(4) This tradition in the name of Abaye is quoted as a confirmation of the anonymous answer given before.

(5) Rab as well as R. Johanan, whose dispute is mentioned supra 9a, v. Tosaf.

(6) Even if it was defiled before the sprinkling of the blood. The flesh is not fit to be offered upon the altar but has to be burnt by the priests.

(7) And charred, so that sacrilege is no longer applicable to it, since the ceremony of offering may be considered as completed.

(8) This means he has in the first case made use of something which cannot be used by the priests and in the second case of something which is no longer within the scope of the service of the Temple.

(9) I.e., it is still sacred; the religious procedure has not finished yet.

(10) Lit., 'hook'.

(11) If he became aware of his sacrilegious use of a part of the money designated for his sin-offering prior to the offering of this sacrifice, we may consider the indemnity he has to pay as forming part of the sum to be used for the sin-offering. Consequently if before the indemnity was paid a sacrifice was bought for the remainder of the amount originally set aside for the offering, the indemnity is to be regarded as money designated for a sin-offering which can no longer be used for this purpose, as its owner has already been atoned for. It has then to be destroyed in accordance with our general rule. But if at the time of the offering he had no knowledge of his trespass against the Law of Sacrilege, his indemnity cannot be considered as set aside for his sin-offering, and when paid it need not be destroyed.

(12) Lev. VI, 16.

(13) Lev. IV, 3ff and Hor. III, 4.

(14) I.e., one that is offered with a freewill peace-offering.

(15) So as to make it 'acceptable' (v. Lev. XIX, 7). E.g., the flesh of sin-offerings and sacrificial portions of peace-offerings where the sprinkling of the blood renders these permissible respectively to the priest or for the altar.

(16) E.g., the handful and frankincense and other offerings enumerated in our Mishnah, which require no other things to make the offering fit for the altar.

## Me'ilah 10b

**GEMARA.** Whence do we know this?<sup>1</sup> — For our Rabbis taught:<sup>2</sup> I might have thought that only for things that have that which renders them permissible is one culpable for

# ME'ILOH - 2a-22a

[transgressing] the Law of Defilement; for this would be the logical deduction: Since Piggul, which requires only one awareness of transgression,<sup>3</sup> whose sacrifice of atonement is fixed<sup>4</sup> and allows of no exception for the congregation,<sup>5</sup> yet it applies to things only that have that which renders them permissible, the much more so must uncleanness, which requires a twofold awareness of transgression,<sup>6</sup> whose sacrifice of atonement can be of a higher or lesser value<sup>7</sup> and allows of an exception for the congregation,<sup>8</sup> apply only to things that have that which renders them permissible.

The text therefore states: Say unto them: Whosoever he be of all your seed throughout your generations, that approaches [unto the holy things, which the children of Israel hallow unto the Lord, having his uncleanness upon him, that soul shall be cut off from before Me].<sup>9</sup>

Scripture deals with all kinds of holy things.<sup>10</sup> But I might have thought that [in the case of things that have other things that render them permissible, the Law of Defilement] would apply at once;<sup>11</sup> therefore It states: 'Who approaches' [which is to be expounded after the way of] R. Eliezer [who] said: Is it possible that one is liable [to the Law of Defilement] merely by touching [the flesh]? You must then understand it in the following manner: Whatsoever has that which renders it permissible is not subject [to the laws of Piggul, Nothar and defilement] until that which renders it permissible has been performed; and whatsoever has not that which renders it permissible is liable [to those laws] only when they have become sacred by being put in the vessel [of ministry].<sup>12</sup>

## CHAPTER III

**MISHNAH.** THE YOUNG OF A SIN-OFFERING, <sup>13</sup> THE SUBSTITUTE<sup>14</sup> OF A SIN-OFFERING AND A SIN-OFFERING WHOSE OWNER HAS DIED<sup>15</sup> ARE LEFT TO DIE. THAT WHICH PASSED [THE AGE-LIMIT OF]

ONE YEAR<sup>16</sup> OR WAS LOST<sup>17</sup> AND THEN FOUND WITH A BLEMISH, IF AFTER THE OWNER HAS BEEN ATONED,<sup>18</sup> IT IS LEFT TO DIE; IT CANNOT EFFECT A SUBSTITUTE<sup>19</sup> AND THOUGH ONE MAY NOT DERIVE ANY BENEFIT FROM IT, IT IS NOT SUBJECT TO THE LAW OF SACRILEGE;<sup>20</sup>

(1) I.e., that also things that do not require some other object to render them permissible are subject to the laws of Nothar and defilement.

(2) Zeb. 45b.

(3) I.e., it is not necessary for the transgressor to have known that the food he enjoyed was Piggul.

(4) I.e., does not vary according to the pecuniary situation of the transgressor, as in the case of uncleanness. V. Lev. V, 2ff.

(5) I.e., even if the whole congregation ate Piggul, everyone would be guilty.

(6) An unclean person that has entered the Temple precincts or has eaten holy things is guilty only if at one time he knew of his uncleanness, v. Shebu. 2a. He thus is aware twice of his uncleanness; before and after his transgression.

(7) Shebu. 2a.

(8) E.g., in the case of the Passover lamb, v. Pes. 66b, which can be offered and consumed in the case of the whole congregation being unclean.

(9) Lev. XXII, 3.

(10) Including things that do not require the act of another object to render them permissible.

(11) Even before that act had been performed.

(12) The word יקרוב, (rendered 'who approaches') is expounded as יקרב, 'fit to be offered', thus indicating that the law applies only if the flesh was ready to be offered, i.e., that the act that renders it permissible was performed already.

(13) The young, born after its mother's dedication, is considered holy, yet it cannot be offered upon the altar, since it was not explicitly dedicated for this purpose.

(14) It is forbidden to change an animal dedicated as an offering against a profane animal; if such an exchange takes place, both the animal originally dedicated and the animal exchanged for it are equally holy, except in the case where the latter animal, although it too becomes holy, must not be offered 'upon the altar', v. Lev. XXVII, 10 and Tem. 22b.

(15) 'There is no atonement for the dead; death has atoned for them' is a general ruling of the Sages. The offering can therefore no longer be employed for the purpose for which it was originally designated.

(16) Num. XV, 27.

# ME'ILOH - 2a-22a

(17) In Tem. 22b this is expounded as follows: 'That which passed one year and was lost, or that which was lost and found with a blemish'.

(18) With another animal.

(19) As it is destined to be killed.

(20) By law of the Torah, but by enactment of the Sages it is sacrilegious to use it. The Fifth is then not to be paid.

## Me'ilah 11a

IF BEFORE THE OWNER HAD BEEN ATONED, IT SHALL GO TO PASTURE UNTIL IT BECOMES UNFIT [FOR SACRIFICE].<sup>1</sup> THEN IT SHALL BE SOLD AND FOR THE EQUIVALENT ANOTHER [SACRIFICE] SHALL BE BOUGHT; IT CAN EFFECT A SUBSTITUTE AND IS SUBJECT TO THE LAW OF SACRILEGE

*GEMARA.* Why this difference in that no distinction is made<sup>2</sup> in the first clause while in the concluding a distinction is made? — In the first clause the ruling is absolute,<sup>3</sup> in the concluding it is not. But has not this [Mishnah] been taught already in connection with exchanges?<sup>4</sup> — There it has been taught for the sake of its reference to the law of exchanges, here by reason of its reference to the Law of Sacrilege.

*MISHNAH.* IF ONE HAS SET ASIDE MONEY FOR HIS NAZIRITE OFFERINGS,<sup>5</sup> IT MAY NOT BE USED, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT, AS IT MAY ALL<sup>6</sup> BE USED FOR THE PEACE-OFFERING.<sup>7</sup> IF HE DIED AND LEFT MONEY [FOR HIS NAZIRITE OFFERINGS]. IF UNSPECIFIED IT SHALL GO TO THE NEDABAH<sup>8</sup> FUND; IF SPECIFIED, THE MONEY DESIGNATED FOR THE SIN-OFFERINGS SHALL BE TAKEN TO THE SALT [DEAD] SEA;<sup>9</sup> IT MAY NOT BE USED, THOUGH THE LAW OF SACRILEGE DOES NOT APPLY TO IT. WITH THE MONEY DESIGNATED FOR A BURNT-OFFERING THEY SHALL BRING A BURNT-OFFERING;<sup>10</sup> THE LAW OF SACRILEGE APPLIES TO IT. WITH THE MONEY DESIGNATED FOR THE PEACE-OFFERING THEY SHALL BRING A

PEACE-OFFERING, AND IT HAS TO BE CONSUMED WITHIN A DAY,<sup>11</sup> BUT REQUIRES NO BREAD OFFERING.<sup>12</sup>

*GEMARA.* Resh Lakish demurred: Why does not [the Mishnah] teach also the following case: If one has set aside monies for bird-offerings,<sup>13</sup> they may not be used but the Law of Sacrilege does not apply to them because he might buy with them turtledoves which have not reached the prescribed age or pigeons which have passed the prescribed age?<sup>14</sup> —

Said Raba: [In our case] the Torah rules that for the unspecified money [also] a peace offering shall be purchased; but does the Torah ever rule that turtle-doves which have not reached the right age shall be offered? Are they not indeed unfit for the altar?

*MISHNAH.* R. SIMEON<sup>15</sup> SAYS: [THE LAW RELATING TO] BLOOD IS LENIENT AT THE BEGINNING [OF THE OFFERING CEREMONY] AND STRINGENT AT THE END; [THAT RELATING TO] LIBATIONS IS STRINGENT AT THE BEGINNING AND LENIENT AT THE END; BLOOD IS EXEMPTED FROM THE LAW OF SACRILEGE AT THE BEGINNING, BUT IS SUBJECT TO IT AFTER IT HAS FLOWED AWAY TO THE BROOK KIDRON;<sup>16</sup> LIBATIONS ARE SUBJECT TO THE LAW OF SACRILEGE AT THE BEGINNING, BUT ARE EXEMPTED FROM IT AFTER THEY FLOWED DOWN INTO THE SHITTIN.<sup>17</sup>

*GEMARA.* Our Rabbis taught:<sup>18</sup> 'The Law of Sacrilege applies to blood. These are the words of R. Meir and R. Simeon; but the Sages say. It does not apply'. What is the reason of them Who hold that it does not apply?<sup>19</sup> —

Said 'Ulla: Scripture says. And I have given it to you,<sup>20</sup> [suggesting] it shall be yours.<sup>21</sup> The School of R. Ishmael taught: [It reads there] to make atonement<sup>20</sup> [meaning], I have



# ME'ILAH - 2a-22a

given it for atonement, but not [to make it subject] to the Law of Sacrilege.

**R. Johanan says: Scripture Says. For it is the blood that maketh atonement by reason of the life.<sup>22</sup> [The blood] before [the act of]<sup>23</sup> atonement is to be compared to its status after the act of atonement.<sup>24</sup> Just as after the act of atonement it is exempted from the Law of Sacrilege, so before the act of atonement it is exempted from the Law of Sacrilege. But why not infer [in the other direction]: Just as before the act of atonement the Law of Sacrilege applies to it, so also after the act of atonement the Law of Sacrilege applies to it? — Is there at all a thing to which the Law of Sacrilege applies after the Prescribed ceremony had been performed therewith! — But why not?**

(1) I.e., until it contracts a blemish. This phrase refers, of course, only to the one which has passed the age-limit. for in the other instance the animal is found with a blemish.

(2) Whether the owner has been atoned for or not.

(3) There is no object in making this distinction, for in all the three instances of the first clause the position is final; the young and the exchange are themselves not considered offerings, and in the case of the owners' death the sin for which the offering was brought is already expiated.

(4) Tem. IV, 1; why repeat it?

(5) Without specifying what portion of the sum is designated for each of the required offerings, viz., a sin-offering, a burnt-offering and a peace-offering. V. Num. VI, 14f.

(6) Of each coin one may say, perhaps this is designated for the peace-offering (Rashi). Tosaf.: The whole sum may be used for the peace-offering, and the other offerings bought with other money.

(7) Which as a sacrifice of a minor degree of holiness does not come under the Law of Sacrilege; v. supra 7b.

(8) V. Glos.

(9) I.e., it shall be destroyed.

(10) A burnt offering is not brought for atonement. It can therefore be offered even after its owner's death. The same applies to the peace-offering.

(11) As in the case of the peace-offering of a Nazirite and not as in the instance of an ordinary peace-offering whose flesh may be consumed during two days and the night in between.

(12) As it cannot be placed upon the hands of the Nazirite as required in Num. VI. 19.

(13) To be offered e.g., by him who recovered from gonorrhoea; v. Lev. XV. 1ff.

(14) Turtle-doves are fit for offerings only after they have reached a certain age, pigeons only under that age. cf. Hul. 22b. The argument is: As he might buy with the money something which is not subject to sacrilege. the money, too, should not be subject to the Law of Sacrilege, as in the instance of the Mishnah.

(15) Some edd. read: R. Ishmael.

(16) Cf. Yoma 58b.

(17) I.e., pits at the side of the altar into which the remainder of libations was poured. V. Tosef. Suk. III, 3.

(18) Yoma 592.

(19) Yoma 59b has the version: The dispute refers only to the application of the law by enactment of the Rabbis. All agree, however, that by law of the Torah Sacrilege does not apply; wherefrom do we know this? Tosaf. corrects here accordingly.

(20) Lev. XVII, 11.

(21) I.e., it is not the 'possession of God', but that of man.

(22) Ibid.

(23) I.e., the sprinkling of the blood.

(24) 'It is' is understood to convey as much as 'it remains in the same status', Rashi Yoma ibid.

## Me'ilah 11b

**What of the ashes removed [from the altar] which are subject to the Law of Sacrilege although the prescribed ceremony had been performed therewith! —**

**The [law concerning the] removed ashes and that concerning the limbs of the scapegoat<sup>2</sup> constitute two texts of Scripture which teach the same thing, and wherever two texts teach the same thing no general rule can be derived from them.<sup>3</sup> This would be right according to the view that one may make no use of the limbs of the scapegoat, but what would be your argument according to him who holds that one may use them? —**

**The [law concerning the] removed ashes and that concerning the garments of the High priest<sup>4</sup> constitute two texts of Scripture which teach the same thing, and wherever two texts teach the same thing no general rule can be derived from them. This would be right**

# ME'ILOH - 2a-22a

according to the Rabbis Who hold [that the text]. And he shall place them there<sup>5</sup> teaches that they have to be hidden,<sup>6</sup> but what would be your argument according to R. Dosa who holds that a common priest may wear them?—

The [law concerning the] removed ashes and that concerning the heifer whose neck has been broken<sup>7</sup> constitute two texts of Scripture which teach the same thing [and from such texts no general rule can be derived]. But this [reply] would be right [only] according to him who [indeed] holds that one cannot derive a general rule [from such laws]; but what would be your argument according to the view that one can derive a general rule [from such laws]? —

[In this case] there are written two limitations [excluding other instances]: Here it is written. The heifer whose neck has been broken,<sup>8</sup> and there it is written, And he shall place it by the side of the altar,<sup>9</sup> implying that only in these [instances does the Law of Sacrilege apply even after the prescribed ceremony has been performed], but not in others.

**LIBATIONS ARE SUBJECT TO THE LAW OF SACRILEGE AT THE BEGINNING,** etc. May we assume that our Mishnah is not in agreement with the view of R. Eleazar son of R. Zadok? For 'it has been taught:<sup>10</sup> 'R. Eleazar son of R. Zadok said: There was a small passage between the ascent [of the altar] and the altar, on the west side of the altar. Once every seventy years young priests descended through it and brought up the [accumulated] congealed wine, which resembled a cake of figs. and burnt it in a sacred place, for Scripture says: In holiness shalt thou surely offer the libation to the Lord:<sup>11</sup> just as the libation thereof must be in a sacred place, so the burning thereof must be in a sacred place'. How is this implied? —

Thereupon said Rabina: It is derived from [nothar<sup>12</sup> by textual analogy based on the

word] 'holy' occurring in both texts. It says here 'in holiness'<sup>13</sup> and it says there, and thou shalt burn the remnant in fire, it may not be eaten for it is holy.<sup>14</sup> Just as Nothar is burnt in a sacred state,<sup>15</sup> so also these [libations] are burnt in a sacred state.<sup>16</sup> —

[The Mishnah] may well agree with R. Eleazar, son of R. Zadok, as [it refers only to the case where the wine] was caught [before it reached the bottom of the Shittin].<sup>17</sup> Some reported [the discussion in the following version]: Shall we say that our Mishnah is in accordance with the view of R. Eleazar son of R. Zadok?<sup>18</sup> —

[Not necessarily] as [it deals with a case where] the wine was caught [before it reached the ground]. I might say:<sup>19</sup> It is not necessary [to limit the Mishnah to this case] for [it is considered holy only] by Rabbinical enactment. But does he not adduce the text? — [The Biblical text is a] mere exegetical support [of a Rabbinical enactment].

**MISHNAH. THE ASHES OF THE INNER ALTAR<sup>20</sup> AND [OF THE WICKS OF] THE CANDLESTICK MAY NOT BE USED. AND ARE NOT SUBJECT TO THE LAW OF SACRILEGE. IF ONE DEDICATES ASHES<sup>21</sup> THEY ARE SUBJECT TO THE LAW OF SACRILEGE. TURTLE-DOVES WHICH HAVE NOT REACHED THE RIGHT AGE AND PIGEONS WHICH HAVE EXCEEDED THE RIGHT AGE<sup>22</sup> MAY NOT BE ENJOYED; THEY ARE, HOWEVER NOT SUBJECT TO THE LAW OF SACRILEGE.**

**GEMARA. This<sup>23</sup> is right**

- (1) Why not take this as an example for similar instances?
- (2) Which, too, according to one view in Yoma 67a are subject to the Law of Sacrilege, although the prescribed ceremony has been performed therewith.
- (3) For were it the intention of the Torah that these laws should serve as a model to similar cases one text would suffice.
- (4) V. Hul. 117a.
- (5) Lev. XVI, 23.

# ME'ILAH - 2a-22a

(6) So as not to be used again, i.e., they are subject to the Law of Sacrilege.

(7) V. Deut. XXI, 1ff, and Sot. IX. 1f.

(8) Deut. XXI, 6. The definite article is to exclude other cases.

(9) That the removed ashes are still holy and therefore subject to the Law of Sacrilege is learnt from the fact that we are commanded to place it 'by the side of the altar'. In the text commanding this, Lev. VI, 3, the word 'it' is regarded as unnecessary and is taken to indicate that only the ashes are sacred even after the prescribed ceremony had been performed therewith, and not other things.

(10) Suk. 492'

(11) Num, XXVIII, 7. The verb is repeated in Hebrew as emphasis.

(12) V. Glos.

(13) Num. XXVIII, 7.

(14) Ex. XXIX, 34.

(15) Cf. Pes. 82b.

(16) They are still considered sacred at the time of burning. The Law of Sacrilege should accordingly apply to the wine libation even after it had been let down to the Shittin, which is contradictory to our Mishnah.

(17) In which case R. Eleazar too agrees that the Law of Sacrilege does not apply. though once it reaches the bottom of the Shittin the holy ground renders the wine again sacred.

(18) For according to the Sages. Suk. 49a, the pits were not pits where the wine accumulated, but rather canals through which it flowed. The instance of our Mishnah of the use of such wine should then be an impossibility.

(19) The text of the last paragraph is rather obscure; cf. Tosaf. Suk. 49b who states that this version is corrupt and that of Suk. correct, where this paragraph is wholly omitted. It can make sense as a continuation of the discussion according to the former tradition. There the Mishnah is restricted, according to R. Eleazar son of R. Zadok, to wine caught in the air, for if taken after it has reached the bottom of the Shittin, it is considered holy and should therefore be subject to the Law of Sacrilege. Now it is argued, perhaps this reservation is not necessary, for the sacred character attributed to the wine by R. Eleazar is only a Rabbinical enactment and the Law of Sacrilege need not therefore apply to it.

(20) Unlike the ashes of the outer altar these do not retain their sacred character after the removal from the inner altar, since there is no special text implying that they remain holy. as in the case of the outer altar (v. oupra p. 40, n. 5).

(21) I.e., if one collects these ashes after their removal from the inner altar to the heap of ashes, and dedicates them afresh to the Temple, they are sacred and therefore subject to the Law of

Sacrilege (Tosaf.). Aliter: If someone had vowed to give their value to the Temple before they had been removed.

(22) These are not fit for offerings. v. Hul. I, 5.

(23) Viz., the fact that the ashes of the altar have to be put at the place of the ashes.

## Me'ilah 12a

as far as the outer altar is concerned, for it is written: And he shall place it by the altar,<sup>1</sup> but wherefrom do we know this of the ashes of the inner altar?

Said R. Eleazar, Scripture says: And he shall take away its crop with the feathers thereof [and cast it beside the altar on the east part, in the place of the ashes]:<sup>2</sup> as this has no bearing on the outer altar,<sup>3</sup> make it bear on the inner altar. But why not say that both passages bear upon the outer altar [and it has been repeated] in order to fix the precise side [for the ashes]?<sup>4</sup> —

If so, Scripture should [only] say, 'by the altar'; why [add, 'the place of] the ashes'? [To suggest] that [it was the place of the ashes] also for the inner altar.<sup>5</sup> Wherefrom do we know [the place for the ashes of] the candlestick? — [The expression] 'the ashes' [is an amplification, for it sufficed to mention] 'ashes'.

**MISHNAH.**<sup>6</sup> R. SIMEON SAID: TURTLE-DOVES WHICH HAVE NOT YET REACHED THE RIGHT AGE ARE SUBJECT TO THE LAW OF SACRILEGE,<sup>7</sup> WHILE PIGEONS WHICH HAVE EXCEEDED THE RIGHT AGE ARE NOT ALLOWED FOR USE, BUT ARE EXEMPTED FROM THE LAW OF SACRILEGE.

**GEMARA.** It is right according to R. Simeon whose reason has been stated [in a Mishnah]:<sup>8</sup> 'For R. Simeon used to say: [He who uses] that which will be fit [for offering] after a period and has been dedicated before that period has expired has transgressed a prohibitory law,<sup>9</sup> though he is not liable to the penalty of kareth'.<sup>10</sup> But according to the

# ME'ILAH - 2a-22a

ruling of the Rabbis,<sup>11</sup> whereby is [our case] distinguished from that of [animal-sacrifices] which have not reached the required age [of eight days]?<sup>12</sup> —

I might reply: [The sacrifice of a beast] that has not reached the required age is to be compared to one with a blemish which can be redeemed,<sup>13</sup> but these bird-offerings, which a blemish<sup>14</sup> does not disqualify them, cannot be redeemed. 'Ulla said in the name of R. Johanan: Dedicated [animals] which have died are according to the Torah exempted from the Law of Sacrilege. When 'Ulla sat and recited this ruling. R. Hisda said to him: Who has ever heard this, your view and the view of R. Johanan. your teacher? Whither has the sanctity thereof gone? —

He thereupon replied: Why not ask the same question with relation to our Mishnah, where it says: **TURTLE-DOVES WHICH HAVE NOT YET REACHED THE RIGHT AGE, AND PIGEONS WHICH HAVE EXCEEDED THE RIGHT AGE MAY NOT BE ENJOYED; THEY ARE, HOWEVER, NOT SUBJECT TO THE LAW OF SACRILEGE.** Here, too. [ask] whither has the sanctity thereof gone?<sup>15</sup> —

Nevertheless<sup>16</sup> [continued 'Ulla], I admit that by Rabbinical enactment the Law of Sacrilege is applicable [in these instances],<sup>17</sup> but I wish to raise the difficulty: Is there anything which has been exempted from the Law of Sacrilege<sup>18</sup> from the beginning and is subject to it afterwards?<sup>19</sup> —

Why not? Is there not the instance of blood which was originally exempted from the Law of Sacrilege, but is subject to it at the end [of the offering ceremony]? For we have learnt: 'Blood is exempted from the Law of Sacrilege at the beginning, but is subject to it after it has flowed away to the Brook Kidron'.<sup>20</sup> —

I might reply: In that instance the Law of Sacrilege was applicable at the beginning

(1) Lev. VI, 3.

(2) Ibid. I, 16.

(3) Since this is mentioned in Lev. VI, 3.

(4) Viz., the east side.

(5) Ibid. The definite article is regarded as superfluous.

(6) In many editions this Mishnah is joined to the previous, of which it is a continuation, thus in Tosaf.

(7) For they may be offered when they grow older.

(8) Hul. 81a.

(9) Similarly, these turtle-doves since they will become fit after a certain period, are considered holy when dedicated even before the period is reached.

(10) V. Glos.

(11) I.e., the anonymous view of the previous Mishnah.

(12) Of which it says in Bek. 56a that they at once become sacred.

(13) In the instance of a sacrifice of cattle there is redemption in the case of disqualification by blemish; i.e., we find a precedent that even a disqualified only is holy, because a substitute can take its place. There is no such precedent in the case of a bird offering as this offering cannot be redeemed.

(14) Even in the case of such blemishes which disqualify even bird-offerings there is no redemption.

(15) The question is from pigeons which have passed the prescribed age after having been dedicated.

(16) So MS.M. cur. edd.: 'He said to him'. I.e., although Mishnah proves that it is possible for the Law of Sacrilege to cease to operate.

(17) I.e., in my case and in that of the Mishnah. One is liable to compensation, though not to the payment of the additional Fifth.

(18) As in the instance of the turtle-doves according to the first view of the Mishnah.

(19) I.e., after they reach the prescribed age. although they had been dedicated when they were not yet of age.

(20) Supra 11a.

## Me'ilah 12b

for Rab said:<sup>1</sup> 'The blood let from a [living] consecrated animal may not be used and is subject to the Law of Sacrilege'. [The above] text states: R. Huna<sup>2</sup> said in the name of Rab: 'The blood let from a [living] consecrated animal may not be used and is subject to the Law of Sacrilege'.

# ME'ILAH - 2a-22a

R. Hammuna raised an objection:<sup>3</sup> 'The milk of consecrated cattle and the eggs of turtledoves may not be used, but the Law of Sacrilege does not apply to them'.<sup>4</sup> — He replied: The ruling applies only to blood, for one cannot live without blood,<sup>5</sup> but not to milk, as one can well live without it.

R. Mesharsheya raised an objection: The manure and excrements<sup>6</sup> that lie in the courtyard of the Temple may not be used, but are not subject to the Law of Sacrilege. The money thereof [paid in compensation] goes to the Temple Treasury. Now why is this so, since here too there is none who exists without some quantity of digested food [in its body]?<sup>7</sup> —

I might reply: How can you compare these two things with one another? Excrements come from outside [the body] and when the one [quantity of food] has been excluded [from the body] another will be consumed. Different it is with blood which is part of the body. It states: '... may not be used, but are subject to the Law of Sacrilege and the money [thereof paid in compensation] goes to the Temple Treasury'. This offers a support of the rule of R. Eleazar. For R. Eleazar said: Wherever the Sages ruled [that a thing is] sacred yet not sacred [in every respect],<sup>8</sup> the money thereof [paid in compensation] goes to the Temple Treasury.

**MISHNAH. THE MILK OF CONSECRATED ANIMALS AND THE EGGS OF [CONSECRATED] TURTLE-DOVES MAY NOT BE USED, BUT ARE NOT SUBJECT TO THE LAW OF SACRILEGE. THIS HOLDS GOOD ONLY FOR THINGS DEDICATED FOR THE ALTAR, BUT AS TO THINGS DEDICATED FOR TEMPLE REPAIR, IF ONE CONSECRATED [E.G.,] A CHICKEN BOTH IT AND ITS EGGS ARE SUBJECT TO THE LAW OF SACRILEGE, OR [IF ONE DEDICATED] A SHE-ASS, BOTH IT AND ITS MILK ARE SUBJECT TO THE LAW OF SACRILEGE.**

**GEMARA.** Does [the restriction to things dedicated for Temple repair] imply that if dedicated [to the altar] for its value [the milk or eggs] will be exempted from the Law of Sacrilege? —

Said R. Papa, a clause has been omitted [in the Mishnah] which should read as follows: 'This holds good only for things dedicated themselves for the altar; but if their value is dedicated for the altar, it is considered as if they have been dedicated for Temple repair. If one consecrated [e.g.], a chicken both it and its eggs are subject to the Law of Sacrilege, or [if one dedicated] a she-ass, both it and its milk are subject to the Law of Sacrilege'.<sup>9</sup>

**MISHNAH. WHATSOEVER IS FIT FOR THE ALTAR**

- (1) Ber. 312.
- (2) In the above quotation R. Huna's name is omitted.
- (3) *Infra*.
- (4) The same should apply to blood.
- (5) It is therefore an integral part of the body.
- (6) Of consecrated animals.
- (7) I.e., it is essential for the life of the beast.
- (8) I.e. it may not be used, yet is not subject to the Law of Sacrilege, in which case the mere actual value has to be repaid.
- (9) Because the produce of the offering cannot be offered upon the altar, for which the animal itself is designated. It is therefore not included in the dedication. In the case of sacrifices of a minor degree of holiness the produce is of the same degree of holiness as the animal itself.

## Me'ilah 13a

**AND NOT FOR TEMPLE REPAIR. FOR TEMPLE REPAIR AND NOT FOR THE ALTAR, NEITHER FOR THE ALTAR NOR FOR TEMPLE REPAIR. IS SUBJECT TO THE LAW OF SACRILEGE, HOW IS THIS?**

**IF ONE CONSECRATED A CISTERN FULL OF WATER,<sup>1</sup> A MIDDEN FULL OF MANURE,<sup>2</sup> A DOVE-COTE FULL OF PIGEONS,<sup>3</sup> A TREE LADEN WITH FRUIT,<sup>4</sup> A FIELD COVERED WITH HERBS,<sup>5</sup> THE LAW OF SACRILEGE**

# ME'ILOH - 2a-22a

APPLIES TO THEM AND TO THEIR CONTENTS. BUT IF ONE CONSECRATED A CISTERN AND IT WAS LATER FILLED WITH WATER, A MIDDEN AND IT WAS LATER FILLED WITH MANURE, A DOVE-COTE AND IT WAS LATER FILLED WITH PIGEONS, A TREE AND IT AFTERWARDS BORE FRUIT OR A FIELD AND IT AFTERWARDS PRODUCED HERBS, THE LAW OF SACRILEGE APPLIES TO THE CONSECRATED OBJECTS THEMSELVES BUT NOT TO THEIR CONTENTS, R. JOSE SAID: IF ONE CONSECRATED A FIELD OR A TREE, THE LAW OF SACRILEGE APPLIES TO THEM AND TO THEIR PRODUCE.<sup>6</sup> FOR IT IS THE GROWTH OF CONSECRATED PROPERTY.

THE YOUNG<sup>7</sup> OF [CATTLE SET ASIDE AS] TITHE MAY NOT SUCK FROM SUCH CATTLE.<sup>8</sup> SOME PEOPLE USED TO DEDICATE ON SUCH A CONDITION.<sup>9</sup> THE YOUNG<sup>10</sup> OF CON SECRATED CATTLE MAY NOT SUCK FROM SUCH CATTLE. SOME PEOPLE USED TO DEDICATE ON SUCH A CONDITION. LABOURERS<sup>11</sup> MAY NOT ENJOY OF DRY FIGS DEDICATED TO THE TEMPLE,<sup>12</sup> NOR MAY A COW EAT OF THE VETCH BELONGING TO THE TEMPLE.<sup>13</sup>

**GEMARA.** It says: 'THE YOUNG OF CATTLE SET ASIDE AS TITHE MAY NOT SUCK FROM SUCH CATTLE'. Wherefrom do we know this? Said R. Ahadboi, son of Ammi, It is derived from the first-born by textual analogy based on the word 'passing'<sup>14</sup> occurring in both texts]: As the first-born<sup>15</sup> is subject to the Law of Sacrilege, so also the milk of cattle set aside as tithe is subject to the law of Sacrilege. As to milk of consecrated cattle, it is derived from the first-born [by textual analogy based on the words] 'his mother'<sup>16</sup> [occurring in both texts]. LABOURERS MAY NOT ENJOY, etc. What is the reason?<sup>17</sup> —

Said R. Ahadboi, son of Ammi, Scripture says: Thou shalt not muzzle the ox when he treadeth out the corn;<sup>18</sup> what he treadeth of

your own,<sup>19</sup> but not of Temple property. If one threshes [his] kela'ilin<sup>20</sup> in a field belonging to the Temple he is guilty of sacrilege.<sup>21</sup> But has it not to be detached from the ground?<sup>22</sup> —

Said Rabina: This proves that the dust<sup>23</sup> is beneficial to it [Kela'ilin].

- (1) Fit for Temple repair only.
- (2) Fit neither for the altar nor for Temple repair.
- (3) Fit for the altar.
- (4) Fit for the altar if it was a vine tree, whose wine may be used for libation offerings, otherwise unfit for both.
- (5) Which bears a sacred character.
- (6) R. Jose contends that in these two instances the produce has not come from without, but has grown naturally from the things dedicated. The produce is potentially present at the time of dedication.
- (7) Which is itself not sacred, as it was born before the tithing.
- (8) For the milk is sacred and may not be used by profane cattle.
- (9) I.e., when cattle were taken to be tithed a condition was made to the effect that should the tithe be a female, its milk should not be consecrated, but permissible for its young.
- (10) Itself not sacred, if born before consecration.
- (11) Working in fields belonging to the Temple.
- (12) For the law that laborers may eat of fruits on which they work, Deut. XXIII, 25, applies to private property only, for the text speaks of 'the neighbor's vineyard'. v. B.M. 87a.
- (13) A cow which belongs to private property may be muzzled while thrashing the vetch of the Temple, for the law of Deut. XXV, 4 does not apply to Temple property.
- (14) I.e., occurring in Ex. XIII, 12 and Lev. XXVII, 32.
- (15) The first-born is a male animal. Its sacredness appertains to the whole body, as also in the case of tithe the sanctity attaches to the whole body, including the milk.
- (16) I.e., occurring in Ex. XXII, 29 and Lev. XXII, 27.
- (17) That a cow may not eat the vetch belonging to the Temple.
- (18) Deut. XXV, 4.
- (19) The pronoun of כִּי־הוּ is taken to refer to the owner and not to the ox.
- (20) Rashi and Tosaf.: A kind of cereal Jastrow identifies this with kela'ilin ('wool') of Men. 42b.
- (21) For using property of the sanctuary.
- (22) Only things detached from the ground are subject to the Law of Sacrilege. cf. infra 18b.

# ME'ILOH - 2a-22a

(23) Which is detached from the ground. He is guilty for using the dust belonging to Temple property.

## Me'ilah 13b

**MISHNAH.** IF THE ROOTS OF A PRIVATELY OWNED TREE SPREAD INTO DEDICATED GROUND,<sup>1</sup> OR THOSE OF A TREE IN DEDICATED GROUND SPREAD TO PRIVATE GROUND,<sup>2</sup> THEY MAY NOT BE USED, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO THEM.<sup>3</sup> THE WATER OF A WELL<sup>4</sup> WHICH COMES FORTH IN A DEDICATED FIELD MAY NOT BE ENJOYED THOUGH IT IS NOT SUBJECT TO THE LAW OF SACRILEGE; WHEN IT HAS LEFT THE FIELD IT MAY BE ENJOYED.<sup>5</sup>

THE WATER<sup>6</sup> IN THE GOLDEN JAR<sup>7</sup> MAY NOT BE USED, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT. WHEN IT HAS BEEN POURED INTO THE FLASK, IT BECOMES SUBJECT TO THE LAW OF SACRILEGE. THE WILLOW BRANCH<sup>8</sup> MAY NOT BE USED, BUT IS NOT SUBJECT TO THE LAW OF SACRILEGE. R. ELEAZAR, SON OF R. ZADOK SAYS: THE ELDERS WERE ACCUSTOMED TO USE IT WITH THEIR PALM TREE BRANCHES.

**GEMARA.** Said Resh Lakish: 'The law of Sacrilege does not apply' to the whole of the contents [of the jar], but the Law of Sacrilege applies to the three logs.<sup>9</sup> But does it not say in the second clause: WHEN IT HAS BEEN POURED INTO THE FLASK, IT BECOMES SUBJECT TO THE LAW OF SACRILEGE, from which it follows that in the first clause the Law of Sacrilege does not apply. even with reference to the three logs?—

Rather, if [Resh Lakish's statement] has been made, it has been made with reference to the second clause: IT BECOMES SUBJECT TO THE LAW OF SACRILEGE. Said Resh Lakish: This holds good only [if the flask contained] exactly three logs,<sup>10</sup> but R.

Johanán said: It applies to the whole contents. Are we then to assume that Resh Lakish holds that a definite quantity has been prescribed for the water libation? But have we not learnt: R. Eleazar said, If one offered the water libation of Tabernacles during the Festival outside the Temple Court he is culpable;<sup>11</sup> and R. Johanán in the name of Menahem of Jotapata remarked thereupon: R. Eleazar follows R. Akiba's principle who expounds 'their libations'<sup>12</sup> denoting that the libation of water is analogous to the libation of wine;<sup>13</sup> and Resh Lakish retorted: Would you then also say: As three logs are prescribed for wine, so also for water? Now does it not follow from this that Resh Lakish holds that no definite quantity has been prescribed for water? — No, his argument is on the view of Menahem of Jotapata!<sup>14</sup>

**MISHNAH.** ONE MAY NOT DERIVE ANY BENEFIT FROM A NEST WHICH IS BUILT ON THE TOP OF A DEDICATED TREE. BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT. THAT WHICH IS ON THE TOP OF AN ASHERAH<sup>15</sup> ONE FLICKS [IT] OFF WITH A REED.<sup>16</sup> IF ONE DEDICATED A FOREST TO THE TEMPLE, THE LAW OF SACRILEGE APPLIES TO THE WHOLE OF IT.

(1) I.e., property of the Temple, provided the tree is less than sixteen cubits away from the field. cf. Maim. and B.B. 27b.

(2) And there is a distance of more than sixteen cubits between tree and field, Maim.

(3) For either the tree or the ground where they are found is secular property.

(4) The source of which is in private ground (Rashi).

(5) For both the source and the place whence the water is drawn are not in Temple property.

(6) Used for the water libation on Tabernacles.

(7) V. Suk. 48a. The jar was not sacred proper. tao; the water was kept therein overnight.

(8) Used on Tabernacles to decorate the altar; v. Suk. IV, 5. According to Maim. this refers to willows growing on dedicated ground.

(9) I.e., if it contains more or less than the prescribed three logs which is the quantity prescribed for the libation according to Resh Lakish. For log v. Glos.

(10) But if it contained more, one is not liable unless one used of the last three logs. Tosaf.

# ME'ILAH - 2a-22a

(11) On the score of Lev. XVII, 3f.

(12) Num. XXIX, 19. Tosaf. reads as in Zeb. 110b 'and its libations' of verse 31, where the use of the plural is indeed out of place.

(13) And one is subject to a prohibition if one offers the water libation outside the Temple.

(14) Who does not hold with Resh Lakish that three logs are prescribed for the water libation.

(15) A tree worshipped by the heathen, cf. Deut. XII, 3.

(16) But one may not climb up the tree, in order not to make use of it.

## Me'ilah 14a

**GEMARA.** It was stated:<sup>1</sup> If an idol broke to pieces by itself, R. Johanan says it is still prohibited [for use]; Resh Lakish says it is allowed. 'R. Johanan holds it is prohibited', because the idol worshipper has not annulled it.<sup>2</sup> 'Resh Lakish holds it is allowed', for [the idolater] surely thinks: If the idol did not save itself, how could it save me.<sup>3</sup>

Resh Lakish raised an objection to R. Johanan: ONE MAY NOT DERIVE ANY BENEFIT FROM A NEST WHICH IS BUILT ON THE TOP OF A DEDICATED TREE, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT. THAT WHICH IS ON THE TOP OF AN ASHERAH ONE FLICKS [IT] OFF WITH A REED. Now, does this not deal with a case where the twigs [with which the nest was built] were broken off [by the birds] from that tree itself, and yet it rules that he can flick them off with a reed?<sup>4</sup> —

No, the twigs were brought [by the birds] from elsewhere. If so,<sup>5</sup> if [the tree was] dedicated one may not make use [of the nest] and the Law of Sacrilege does not apply to it.<sup>6</sup> Hence it must deal with twigs that have however grown after [the dedication of the tree],<sup>7</sup> and [our Mishnah] holds that the Law of Sacrilege does not apply to the growth of dedicated [trees]. This interpretation seems also logical, for should we say that the twigs were brought from elsewhere, why [has the nest] to be shaken off with a reed, let it be simply taken [by hand]?<sup>9</sup> —

Said R. Abbahu in the name of R. Johanan: It deals indeed with twigs brought from elsewhere and the expression ONE FLICKS OFF refers to the young birds.<sup>10</sup> Said R. Jacob to R. Jeremiah: The young birds are permitted for use<sup>11</sup> in both instances,<sup>12</sup> and the eggs are prohibited<sup>13</sup> for use in both instances. Said R. Ashi: If the birds are [so young that they] require [the care of] their mother, they are considered like eggs.

**MISHNAH.** IF THE TREASURERS [OF THE TEMPLE] BOUGHT TREES,<sup>14</sup> THE TIMBER IS SUBJECT TO THE LAW OF SACRILEGE BUT NOT THE CHIPS AND THE FOLIAGE.<sup>15</sup>

**GEMARA.** Said Samuel: Temple buildings are built first with secular [money]. and then they are dedicated,<sup>16</sup> (why? Because he who donates money [to the Temple Fund] declares it [forthwith] sacred)<sup>17</sup> in that he [the Treasurer] says the sacredness of the money shall be transmitted to the building, so that the money may be paid out to the laborers as their wages.

(1) A.Z. 4b.

(2) It was not the heathen who broke the idol, it broke by itself.

(3) It is assumed that in their hearts the worshippers have abandoned this idol. It is no longer an object of worship.

(4) And, of course, used. This instance is parallel to the case in question. for the twigs were not broken by the heathen himself and thus annulled by him.

(5) Rashi has here a version similar to that of the same discussion in A.Z. 42a.

(6) Since the twigs are not from the tree belonging to Temple property, they should even be permitted for use (Tosaf).

(7) You are thus obliged to interpret the Mishnah as referring to twigs taken from the tree itself; but should you then object, in that case the difficulty would be why they were not subject to the Law of Sacrilege: It is because it deals with twigs grown after the dedication of the tree (exclusive of the ground upon which the tree grows) and such twigs are not subject to the Law of Sacrilege. The objection to R. Johanan again remains. The following passage is to be understood in parenthesis.



# ME'ILAH - 2a-22a

(8) Viz., that the twigs were from the tree itself.

(9) If the twigs are, in accordance with our interpretation, of the same tree the direct approach to the nest and its twigs may have been prohibited as a precautionary measure, lest people assume that the twigs still growing are also permitted.

(10) The twigs, however, are indeed prohibited in accordance with the view of R. Johanan.

(11) Because they can fly and are not considered as belonging to the tree.

(12) I.e., in the case of dedicated trees and an Asherah.

(13) For they are considered attached to the tree.

(14) To have them prepared for building purpose for the Temple.

(15) For these are useless for building and the Treasurer, it is assumed, has not intended to impart to them the character of sacred property.

(16) The building material is bought with money belonging to private individuals or taken on credit. Also the wages for the workmen are paid from secular money or owed to them. When the building is finished it is exchanged, as a whole, against the money donated to the Temple Fund for this building. The money becomes again secular and can be used to satisfy the creditors and the laborers.

(17) If material was bought with this money, the seller of the material would be guilty of sacrilege in using the money. The same applies to the laborers.

## Me'ilah 14b

An objection was raised: What was done with the surplus of the frankincense?<sup>1</sup> Money equivalent to the craftsmen's but if the twigs are from elsewhere there is no ground for such an assumption. wages<sup>2</sup> was set aside [from the Temple Treasury],<sup>3</sup> [the surplus was] then exchanged against this money of the craftsmen, handed over to the craftsmen<sup>4</sup> and then purchased from them with money of the new levy.<sup>5</sup> Now why was [this procedure necessary]? Why not exchange the surplus against a building?<sup>6</sup> —

[We deal with a case where] there was no building.<sup>7</sup> But does it not speak of 'the craftsmen's wages'?<sup>8</sup> — There was no building equivalent to the value of the surplus. But does not Samuel hold:<sup>9</sup> 'If consecrated property of the value of a

maneh<sup>10</sup> has even exchanged against a perutah,<sup>10</sup> the exchange is valid'. — [He sanctions such a transaction] after it has been done, but not at the outset.

R. Papa says, This is the reason why the building has to be built with secular [money]: The Torah has not been given to ministering angels;<sup>11</sup> he [the craftsman] might wish to lie down and would lie down on them,<sup>12</sup> and if it was built by consecrated [money] he would as a result be guilty of sacrilege.

We have learnt: IF THE TREASURERS [OF THE TEMPLE] BOUGHT TREES, THE TIMBER IS SUBJECT TO THE LAW OF SACRILEGE BUT NOT THE CHIPS AND THE FOLIAGE. But why should one trespass the law of Sacrilege? Let this too be prepared in a secular state<sup>13</sup> lest one might wish to lie down on them, and would as a result be guilty of sacrilege! —

Said R. Papa: If the wood is to be used at a later date it would be indeed so;<sup>14</sup> our Mishnah refers to wood which is to be used on the same day.<sup>15</sup> [

(1) Each year there was a surplus of frankincense. In the month of Nissan a new year began for the offering of incense. The surplus of the past year was not allowed to be used in the new year. The device mentioned here provides a method of using this surplus by repurchasing it with the money of the new levy.

(2) I.e., any wages that the Temple may owe to laborers for their work.

(3) From this money of the shekel chamber (the Lishkah) wages were permitted to be paid, but not from a donation declared holy for a special purpose.

(4) It is not essential actually to hand it over to the laborers. Somebody else may acquire it on their behalf. The incense then becomes secular property and may be re-purchased for the Temple to be used during the coming year.

(5) I.e., the newly paid shekels from which all public offerings for the coming year beginning with the first of Nisan are bought, v. Shek. IV, 5.

(6) Since, according to Samuel, the building is at first secular, why not exchange the frankincense against it and repurchase it with the money of the new levy?

# ME'ILAH - 2a-22a

- (7) No new building was erected then.
- (8) Implying that some work has been done.
- (9) B.M. 57b.
- (10) V. Glos.
- (11) I.e., we are only human beings.
- (12) The bricks e.g.
- (13) Let the preparation of the timber be done as non consecrated property and then purchased by the Temple Fund.
- (14) As you suggest.
- (15) In which case there is little likelihood that one will use it unwittingly.

## Me'ilah 15a

### CHAPTER IV

**MISHNAH.** THINGS DEDICATED FOR THE ALTAR CAN COMBINE WITH ONE ANOTHER<sup>1</sup> WITH REGARD TO THE LAW OF SACRILEGE AND TO RENDER ONE CULPABLE FOR [TRANSGRESSING THE LAWS OF] PIGGUL,<sup>2</sup> NOTHAR<sup>2</sup> AND DEFILEMENT.<sup>3</sup> THINGS DEDICATED FOR TEMPLE REPAIR<sup>4</sup> CAN COMBINE WITH ONE ANOTHER.<sup>5</sup> THINGS DEDICATED FOR THE ALTAR CAN COMBINE WITH THINGS DEDICATED FOR TEMPLE REPAIR WITH REGARD TO THE LAW OF SACRILEGE.

**GEMARA.** Since things dedicated for the altar can combine with things dedicated for Temple repair, although the one is consecrated as such and the other only for its value, was it then necessary to mention at all that things dedicated for the altar can combine with others of the same nature? — Since he had to state the addition in this connection: 'AND TO RENDER ONE CULPABLE FOR [TRANSGRESSING THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT', which is inapplicable to things dedicated for Temple repair, therefore he stated this separately.

Said R. Jannai: It is clear that the Law of Sacrilege applies only to things dedicated for Temple repair and to burnt-offerings.<sup>6</sup> What is the reason? — Scripture says: If anyone commits a trespass [and sin in error] in the holy things of the Lord.<sup>7</sup> Holy things

designated wholly for Gods are subject to the Law of Sacrilege; but as to [other] things<sup>9</sup> dedicated for the altar, of them the priests have a share and the owners have a share.

We have learnt: THINGS DEDICATED FOR THE ALTAR CAN COMBINE WITH ONE ANOTHER WITH REGARD TO THE LAW OF SACRILEGE?<sup>10</sup> — [This applies only] by Rabbinical enactment. We have learnt: 'The Law of Sacrilege applies to the Most Holy sacrifices which were slaughtered on the south side'.<sup>11</sup> —

[It is] by Rabbinical enactment. We have learnt: 'If one derived a benefit from a sin-offering, while it was alive he has not trespassed the Law of Sacrilege unless he has diminished its substance; if while it was dead he is liable even though his benefit was of the smallest value'.<sup>12</sup> —

By Rabbinical enactment. And by Biblical law are they indeed exempted? Has it not been taught: Rabbi says. The expression all fat is the Lord's<sup>13</sup> is to include the emurim<sup>14</sup> of sacrifices of a minor degree of holiness with regard to the Law of Sacrilege!<sup>15</sup> —

By Rabbinical enactment. But does he adduce a Biblical text [as proof]? — It is a mere exegetical support [of a Rabbinical enactment]. But does not 'Ulla say in the name of R. Johanan: 'Consecrated animals which died are according to Biblical law exempted from the Law of Sacrilege'.<sup>16</sup> Now, to what does this refer? Shall I say to things dedicated for Temple repair; then the Law of Sacrilege should apply to them even after they have died; for suppose a man would dedicate a midden for Temple repair, would the Law of Sacrilege not apply to it? It must then refer to things dedicated for the altar.<sup>17</sup> But then they should not<sup>18</sup> be subject to sacrilege by Biblical law! —

Rather what the School of R. Jannai taught was that from that text<sup>19</sup> you can only derive things dedicated for Temple repair; but

# ME'ILAH - 2a-22a

things dedicated for the altar you cannot derive from it.<sup>20</sup>

- (1) To make up the requisite legal size of an olive's bulk, or, in reference to sacrilege, the required legal value of a Perutah.
- (2) V. Glos.
- (3) V. supra p. 17.
- (4) I.e., the Temple treasury.
- (5) With reference to sacrilege only. as the other laws are not applicable to them.
- (6) [Var. lec. omit 'and to burnt-offerings'. This is the correct reading as is shown by the second version of R. Jannai's statement at the end of this passage.]
- (7) Lev. V, 15.
- (8) Viz., the burnt-offering which is wholly offered on the altar.
- (9) E.g., the sin-offering and the guilt-offering.
- (10) Obviously referring to all sacrifices, in contradiction to R. Jannai.
- (11) Supra 2a.
- (12) Infra 18a.
- (13) Lev. III, 16.
- (14) V. Glos.
- (15) Tem. 32b.
- (16) Supra 12a.
- (17) From 'Ulla's statement we learn that before they died they were subject to sacrilege by Biblical law.
- (18) According to R. Jannai's view.
- (19) Viz., Lev. V, 15.
- (20) But from Lev. III, 16.

## Me'ilah 15b

**MISHNAH.** FIVE THINGS IN A BURNT-OFFERING CAN COMBINE WITH ONE ANOTHER: THE FLESH, THE FAT,<sup>1</sup> THE FINE FLOUR, THE WINE AND THE OIL;<sup>2</sup> AND SIX IN A THANKOFFERING: THE FLESH, THE FAT, THE FINE FLOUR, THE WINE, THE OIL AND THE BREAD.

**GEMARA.** R. Huna recited to Raba: 'Five things in the world<sup>3</sup> can combine with one another'. Said the latter: Did you say 'in the world'? Does not the Mishnah teach of a thank-offering: AND SIX IN A THANK-OFFERING: THE FLESH, THE FAT, THE FINE FLOUR, THE WINE, THE OIL AND THE BREAD? —

The other replied: Read 'in a burnt-offering'.<sup>4</sup> We have thus learnt here what our Rabbis have taught: '[The flesh of] a burnt-offering and the sacrificial portions thereof<sup>5</sup> can combine to make up [the requisite size of] an olive [to render one liable] for offering them outside [the Temple Court] and to render one culpable for [transgressing the laws of] Piggul, Nothar and defilement'. It speaks of a burnt-offering and does apparently not apply to a peace-offering. This is right as far as offering outside the Temple Court is concerned, for with a burnt-offering which is wholly offered the emurim<sup>6</sup> can be combined;<sup>7</sup> but with [the flesh of] a peace-offering<sup>8</sup> it can rightly not be combined.

But with regard to [the transgression of the laws of] Piggul Nothar and defilement, why should one not be guilty in the case of a peace-offering?<sup>9</sup> Have we not learnt: 'All kinds of Piggul can combine with one another and all kinds of Nothar can combine with one another'?<sup>10</sup> —

Read, therefore: The flesh of a burnt-offering and the Emurim thereof can combine with one another to make up an olive-size so that the blood can be sprinkled on account of them;<sup>11</sup> and it represents the opinion of R. Joshua. For we have learnt:<sup>12</sup> R. Joshua said, With all other sacrifices of the Torah the blood can be sprinkled only if an olive-size of flesh or an olive-size of fat was left; if half an olive-size of flesh and half an olive-size of fat were left the blood cannot be sprinkled.

With a burnt-offering, however, the blood can be sprinkled even if half an olive-size of flesh and half an olive size of fat were left, because it is all offered upon the altar. And with a meal-offering, even if it has wholly been preserved. the blood cannot be sprinkled. How does the meal-offering come in?<sup>13</sup> — Said R. Papa: [It refers to] a meal-offering which accompanies a beast sacrifice.<sup>14</sup>

# ME'ILAH - 2a-22a

**MISHNAH.** TERUMAH,<sup>15</sup> TERUMAH OF THE TITHE,<sup>16</sup> TERUMAH OF THE TITHE SEPARATED FROM DEM'AI,<sup>17</sup> HALLAH<sup>18</sup> AND FIRST-FRUITS CAN COMBINE WITH ONE ANOTHER TO MAKE UP THE SIZE REQUIRED TO RENDER OTHER THINGS<sup>19</sup> FORBIDDEN AND TO BE LIABLE TO THE PAYMENT OF A Fifth.<sup>20</sup> ALL KINDS OF PIGGUL CAN COMBINE WITH ONE ANOTHER AND ALL KINDS OF NOTHAR CAN COMBINE WITH ONE ANOTHER.

**GEMARA.** What is the reason that Hallah and first-fruits can combine? — All these are called by the term 'Terumah'. Of Hallah it reads, of the first of your dough you shall set apart terumah.<sup>21</sup> The first-fruits are also called Terumah, for we have learnt: The expression, and the Terumah of thy hand<sup>22</sup> refers to first fruits.<sup>23</sup> While the other instances<sup>24</sup> of the Mishnah need no proof.

**MISHNAH.** ALL KINDS OF NEBELAH<sup>25</sup> CAN COMBINE WITH ONE ANOTHER,<sup>26</sup> AND ALL KINDS OF REPTILES CAN COMBINE WITH ONE ANOTHER.<sup>26</sup>

**GEMARA.** Said Rab:

- (1) The fat parts which were offered on the altar.
- (2) The latter three are from the accompanying meal-offering.
- (3) Meaning there are in connection with all offerings only five things.
- (4) בעולם instead of בעולם 'in the world'.
- (5) Thus the version of Zeb. 109a and of Rashi. Cur. edd. read: burnt-offerings and Emurim, v. Glos.
- (6) Which are always offered upon the altar.
- (7) With the other parts of the flesh.
- (8) The flesh is eaten by the owner and the priests. In this case they can, of course, not combine the Emurim when offered outside the Temple.
- (9) When the legal size was accomplished through a combination of the different parts thereof.
- (10) V. infra.
- (11) Thus the version of Tosaf. and Rashi. Cur. edd. add.: And since they can combine with regard to sprinkling, one is guilty... and whose view is this? If the flesh of a burnt-offering is lost, the blood can be sprinkled only if an olive-size of the offering is left. Now, this olive-size may be composed of flesh and Emurim.

(12) Tosef. Zeb. IV, 3.

(13) I.e., how does the sprinkling come in connection with a meal-offering.

(14) Lit., 'a meal-offering of libation', because this is the only kind of meal-offering which requires wine for libation. V. Num. XV, 5f. I might have thought that the blood of the offering can be sprinkled if nothing but the accompanying meal-offering is preserved, hence we are told that it is not so.

(15) The priest's share of the ingathering of the field. v. Ter. IV, 3. v. Glos.

(16) The Levite's contribution to the priest.

(17) I.e., produce of the field about which there is a suspicion that they have not been tithed properly, v. Glos.

(18) The portion of the dough set aside for the priest. V. Num. XV, 20 and Glos.

(19) If common food is mixed with them in a proportion which is no less than a hundred to one (the required proportion of each of them), they are wholly forbidden to a non priest.

(20) If one has eaten unwittingly the value of at least a Perutah, one is liable to the payment of an additional Fifth. V. Ter. I, 1.

(21) Num. XV, 20.

(22) Deut. XII, 17.

(23) Pes. 37b.

(24) The first three mentioned in our Mishnah.

(25) v. Glos.

(26) To make up the required legal size of an olive.

## Me'ilah 16a

This<sup>1</sup> has been taught only with reference to defilement,<sup>2</sup> but with regard to eating, clean animals<sup>3</sup> form one group for themselves and unclean animals<sup>4</sup> another. And Levi said: Also in regard to eating do they all combine with one another.<sup>5</sup> And R. Assi said: Clean animals for themselves and unclean for themselves. Some say he differs from Rab,<sup>6</sup> while others say he does not differ from him.<sup>7</sup>

An objection was raised: [The flesh of] a dead cow<sup>8</sup> and a living camel<sup>9</sup> cannot combine with one another, from which it follows that if both, however, were dead their flesh would combine. Does this not contradict R. Assi?<sup>10</sup>—

No, refer thus: But if both were alive they could combine; and this would be in agreement with R. Judah's view who holds<sup>11</sup>

# ME'ILAH - 2a-22a

that the prohibition to eat a limb [cut off] from a living creature<sup>12</sup> applies also to unclean animals. But what would be the case if both were dead? Could they not combine? If so, why just instance<sup>13</sup> 'the flesh of a dead cow and a living camel',<sup>14</sup> surely even if both were dead they could not combine? And furthermore, have we not learnt: 'Half an olive size [of the flesh] of a living cow and half an olive-size of that of a dead camel cannot combine with one another, but half an olive size of the flesh of a cow and half an olive-size of that of a camel can combine with one another if both are alive or both dead'. There would be a contradiction between the opening clause<sup>15</sup> and the concluding. You must therefore come to the conclusion that in the case of both animals being dead they can combine with one another!<sup>16</sup> —

R. Assi would reply: This Tanna holds that a prohibition can apply to something that has been prohibited already by reason of another prohibition.<sup>17</sup>

(1) Viz., the first clause.

(2) V. Lev. XI, 39. An olive's bulk conveys uncleanness.

(3) Which, if they died of themselves, or if slaughtered not according to ritual, are prohibited as Nebelah, v. Deut. XIV, 21.

(4) Which even if not slaughtered according to ritual are prohibited only by reason of their uncleanness, v. Lev. XI, 8, but do not come under the category of Nebelah, according to the principle that a prohibition cannot take hold of something which has already been forbidden.

(5) He holds that unclean animals not slaughtered according to ritual do come under the category of Nebelah.

(6) I.e., he is assumed to relate also to defilement.

(7) But refers to eating only.

(8) I.e., the Nebelah of a clean animal.

(9) Cut off while the camel was alive. A camel is an unclean animal.

(10) According to the first explanation of R. Assi's statement, Rashi: Rab is not contradicted as this statement might refer to defilement.

(11) Hul. 101b.

(12) Gen. IX, 4.

(13) Lit., 'what was (the idea) that he rushed and instanced...?'

(14) In the concluding clause of the previous statement.

(15) If your inference be right.

(16) Contradicting R. Assi.

(17) While his statement is following the view that such a prohibition cannot take effect.

## Me'ilah 16b

Said R. Judah in the name of Rab: As to the eating of unclean reptiles, one is liable to the penalty of lashes only when one has consumed an olive-size.<sup>1</sup> Why? Because the expression 'eating'<sup>2</sup> is used in that connection. But did not R. Jose son of R. Hanina recite before R. Johanan: [It is written]: Ye shall therefore separate between the clean beast and the unclean and between the unclean fowl and the clean and ye shall not make your souls<sup>3</sup> detestable by beast or by fowl or by anything wherewith the ground teemeth, which I have set apart for you to hold unclean.<sup>4</sup> Scripture speaks at the beginning of eating and ends with defilement, in order to indicate that as with reference to defilement the lentil is the standard size so also with regard to eating. Whereupon R. Johanan praised him. Now, does this not contradict Rab's ruling? —

No, there is no difficulty, for the one deals with reptiles while they are dead<sup>6</sup> the other while they are alive. But, said Abaye to him, does not Rab refer his statement to the Mishnah<sup>7</sup> and our Mishnah speaks of ALL REPTILES, [apparently] even though they are dead? —

Replied R. Joseph: This is your assumption. The fact is that Rab made an independent statement. [It said]: 'R. Johanan praised him'.<sup>9</sup> To this an objection was raised. [We have learnt]: 'There is no standard size for entire limbs [of unclean animals]. Even less than an olive-size of Nebelah and less than a lentil-size of a reptile effect defilement',<sup>10</sup> And R. Johanan remarked: The penalty of lashes, however, is inflicted only for an olive-size!<sup>11</sup> —

# ME'ILOH - 2a-22a

Said Raba: Scripture speaks only of those that are separated.<sup>12</sup> Said R. Adda son of Ahabah, to Raba: If so, why not draw a distinction also with reference to beasts between those that are separated<sup>13</sup> and those that are not separated?<sup>14</sup>—

- (1) Unlike defilement where the lentil-size suffices.
- (2) Viz., Ye shall not eat them, for they are a detestable thing, Lev. XI, 42. The rule is that wherever 'eating' is used the standard size is an olive.
- (3) 'Make your souls detestable' is understood, through eating.
- (4) Lev. XX, 25.
- (5) Viz., R. lose.
- (6) And effect defilement in which case a comparison may be drawn between eating and defilement, making a lentil's bulk the standard quantity.
- (7) Cur. edd. insert here in parenthesis the following text which pseudo-Rashi declares to be incomprehensible: 'and not a little from here and a little from there'.
- (8) That Rab was referring to our Mishnah.
- (9) Thus agreeing that a lentil is the standard size for the eating of reptiles, and that one is then liable to lashes.
- (10) Oh. I, 7.
- (11) R. Johanan thus contradicts himself, as this dictum is taken to refer to dead reptiles in analogy to Nebelah, and yet an olive-size is required.
- (12) The former dictum of R. Johanan according to which the standard size for the eating of reptiles is a lentil refers to the eight reptiles which have been singled out in Lev. XI, 29f for their uncleanness, and whose standard size with regard to defilement is a lentil; while the latter saying of R. Johanan relates to other reptiles which do not effect uncleanness, so that no analogy can be drawn between eating and defilement with regard to the legal size. This dictum of R. Johanan is not to be taken as comment on the Mishnah quoted from Oh. which explicitly mentions uncleanness in connection with reptiles and must therefore relate to the eight reptiles, but as a statement made independently by him.
- (13) I.e., clean animals.
- (14) I.e., the unclean. The fact that Lev. XX, 25 mentions beasts and reptiles side by side intimates an analogy between these two kinds. Also in the case of beasts, therefore, should some distinction be made as to the standard size between those that are separated and the standard quantity of those that are not separated, an olive-size being prescribed only with regard to the former; but as

to the latter, a greater quantity should be required, e.g., that of an egg.

## Me'ilah 17a

He replied to him: The Divine Law compares them with reference to the prohibition of 'you shall not make your souls detestable',<sup>1</sup> but not with regard to standard sizes.<sup>2</sup>

*MISHNAH.* THE BLOOD OF A REPTILE AND THE FLESH [THEREOF] CAN COMBINE WITH ONE ANOTHER.<sup>3</sup> R. JOSHUA LAID DOWN THE GENERAL RULE: ALL THINGS THAT ARE ALIKE BOTH IN RESPECT OF [DURATION OF] UNCLEANNESS<sup>4</sup> AND IN RESPECT OF THEIR STANDARD SIZE<sup>5</sup> CAN COMBINE WITH ONE ANOTHER. THINGS, HOWEVER, THAT ARE ALIKE IN RESPECT [OF DURATION] OF UNCLEANNESS BUT NOT IN RESPECT OF SIZE, IN RESPECT OF SIZE BUT NOT IN RESPECT [OF DURATION] OF UNCLEANNESS, OR [IF THEY ARE ALIKE] NEITHER IN RESPECT [OF DURATION] OF UNCLEANNESS NOR IN RESPECT OF SIZE, CANNOT COMBINE WITH ONE ANOTHER.

*GEMARA.* Said R. Hanin in the name of R. Zeira, and thus said also Rab Judah:<sup>6</sup> Only the blood and the flesh of the same reptile [can combine with one another]. R. Jose son of R. Hanina demurred to this: The expression, they that are unclean,<sup>7</sup> is to teach us that reptiles can combine one with the other: one reptile with another, reptile or [flesh of] reptile with blood, whether they are of one denomination or two denominations!<sup>8</sup>—

Said R. Joseph, There is no contradiction. The one ruling<sup>9</sup> refers to a whole creature<sup>10</sup> the other to a part thereof. Wherefrom do you know [to make such distinction]? — From what has been taught:<sup>11</sup> 'If [the blood]<sup>12</sup> was poured out on a pavement, which was a sloping place, and he overshadowed<sup>13</sup> a portion he remains clean, if he overshadowed the whole thereof he is

## ME'ILOH - 2a-22a

unclean'. Now, what does 'a portion' mean? Shall I say, a portion [of the standard quality of blood]?<sup>14</sup>

But did not R. Hanina<sup>15</sup> say in the name of Rabbi: 'If one stirred<sup>16</sup> the exact quantity of a fourth of a log of blood he remained clean'.<sup>17</sup> You must therefore conclude [that a distinction has to be made in the following manner]: In the one instance the blood came from a whole body, in the other from a portion thereof.<sup>18</sup> This indeed proves it. R. Mathia b. Heresh once asked R. Simeon b. Yohai, in Rome: Wherefrom do we know that the blood of reptiles is unclean? —

He replied: Because it is written: And these are they that are unclean.<sup>19</sup> His disciples then said to him: The son of Yohai has grown wise. Said he to them: This is a teaching prepared in the mouth of R. Eleazar son of R. Jose.<sup>20</sup> For the Government<sup>21</sup> had once issued a decree that [Jews] might not keep the Sabbath, circumcise their children, and that they should have intercourse with menstruant women.

Thereupon R. Reuben son of Istroboli cut his hair in the Roman fashion,<sup>22</sup> and went and sat among them.<sup>23</sup> He said to them: If a man has an enemy, what does he wish him, to be poor or rich? They said: That he be poor. He said to them: If so, let them<sup>24</sup> do no work on the Sabbath so that they grow poor. They said: 'He speaketh rightly',<sup>25</sup> let this decree be annulled. It was indeed annulled. Then he continued: If one has an enemy, what does he wish him, to be weak or healthy? They answered: Weak. He said to them: Then let their children be circumcised at the age of eight days and they will be weak. They said: 'He speaketh rightly',<sup>25</sup> and it was annulled. Finally he said to them: If one has an enemy, what does he wish him, to multiply or to decrease? They said to him: That he decreases. If so, let them have no intercourse with menstruant women. They said: 'He speaketh rightly', and it was annulled. Later they came to know that he was a Jew, and

[the decrees] were re-instituted. [The Jews] then conferred as to who should go [to Rome] to work for the annulment of the decrees.

- (1) Lev. XX. 25. I.e., that he who eats Nebelah has transgressed an additional prohibition.
- (2) I.e., not in order to make distinctions among animals with regard to standard sizes.
- (3) With reference to defilement, to the requisite size of a lentil.
- (4) Which they communicate to him who comes in contact with them. The defilement by reptile or Nebelah lasts one day, by a corpse seven days.
- (5) The standard size of Nebelah or a corpse is an olive, that of reptiles a lentil.
- (6) Thus Rashi. Cur. edd. 'and thus said R. Jose son of R. Hanina: The expression...', a version which seems to be corrupt.
- (7) Lev XI, 31. The definite article of הטמאים, is regarded as superfluous.
- (8) I.e., two species.
- (9) Viz., that of R. Jose.
- (10) I.e., the flesh and the blood were taken from two whole reptiles. But if taken from parts of reptiles the combination holds good only if the flesh and the blood are from the same reptile.
- (11) Cf. Oh. III, 3. The text there is somewhat different.
- (12) Viz., the fourth of a log of the blood of a corpse.
- (13) A corpse renders unclean everything that is under the same roof as the corpse itself. This method of defilement is called 'Ohel' (tent). Also a quarter of a log of blood from a corpse effects uncleanness by 'Ohel'. If a person overshadows, tent-like, a corpse or a quarter of a log of blood he himself forms the 'Ohel', roofing, and is unclean.
- (14) I.e., if he overshadowed less than the required fourth of a log, he is clean; and accordingly if he overshadowed the whole quantity, although it was scattered and disconnected, he is unclean.
- (15) Tosaf. read R. Johanan.
- (16) And thereby overshadowed it.
- (17) Because a part of the blood must have been sucked into the ladle with which it was stirred, and the blood is thus disconnected. We thus learn that the fourth of a log must be connected.
- (18) When the blood comes from a whole body it need not be connected; when from a part thereof it must be connected.
- (19) Lev. XI, 29. A superfluous passage as the same is said in verse 31 and hence taken to include blood.
- (20) I.e., it is not his own.
- (21) Viz., the Roman.
- (22) Lit., 'cut a coma; i.e.' to trim the front of the hair like a fringe on the forehead and let the curls hang down on the temple' (Jastrow). V. B.K. 83a;

# ME'LOH - 2a-22a

that Abtolomos son of Reuben was permitted to wear a coma because he mixed with Roman officials. Tosaf. identifies him with Reuben son of Istroboli, v. Jawitz v. p. 177 who suggests that these were father and son.

(23) Viz., the Romans, without being recognized.

(24) Viz., the Jews.

(25) Apparently the Governor.

## Me'ilah 17b

Let R. Simeon b. Yohai go for he is experienced in miracles.<sup>1</sup> And who should accompany him? — R. Eleazar son of R. Jose.

Said R. Jose to them: And were my father Halafta still alive, would you have said to him to give his son for slaughter?<sup>2</sup> Answered R. Simeon: Were Yohai my father still alive, would you have said to him to give his son for slaughter?

Said R. Jose to them: I shall accompany him, for I fear R. Simeon may punish him.<sup>3</sup> He [R. Simeon] undertook thereupon not to inflict any punishment on him. Notwithstanding this, he did punish him, for when they were proceeding on the way the following question was raised in their presence: Wherefrom do we know that the blood of a reptile is unclean? R. Eleazar son of R. Jose curved his mouth<sup>4</sup> and said: It is written: And these are they that are unclean.<sup>5</sup>

Said R. Simeon to him: From the undertone of thy utterances<sup>6</sup> one can see that thou art a scholar, yet the son<sup>7</sup> shall not return to the father.<sup>8</sup> Then Ben Temalion<sup>9</sup> came to meet them. [He said]: Is it your wish that I accompany you? Thereupon R. Simeon wept and said: The handmaid of my ancestor's house was found worthy of meeting an angel<sup>10</sup> thrice, and I not even to meet him once. However, let the miracle be performed, no matter how. Thereupon he<sup>11</sup> advanced and entered into the Emperor's daughter.

When [R. Simeon] arrived there,<sup>12</sup> he called out: 'Ben Temalion leave her, Ben Temalion

leave her', and as he proclaimed this he left her. He<sup>13</sup> said to them: Request whatever you desire. They were led into the treasure house to take whatever they chose. They found that bill,<sup>14</sup> took it and tore it to pieces. It was with reference to this visit that R. Eleazar son of R. Jose related:<sup>15</sup> 'I saw it<sup>16</sup> in the city of Rome and there were on it several drops of blood'.

*MISHNAH.* PIGGUL AND NOTHAR<sup>17</sup> CANNOT COMBINE WITH ONE ANOTHER BECAUSE THEY ARE OF TWO DIFFERENT DENOMINATIONS. REPTILE AND NEBELAH<sup>18</sup> AS WELL AS NEBELAH AND THE FLESH OF A CORPSE CANNOT COMBINE WITH ONE ANOTHER TO EFFECT UNCLEANNESS, NOT EVEN IN RESPECT OF THE MORE LENIENT OF THE TWO [GRADES] OF DEFILEMENT.<sup>19</sup>

*GEMARA.* Said R. Judah in the name of Samuel: This<sup>20</sup> has been taught only with reference to the uncleanness of the hands,<sup>21</sup> which is only a Rabbinical enactment, but with regard to [the liability attached to] eating they can combine with one another. For we have learnt:<sup>22</sup> R. Eliezer said: It says, it shall not be eaten for it is holy;<sup>23</sup> with this the Writ comes to impose a negative command upon whatever among holy things has become disqualified.<sup>24</sup>

*MISHNAH.* FOOD CONTAMINATED THROUGH CONTACT WITH A PRIMARY DEFILEMENT<sup>25</sup> CAN COMBINE WITH THAT CONTAMINATED BY A SECONDARY DEFILEMENT TO EFFECT UNCLEANNESS ACCORDING TO THE LOWER DEGREE OF DEFILEMENT OF THE TWO.<sup>26</sup> ALL KINDS OF [UNCLEAN] FOOD CAN COMBINE WITH ONE ANOTHER TO MAKE UP THE QUANTITY OF HALF A PERAS<sup>27</sup> IN ORDER TO RENDER THE BODY UNFIT<sup>28</sup> [OR TO MAKE UP THE FOOD] FOR TWO MEALS TO FORM AN 'ERUB<sup>29</sup> OR TO' MAKE UP AN EGG'S BULK TO CONTAMINATE FOOD, OR TO MAKE UP A DRY FIG'S BULK IN RESPECT OF THE PROHIBITION TO CARRY FORTH



# ME'ILOH - 2a-22a

ON THE SABBATH<sup>30</sup> AND A DATE'S BULK WITH REGARD TO THE DAY OF ATONEMENT.<sup>31</sup> ALL KINDS OF DRINKS CAN COMBINE WITH ONE ANOTHER TO MAKE UP THE FOURTH [OF A LOG] IN ORDER TO RENDER THE BODY UNFIT OR TO MAKE UP A MOUTHFUL WITH REGARD TO THE DAY OF ATONEMENT.

**GEMARA.** It has been taught: R. Simeon said, What is the reason?<sup>32</sup> Because things unclean in the second degree can become unclean in the first degree.<sup>33</sup> But can indeed a thing unclean in the second degree become unclean in the first degree? Surely this is an impossibility?<sup>34</sup> —

**Said Raba:** This is what is meant: What caused the object to be rendered unclean in the second degree? Surely it was something unclean in the first degree!<sup>35</sup>

**R. Ashi said:** Things unclean in the first degree and those unclean in the second degree in relation to uncleanness of the third degree are considered as belonging to one category.<sup>36</sup>

- (1) V. Shab. 33 b.
- (2) So you cannot expect me to send my son. He feared that R. Simeon might curse his son as he explains later in the conversation, but R. Simeon misunderstood this as cowardice, viz., that he feared to run the risk of being executed by the Romans, and therefore replied with displeasure that he, too, is risking his life.
- (3) Viz., my son, when finding fault with him.
- (4) I.e., pouted, speaking in an undertone; for it is unseemly for a pupil to speak unasked in his master's presence.
- (5) Lev. XI, 29. Cf. supra.
- (6) Lit., 'from the curving of your lips'.
- (7) Viz., R. Eleazar.
- (8) I.e., should die as a punishment for his rashness to reply in the presence of his teacher without permission.
- (9) Rashi: A demon. Tosaf.: a goblin.
- (10) Refers to Hagar, Gen. XVI.
- (11) Viz., Ben Temalion.
- (12) According to Rashi the daughter continuously proclaimed the name of R. Simeon who was thereupon invited to cure her.
- (13) Apparently the Emperor.

(14) Viz., the one containing the decrees against the religious practices of the Jews.

(15) Yoma 57a.

(16) Viz., the curtain separating the Holy from the Holy of Holies, cf. Yoma ibid.

(17) V. Glos.

(18) V. Glos.

(19) The gradation refers both to the standard size and the duration of uncleanness. The uncleanness caused through contact with a corpse lasts seven days, with Nebelah or a reptile only one day. The standard size for Nebelah and a corpse is an olive, that of a reptile is a lentil. Any two of these cannot combine even to the larger of the respective standard sizes, and even to effect the uncleanness of the lesser duration of the two.

(20) Referring to Piggul and Nothar.

(21) Both Nothar and Piggul render the hands unclean through contact, cf. Pes. 120b.

(22) Mak. 18a.

(23) Ex. XXIX, 34. Rashi reads, for they are holy' probably with reference to verse 33, and derives this conclusion from the fact that the plural is used, referring as it seems not only to Nothar but also to Piggul.

(24) They are therefore to be considered as 'of one denomination with regard to eating, and can therefore combine one with the other.

(25) V. supra 17a.

(26) The contaminated thing is as a rule one degree lower in the scale of uncleanness than the object from which it contracted the uncleanness. In the case of a combination the contaminated object is a degree lower than the lowest of the components.

(27) I.e., the quantity of half a loaf, v. 'Er. 83a and Glos.

(28) A person that has eaten unclean food must not eat any Terumah or sacred food. If he touches these they are unclean, unless he has immersed before; v. Mik. X, 7.

(29) By depositing food sufficient for two meals at the end of the Sabbath limit of two thousand cubits, one is permitted to walk on the Sabbath another two thousand cubits from that place. V. 'Er. 82b.

(30) It is forbidden to carry things of the quantity of a dry fig from a private place to a public thoroughfare and vice versa, cf. Shab. 76b.

(31) The eating of food of the quantity of a date on the Day of Atonement is punishable with extinction; cf. Yoma 73b.

The same applies to a mouthful of any drink.

(32) Of the combination of different degrees of uncleanness, referring to the first clause of the Mishnah.

(33) Tosef. Toh. I, 1.

# ME'ILAH - 2a-22a

(34) A thing unclean through contact with that of the second degree of uncleanness is itself only of the third degree!

(35) And because of this origin a combination of the two degrees should be possible.

(36) Lit., one valley'. Both lead after all to uncleanness of the third degree, whether it be direct or not.

## Me'ilah 18a

**MISHNAH.** 'ORLAH<sup>1</sup> AND DIVERSE SEEDS OF THE VINEYARD<sup>2</sup> CAN COMBINE WITH ONE ANOTHER.<sup>3</sup> R. SIMEON SAYS, THEY CANNOT COMBINE.

**GEMARA.** Is a combination at all necessary according to R. Simeon? Has it not been taught:<sup>4</sup> R. Simeon said, [The eating even of] the smallest quantity [of forbidden food] makes one liable to the penalty of lashes? — Read: [R. Simeon says], A combination is unnecessary.

**MISHNAH.** CLOTH AND SACKING, SACKING AND SKIN, SKIN AND MATTING<sup>5</sup> CAN COMBINE WITH ONE ANOTHER.<sup>6</sup> SAID R. SIMEON: WHAT IS THE REASON?<sup>7</sup> BECAUSE THESE ARE ALL SUSCEPTIBLE TO THE UNCLEANNESS CAUSED BY SITTING.<sup>8</sup>

**GEMARA.** A Tanna taught:<sup>9</sup> If one trimmed all these<sup>10</sup> and made of the trimmings a cloth to lie upon,<sup>11</sup> [the standard size for contracting defilement is] three [handbreadths square]; if to sit upon one [handbreadth square]; and if [to serve] as a holder [it contracts defilement] however small [its size]. What is [the reason of the rule relating to the] holder? —

Said Resh Lakish in the name of R. Jannai: Because it may be used in connection with weaving.<sup>12</sup> In a Baraita it was taught: Because it can be used by the reapers of figs.<sup>13</sup>

## CHAPTER V

**MISHNAH.** IF ONE DERIVED FROM CONSECRATED THINGS A BENEFIT OF A PERUTAH'S WORTH,<sup>14</sup> HE IS GUILTY OF SACRILEGE EVEN THOUGH HE DID NOT LESSEN ITS VALUE. THIS IS THE VIEW OF R. AKIBA, WHILE THE SAGES HOLD: WHATSOEVER DETERIORATES [THROUGH USE] THE LAW OF SACRILEGE APPLIES TO IT ONLY AFTER IT HAS SUFFERED DETERIORATION,<sup>15</sup> BUT WHATSOEVER DOES NOT DETERIORATE [THROUGH USE], THE LAW OF SACRILEGE APPLIES TO IT AS SOON AS HE MADE USE OF IT.

FOR INSTANCE: IF [A WOMAN] PUT A NECKLACE ROUND HER NECK OR A RING ON HER FINGER, OR IF SHE DRUNK FROM A GOLDEN CUP, SHE IS LIABLE TO THE LAW OF SACRILEGE AS SOON AS SHE MADE USE OF IT [TO THE VALUE OF A PERUTAH]. BUT IF ONE PUT ON A SHIRT OR COVERED HIMSELF WITH A CLOTH, OR IF ONE CHOPPED [WOOD] WITH AN AXE,<sup>16</sup> HE IS SUBJECT TO THE LAW OF SACRILEGE ONLY IF [THOSE OBJECTS] HAVE SUFFERED DETERIORATION.<sup>15</sup> IF ONE DERIVED BENEFIT<sup>17</sup> FROM A SINOFFERING,<sup>18</sup> IF WHILE IT WAS ALIVE,<sup>19</sup> HE IS NOT LIABLE TO THE LAW OF SACRILEGE UNLESS HE HAS DIMINISHED ITS VALUE,<sup>20</sup> IF WHILE IT WAS DEAD,<sup>21</sup> HE IS LIABLE AS SOON AS HE MADE USE OF IT.

**GEMARA.** A Tanna taught: R. Akiba agrees with the Sages in regard to things which deteriorate [through use].<sup>22</sup> Wherein, then, do they differ? — Said Raba, In regard to a garment worn between other [garments]<sup>23</sup> and a soft web.<sup>24</sup>

**Our Rabbis taught:** It is written, If any one [commit a trespass...],<sup>25</sup> to imply the ordinary man as well as the Prince or the Anointed Priest,<sup>26</sup> 'commit a trespass [Ma'al]:<sup>27</sup> [The term] Ma'al denotes nothing else but [effecting] a change,<sup>28</sup> and thus it says. If any one's wife go aside and act unfaithfully

# ME'ILAH - 2a-22a

[Ma'al] against him...,<sup>29</sup> and it also says, And they broke faith [wa-yim'alu] with the God of

(29) Num. V, 12. This is a change of loyalty. One person or one god is substituted for another.

## Me'ilah 18b

- (1) V. Glos.
- (2) V. Lev. XIX, 19, and Deut. XXII, 9ff.
- (3) One who eats an olive's bulk of the two combined is liable to forty stripes.
- (4) Mak. 17a.
- (5) Their standard sizes required for Midras defilement (v. Glos.) is respectively three, four, five and six handbreadths square. V. Kel. XXVII, 2.
- (6) To make up the larger of the two sizes. V. Kei. XXVII, 3 as to the proportion of the composition.
- (7) Viz., how can they combine since their legal sizes vary?
- (8) Viz., caused by the sitting upon them of one who is afflicted with gonorrhoea, Lev. XV, 2f.
- (9) Shab. 28.
- (10) Thus Rashi. Cur. edd.: 'If one trimmed these to the extent of three handbreadths square...'
- (11) E.g., to patch a pillow with it.
- (12) Rashi: The weaver can tie it around his finger when smoothing the yarn. Jast.: 'To tie around the weaver's frame'.
- (13) Viz., to tie it around their fingers to keep them clean.
- (14) I.e., for which use one would be ready to pay at least a Perutah, the smallest coin. V. also Glos.
- (15) To the extent of a Perutah.
- (16) All these articles being the property of the Temple.
- (17) The printed separate Mishnah edd. read, 'If one has plucked (hair or wool)...'
- (18) Which had a blemish, v. Gemara.
- (19) And could therefore be redeemed.
- (20) For the price of redemption would suffer as a result of the use made of the offering; it thus belongs to the first category in the rule of the Sages.
- (21) In which case it cannot be redeemed and can therefore not be valued.
- (22) Tosef. II, 1.
- (23) Lit., 'middle garment'.
- (24) Which do not wear off quickly in the first instance because the garment is protected. in the latter because of its rare use. Cf. Git. 59a where \*\* מלמלא (soft web) is derived from מלל (to crumple). According to R. Akiba they are counted as garments which do not deteriorate, for the deterioration is very slow, according to the Sages they belong to the first category of the Mishnah.
- (25) Lev. V, 25 dealing with sacrilege.
- (26) I.e., the High Priest.
- (27) Ibid.
- (28) I.e., when the object of sacrilege has suffered deterioration by the use to which it has been put.

their fathers. and went astray after the gods of the peoples of the land.<sup>1</sup> One might assume that [the Law of Sacrilege applied also to a case] where one has damaged [consecrated things] but has derived therefrom no benefit or has derived a benefit but has left the things unimpaired, or [that it applies] to things attached to the ground and in the case of a messenger who has carried out his appointed errand.<sup>2</sup>

The text<sup>3</sup> therefore states, 'and sin'.<sup>4</sup> [The term] 'sin' is used in connection with terumah<sup>5</sup> and 'sin'<sup>6</sup> is also mentioned in connection with sacrilege: just as 'sin' mentioned in connection with terumah<sup>7</sup> [refers to a case where there is] deterioration as well as benefit; [and to a case] where he who has caused the damage is at the same time the person that has derived the benefit; [and to a case] where the deterioration and the benefit are in respect of one and the same object and where the deterioration and the benefit take place simultaneously;<sup>8</sup> and to things detached from the ground and applies in the case where an agent has executed his appointed errand,<sup>9</sup> so also the word 'sin' used in connection with sacrilege [refers to a case where there is] deterioration as well as benefit; where he who has caused the damage is at the same time the person that has derived the benefit; where the deterioration and the benefit are in respect of one and the same object and where the deterioration and the benefit have taken place simultaneously; and to things detached from the ground and applies in the case where an agent has executed his appointed errand.<sup>10</sup>

From this<sup>11</sup> we only derive that [the law of Sacrilege applies to] edibles which are enjoyed. whence do we know [its application to] things that do not deteriorate [through use] and that [different portions] can

# ME'ILAH - 2a-22a

combine with one another,<sup>12</sup> even after the elapse of a considerable time;<sup>13</sup> in the case where he has himself eaten thereof<sup>14</sup> and has given to his fellow to eat thereof,<sup>15</sup> or where he has himself made use of it<sup>14</sup> and has given to his fellow to make use of it,<sup>15</sup> or where he has himself made use of it<sup>14</sup> and has given to his fellow to eat thereof,<sup>15</sup> or where he has himself eaten thereof<sup>14</sup> and has given to his friend to make use thereof?<sup>15</sup>

The text therefore reads: Commit a trespass:<sup>16</sup> whatever the form may be. But [why not deduct in the following manner]: Just as with the word 'sin' mentioned in connection with Terumah the rule is that two separate edibles cannot combine with one another,<sup>17</sup> so also with the word 'sin' mentioned in connection with sacrilege two separate meals cannot combine with one another.<sup>18</sup> From whence [further] do we know [that edibles can combine] if one eats one portion on one day and the other on the following, or if even a longer period has elapsed between the two meals?

The text therefore reads: 'Commit a trespass', whatever the form may be. But [why not draw the following comparison]: Just as with the word 'sin' mentioned in connection with Terumah the deterioration and the enjoyment is simultaneous,<sup>19</sup> [so also with the word sin used in connection with sacrilege]; whence do we know then [that the Law of Sacrilege applies] when one has eaten [of consecrated food] himself and has given to his fellow to eat, even though after an interval of three years? The text therefore reads: 'Commit a trespass', whatever the form may be. But [why not deduct as follows]: Just as with the word 'sin' mentioned in connection with Terumah

(1) I Chron. V, 25. Cur. edd. read wrongly 'after the Baals'.

(2) Viz., that the agent should be liable to the penalty of sacrilege and not his employer, in accordance with the otherwise valid general rule: 'One cannot appoint a deputy for an illegal act'. V. however infra 20a.

(3) Lev. V, 15.

(4) Which is really a repetition of the words preceding it 'commit a trespass' and is thus superfluous.

(5) Lev. XXII, 9, with reference to the priest's share of the crop; v. Glos.

(6) Or rather the verb of the same root.

(7) Referring to an Israelite who unlawfully eats Terumah.

(8) I.e., eating.

(9) For one can appoint an agent to separate Terumah, v. Kid. 41b.

(10) I.e., the employer is guilty. v. Chap. VI, I.

(11) Viz., the analogy between Terumah and sacrilege. Terumah applies to edibles only.

(12) To make up the requisite value of a Perutah.

(13) Rashi: but within the same day.

(14) A portion worth a fraction of a Perutah.

(15) A portion worth the supplementary fraction of a Perutah. V. Mishnah 3.

(16) Lev. V, 15. Lit., 'trespass a trespass'. This repetition suggests an amplification.

(17) To make up the requisite size of an olive.

(18) I.e., from this analogy we should deduct that sacrilege applies only if the required quantity has been consumed of two different kinds of food, which is contradictory to IV, 1.

(19) Since the reference is to eating.

## Me'ilah 19a

there is no liability except when [the food] has been transferred from sacred possession<sup>1</sup> into secular ownership,<sup>2</sup> [so also with the word 'sin' used in connection with sacrilege]; whence do we know [that the Law of Sacrilege applies] when consecrated money has been misappropriated and used for other sacred purposes; e.g., if he purchased with it the bird-offerings of a Zab or a zabah,<sup>3</sup> or of a woman after confinement,<sup>4</sup> or has paid therewith his shekel,<sup>5</sup> or if one has offered his sin- or guilt-offering from sacred money, in which case one is liable to sacrilege at the moment of misappropriation according to R. Simeon and at the time of the sprinkling according to R. Judah. Whence do we know all this?

The text reads: 'Commit a trespass': whatever the form may be. The Master said: It is written, 'If any one [commit a trespass]', to imply the ordinary man as well as the

# ME'ILOH - 2a-22a

Prince or the Anointed [Priest]. What else might one have assumed? Is this not obvious, 'If any one' is written [distinctly]? —

I might have thought, The Divine Law says: And whosoever putteth any of it upon a stranger [he shall be cut off from among his people],<sup>6</sup> and this one<sup>7</sup> is not a stranger, since he had been anointed therewith.<sup>8</sup> Therefore the amplification mentioned was necessary. The Divine Law has drawn an analogy between [the Law of Sacrilege on the one hand] and [the laws concerning] the suspected woman,<sup>9</sup> idolatry and Terumah [on the other]. [It is compared] to the law concerning the suspected woman: [Just as the law applies] even though there was no deterioration,<sup>10</sup> so also with consecrated property;<sup>11</sup> if [a woman] has [e.g.,] put a ring on her finger she is guilty of sacrilege.

And the Divine Law compared it to the law of idolatry: Just as the latter [applies] only when a change has taken place,<sup>12</sup> so also in the case of consecrated property.<sup>13</sup> One is not guilty when one has chopped wood with an axe [belonging to the Temple] unless it has been impaired. The Divine Law was compared to the law of Terumah: Just as in the case of Terumah [the words] 'if one has eaten'<sup>14</sup> exclude the one who damages [Terumah],<sup>15</sup> so also with consecrated things: If one has damaged anything eatable,<sup>16</sup> he is exempted from the Law of Sacrilege.

FOR INSTANCE, IF [A WOMAN] HAS PUT A NECKLACE... Said R. Kahana to R. Zebid: Does gold indeed not deteriorate?<sup>17</sup> Whither, then, has the gold of Nun's daughter-in-law gone?<sup>18</sup> — He retorted: Perhaps the gold was thrown about<sup>19</sup> as your daughter in-law used to do. And besides, admitted this is not a case where there is enjoyment and immediate deterioration [of the used article], but [can you say] it will never deteriorate.<sup>20</sup>

IF ONE HAS DERIVED A BENEFIT FROM A SIN-OFFERING, etc. Now, consider: if

this refers to an animal that has no blemish,<sup>21</sup> [do you not agree that] it would be analogous to the case of the golden cup? — Said R. Papa: It refers indeed to one with a blemish.<sup>22</sup>

- (1) I.e., in this connection the possession of the priest.
- (2) By eating the Terumah one necessarily becomes the owner thereof.
- (3) I.e., a man or a woman respectively who have recovered from gonorrhoea; v. Lev. XV.
- (4) V. Lev. XII.
- (5) V. Shek. II, 1.
- (6) Ex. XXX, 33. The text deals with the anointing oil. From which it follows that he upon whom the oil is put by law is not to be considered a 'stranger' in respect of Temple property.
- (7) Viz., the anointed.
- (8) And consequently would not be liable to the Law of Sacrilege.
- (9) Num. V, 12-31.
- (10) I.e., no physical change has taken place with the woman.
- (11) Viz., regarding things which do not deteriorate through use.
- (12) The worshipper transfers his allegiance from God to the idol (Rashi).
- (13) Referring this time to things which do deteriorate through use.
- (14) Lev. XXII, 14 dealing with Terumah.
- (15) I.e., if he damaged Terumah he is not liable to the payment of the additional Fifth. Pes. 32b.
- (16) Terumah, from which this restrictive law is derived, consists always of edibles. The derived rule applies, therefore, also in the case of sacred property to edibles only.
- (17) The general rule of the Mishnah is exemplified by a golden cup. It must, therefore, be assumed that gold is considered a material which does not deteriorate through use.
- (18) This alludes according to Rashi and Tosaf. to a man called Nun who presented his daughters-in-law with golden vessels which after a time were found to have lost in weight.
- (19) I.e., treated with little care.
- (20) Thus lit.: When the rule of the Mishnah speaks of deterioration it can only mean immediate deterioration, for nothing remains unimpaired after a sufficiently long time.
- (21) As it is to be offered upon the altar, whether it be fat or grows lean, any deterioration of the animal is irrelevant with regard to its purpose. Consequently it is to be compared to the case of the golden cup.

# ME'ILOH - 2a-22a

(22) The offering is then to be redeemed, and any deterioration will express itself in the price offered for it.

## Me'ilah 19b

**MISHNAH.** IF ONE HAS DERIVED A BENEFIT OF HALF A PERUTAH'S WORTH AND HAS IMPAIRED [THE VALUE OF THE USED ARTICLE] BY ANOTHER HALF A PERUTAH, OR IF ONE HAS DERIVED THE BENEFIT OF A PERUTAH'S WORTH FROM ONE THING<sup>1</sup> AND HAS DIMINISHED ANOTHER THING BY THE VALUE OF A PERUTAH, HE IS NOT LIABLE TO THE LAW OF SACRILEGE, [FOR THIS LAW APPLIES] ONLY WHEN HE BENEFITS A PERUTAH'S WORTH AND DIMINISHES THE VALUE OF A PERUTAH OF THE SELFSAME THING.

ONE DOES NOT COMMIT SACRILEGE WITH CONSECRATED THINGS WITH WHICH SACRILEGE HAD ALREADY BEEN MADE BY ANOTHER PERSON,<sup>2</sup> EXCEPT WITH ANIMALS<sup>3</sup> AND VESSELS OF MINISTRY.<sup>4</sup> FOR INSTANCE, IF ONE RODE ON A BEAST AND THEN CAME ANOTHER AND RODE ON IT AND YET ANOTHER CAME AND RODE ON IT, ALL OF THEM ARE GUILTY OF SACRILEGE; OR IF ONE DRANK FROM A GOLDEN CUP, THEN CAME ANOTHER AND DRANK AND YET ANOTHER CAME AND DRANK, ALL OF THEM ARE GUILTY OF SACRILEGE; OR IF ONE PLUCKED [OF THE WOOL] OF A SIN-OFFERING, THEN CAME ANOTHER AND PLUCKED AND YET ANOTHER CAME AND PLUCKED, ALL OF THEM ARE GUILTY OF SACRILEGE.

**RABBI SAID:** WHATSOEVER IS UNREDEEMABLE IS SUBJECT TO THE LAW OF SACRILEGE EVEN AFTER SACRILEGE HAS BEEN ALREADY COMMITTED WITH IT.

**GEMARA.** According to whom is our Mishnah? — According to R. Nehemiah, for it has been taught: One does not commit sacrilege with things of which sacrilege had been committed already, except with

animals; R. Nehemiah says. Except with animals and vessels of ministry.<sup>5</sup> What is the reason of the first Tanna? — He bases his opinion upon the fact that animals are mentioned in connection therewith,<sup>6</sup> for it is written: With the ram of the guilt-offering,<sup>7</sup> while R. Nehemiah argues a minori: If it renders things contained therein holy,<sup>9</sup> surely it must be holy itself.<sup>10</sup>

**RABBI SAID** WHATSOEVER IS UNREDEEMABLE IS SUBJECT, etc. But this is the view of the first Tanna? — They differ with regard to wood. For our Rabbis taught:<sup>11</sup> If a man said, I take upon myself to present wood to the Temple, he may not offer less than two logs. Rabbi said: Wood has the status of a sacrifice, it requires salt<sup>12</sup> and swinging.<sup>13</sup> Whereupon Raba remarked that according to Rabbi an offering of wood requires other wood in addition,<sup>14</sup> and R. Papa remarked that according to Rabbi wood requires the taking of a handful.<sup>15</sup>

R. Papa said, They differ with regard to unblemished offerings consecrated to the altar which received blemishes and were illegitimately slaughtered.<sup>16</sup> This indeed is confirmed by what has been taught: If unblemished offerings dedicated to the altar received blemishes and were illegitimately slaughtered. Rabbi says they have to be buried, while the Sages hold they shall be redeemed.

**MISHNAH.** IF A MAN<sup>17</sup> TOOK AWAY A STONE OR A BEAM BELONGING TO TEMPLE PROPERTY, HE IS NOT GUILTY OF SACRILEGE.

- (1) Viz., an article which according to the rule of the previous Mishnah comes under the Law of Sacrilege only after it has been impaired.
- (2) The first transgressor has become its owner. Sacrilege can no longer apply to it, since it is in secular possession.
- (3) Consecrated to the altar and unblemished. They cannot be redeemed or alienated.
- (4) These things remain sacred even after sacrilege has been committed therewith. They cannot be redeemed or alienated.

# ME'ILAH - 2a-22a

(5) Tosef. II, 2.

(6) Viz., with sacrilege.

(7) Lev. V, 16. These words are considered superfluous, since it is clear from the context that the atonement is to be made with the ram of the guilt-offering. They are therefore taken to indicate that only to offerings does sacrilege apply under all circumstances, i.e., even though another person has already committed sacrilege with them, but not to vessels of ministry.

(8) Viz., a vessel of ministry.

(9) V. Zeb. IX, 7.

(10) I.e., it possesses a high degree of holiness so that it ought to retain its sacred character even after it has unlawfully been used by another person.

(11) The first part of this quotation is from the Mishnah Men. 106b, while the second part is from a Baraitha cited in the Gemara belonging thereto.

(12) V. Lev. II, 13.

(13) V. Lev. XIV, 12. V. Men. loc. cit.

(14) Upon which to burn the wood-offering.

(15) To be burnt upon the altar. According to Rabbi wood would be included in one category with animal sacrifices, also with regard to the question of repeated sacrilege, according to the Sages it would not.

(16) Rashi: Rabbi holds namely that also sacrifices when being redeemed have to be placed before the priest and appraised. This cannot be done with a slaughtered animal, v. Hul. 30a. The sacrifice is thus unredeemable and is according to Rabbi's rule subject to repeated sacrilege. The Sages, however, hold that the placing before the priest is unnecessary with sacrifices. The slaughtered sacrifice can thus be redeemed and does not come into the same category as unblemished offerings and vessels of ministry.

(17) Referring to the Temple treasurer, v. Gemara.

**GAVE IT TO THE BATHING KEEPER, HE IS GUILTY OF SACRILEGE EVEN THOUGH HE HAS NOT BATHED, FOR [THE MASTER] CAN SAY TO HIM, BEHOLD THE BATH IS READY FOR YOU, GO IN AND BATHE.**

**THE PORTION WHICH A PERSON HAS EATEN HIMSELF AND THAT WHICH HE HAS GIVEN HIS NEIGHBOUR TO EAT, OR THE PORTION WHICH HE HAS MADE USE OF HIMSELF AND THAT WHICH HE HAS GIVEN TO HIS NEIGHBOUR TO MAKE USE OF, OR THE PORTION WHICH HE HAS EATEN HIMSELF AND THAT WHICH HE HAS GIVEN HIS NEIGHBOUR TO MAKE USE OF, OR THE PORTION WHICH HE HAS MADE USE OF HIMSELF AND THAT WHICH HE HAS GIVEN HIS NEIGHBOUR TO EAT CAN RESPECTIVELY COMBINE WITH ONE ANOTHER<sup>1</sup> EVEN AFTER THE LAPSE OF A CONSIDERABLE TIME.**

*GEMARA.* What is the difference<sup>2</sup> between himself and the other person?<sup>3</sup> — Said Samuel: It refers to the Temple treasurer in whose trust these articles were.<sup>4</sup>

**IF HE BUILT IT INTO HIS HOUSE HE IS NOT GUILTY, etc.** Why only when he has lived beneath it? [Should he not be guilty of sacrilege at all events] since the beam has been transformed?<sup>5</sup> —

Said Rab: We suppose he placed it over the roof opening.<sup>6</sup> When, however, he built it in, it is agreed that he is guilty of Sacrilege;<sup>7</sup> does this not confirm Rab's view? For Rab said: If a man worships a house, he renders it prohibited for use?<sup>8</sup>

Said R. Aha son of R. Ika: As to sacrilege, the Torah has prohibited any benefit which is visible.<sup>9</sup> Shall we say the following supports him [Rab]?<sup>10</sup> For it was taught: If one has dwelt in a house belonging to Temple property, he is guilty of sacrilege as soon as he has derived therefrom the benefit [of a Perutah's worth]?<sup>11</sup> —

## Me'ilah 20a

**BUT IF HE GAVE IT TO HIS FELLOW HE IS GUILTY OF SACRILEGE, BUT HIS FELLOW IS NOT GUILTY. IF HE BUILT IT INTO HIS HOUSE HE IS NOT GUILTY OF SACRILEGE UNTIL HE LIVES BENEATH IT AND BENEFITS THE EQUIVALENTS OF A PERUTAH. IF HE TOOK A PERUTAH FROM TEMPLE PROPERTY HE HAS NOT TRANSGRESSED THE LAW OF SACRILEGE, BUT AS SOON AS HE GAVE IT TO HIS FELLOW HE IS GUILTY OF SACRILEGE, WHILE HIS FELLOW IS NOT GUILTY; IF HE**

# ME'ILOH - 2a-22a

Said Resh Lakish: This deals with a case where [the building material]<sup>12</sup> was consecrated and then [the house] built.<sup>13</sup> But what would be the case if the house was first built and then consecrated? Would the Law of Sacrilege indeed not apply? Why then was it necessary to contrast:<sup>14</sup> If, however, one has dwelt in a cave [belonging to Temple property] he is not liable to the Law of Sacrilege?<sup>15</sup> Why not state [instead]: If one has dwelt in a house of stones which he had first built and then consecrated, he is not liable to the Law of Sacrilege? — They replied: That instance<sup>16</sup> is absolute,<sup>17</sup> this one would not be absolute.

## CHAPTER VI

**MISHNAH.** IF AN AGENT HAS DISCHARGED HIS APPOINTED ERRAND, THE EMPLOYER<sup>18</sup> IS GUILTY OF SACRILEGE, BUT IF HE HAS NOT CARRIED OUT HIS APPOINTED ERRAND, HE HIMSELF IS GUILTY OF SACRILEGE.<sup>19</sup> FOR INSTANCE: IF THE EMPLOYER SAID TO HIM: GIVE FLESH<sup>20</sup> TO THE GUESTS AND HE OFFERED THEM LIVER, LIVER AND HE OFFERED THEM FLESH, HE HIMSELF IS GUILTY OF SACRILEGE. IF THE EMPLOYER SAID TO HIM: 'GIVE THEM ONE PIECE EACH', AND HE SAID TO THEM: 'TAKE TWO PIECES EACH', WHILE THE GUESTS THEMSELVES TOOK THREE PIECES EACH, ALL OF THEM ARE GUILTY OF SACRILEGE.<sup>21</sup>

- (1) To make up the requisite value of a Perutah.
- (2) I.e., why should not the mere appropriation of consecrated goods be a culpable act.
- (3) I.e., the one to whom the goods were handed over.
- (4) So long as the treasurer has not parted with the article it is considered as if it was deposited with him.
- (5) Viz., cut and planed and adapted to the measures of the building. The change of form of a misappropriated object effects its definite transfer into the possession of the illegitimate holder in so far as he is no longer obliged to return the object itself, but may pay its value. Cf. B.K. 65b.
- (6) I.e., he made no alteration, as the beam was ready for use.

(7) Though the beam is now something attached to the ground. The Law of Sacrilege does not apply to things attached to the ground. v. supra 18b.

(8) A.Z. 47a. He holds that movable things, such as stones and mortar, which are fixed to the ground, retain their status of movables and are forbidden for any use if worshipped. Originally immovable things are not prohibited for use if worshipped. V. ibid. 45a.

(9) I.e., the ruling of our Mishnah does not result from the fact that the beam is still considered a movable object, but that any visible benefit, whether derived from consecrated property, whether movable or immovable, is regarded as sacrilege.

(10) In his explanation of our Mishnah.

(11) Which proves that the material of a house is considered movable though it is built into the house.

(12) Which is movable.

(13) In which case the Law of Sacrilege has already taken full effect upon the object, before it was fixed to the ground. Different it might be with immovable property, such as houses, which were consecrated when already attached to the ground. The latter case seems to be implied in Rab's interpretation of our Mishnah.

(14) Lit., 'why does he run and teach'.

(15) Since it is not movable.

(16) Viz., that of the cave.

(17) I.e., no distinction is necessary as to the time of consecration.

(18) Lit., 'householder'.

(19) I.e., if a man has charged another person to make use on his behalf of consecrated things, both of them being ignorant of the transgression that they were committing thereby, and the agent carried out his commission exactly as he was told, his employer is guilty, because the Law of Sacrilege prescribing a guilt-offering as atonement for sacrilege applies only to an act committed in error as indicated in Lev. V, 15, and it was the employer who first trespassed in error.

In this respect the Law of Sacrilege is an exception, for the general rule is that one cannot appoint a deputy for an unlawful act, v. supra 18b. If, however, the agent departed substantially from the task with which he was charged, his act is considered independent of his commission, and he is himself subject to the Law of Sacrilege.

(20) Belonging to Temple property.

(21) The employer, because in respect of the first piece his order has been carried out, the agent because he exceeded his power in respect of the second piece and the guests because they misappropriated the third piece on their own accord.



# ME'ILOH - 2a-22a

## Me'ilah 20b

**GEMARA.** Who is the Tanna who holds that any deviation<sup>1</sup> for which the agent would consult [the principal] is considered something different [from the original order]?<sup>2</sup> — Said R. Hisda: It is certainly not R. Akiba, for we have learnt: If one vows to abstain from vegetables, he is permitted to eat gourds; R. Akiba holds, he is forbidden.<sup>3</sup> Abaye said: The Mishnah may well agree with R. Akiba, for do you not admit that he should have nevertheless consulted his employer?<sup>4</sup> When the scholars passed on these words to Raba he said: Nahmanis said well. Who is the Tanna who opposes R. Akiba? —

It is Rabban Simeon b. Gamaliel, for it has been taught: If one vows to abstain from meat, he is prohibited to eat any kind of flesh as well as the head, the legs, the windpipe, the liver and the heart and even the flesh of fowls, but he is permitted to eat the flesh of fish and locust. Rabban Simeon b. Gamaliel permits the head, the legs, the windpipe, the liver and the flesh of fowl, fish and locust. Similarly Rabban Simeon b. Gamaliel said that entrails are no flesh and he who eats them is no man.<sup>6</sup> Why is, according to the first Tanna, the flesh of fowl different [from that of fish and locust]? — [Presumably] because people often say, I could not find flesh of the cattle and bought flesh of the fowl instead.<sup>7</sup> But can you not argue similarly: people often say, I could not find flesh of the cattle and bought fish instead? —

Said R. Papa: We deal with the case where [the vow was made] on the day of blood letting, when people do not as a rule eat any fish.<sup>8</sup> But then he may not eat fowl either? For Samuels said: If a man who has let blood eats the flesh of fowl, his heart will fly off like a fowl. And it has further been taught: One should not let blood after a meal of fish, fowl and salted meat! — Rather said R. Papa: We deal with a case where [the vow was made] at

a time when his eyes were sore, when one does not eat fish.

**IF THE EMPLOYER SAID TO HIM, 'GIVE THEM ONE PIECE EACH', etc.** May we not infer from this that if an agent adds to his order he still remains an agent [in respect of the original commission]?<sup>10</sup> — Said R. Shesheth: [Our Mishnah deals with a case] where [the agent] said to the guests, 'Take one piece each at my master's permission and another with my permission'.

(1) Viz., of the commission with which he has been entrusted.

(2) For this situation is assumed to exist in the case of the Mishnah in which the agent offered liver instead of meat. Ordinarily if one is e.g., charged to buy meat one would enquire first whether liver may be bought instead.

(3) Ned. 54a. Cf. *ibid.* as to R. Akiba's reason. In this instance, which is parallel to that of our Mishnah, R. Akiba holds that gourds are not regarded as essentially different from herbs, although consultation would be required for such deviation from the original order. The following discussion is recorded there with little variation.

(4) Although R. Akiba holds that also where consultation is required the changed order is not necessarily to be considered as essentially different from the original one, he admits that such change may not be undertaken without the employer's authorization, and this the agent has failed to obtain in the instance of our Mishnah, wherefore he is himself guilty of sacrilege.

(5) Abaye's original name, but v. also Tosaf. Ned. 54b.

(6) He thus takes the word flesh in its greatest possible restriction. The same should apply to the instance of the Mishnah.

(7) I.e., the latter is considered similar in nature to the first.

(8) It is therefore assumed that fish was not included in the vow.

(9) Who was a physician, v. Shab. 208b.

(10) And we do not consider the whole commission as canceled. This question is dealt with in Keth. 98b.

## Me'ilah 21a

You might have thought that the agent had thereby canceled his employer's order and that [the employer] should therefore be exempted from sacrilege, therefore [the

## ME'ILAH - 2a-22a

Mishnah] lets us know [that this is not the case].

**MISHNAH.** IF A MAN SAID TO ANOTHER PERSON, 'GET ME [SUCH A THING] FROM THE WINDOW OR FROM THE CHEST',<sup>1</sup> AND THE LATTER BROUGHT IT TO HIM [FROM ONE OF THESE PLACES]. EVEN THOUGH THE EMPLOYER SAYS, 'I MEANT ONLY FROM THIS PLACE'. AND HE BROUGHT IT FROM ANOTHER PLACE, THE EMPLOYER IS GUILTY OF SACRILEGE.<sup>2</sup> BUT IF HE SAID TO HIM, 'GET IT FOR ME FROM THE WINDOW, AND HE BROUGHT IT FROM THE CHEST, OR 'FROM THE CHEST AND HE BROUGHT IT TO HIM FROM THE WINDOW, THE AGENT IS GUILTY OF SACRILEGE.

IF ONE HAS COMMISSIONED A DEAF-MUTE, AN IMBECILE OR A MINOR,<sup>3</sup> AND THEY CARRIED OUT THEIR APPOINTED ERRAND THE EMPLOYER IS GUILTY, IF THEY DID NOT CARRY OUT THEIR APPOINTED ERRAND, THE SHOPKEEPER IS GUILTY.<sup>4</sup> IF ONE HAS COMMISSIONED ONE OF SOUND SENSES AND REMEMBERS<sup>5</sup> [THAT THE MONEY BELONGS TO TEMPLE PROPERTY] BEFORE IT HAS COME INTO THE POSSESSION OF THE SHOPKEEPER, THE SHOPKEEPER WILL BE GUILTY<sup>6</sup> WHEN HE SPENDS IT. WHAT SHALL HE<sup>7</sup> DO?<sup>8</sup>

HE SHALL TAKE A PERUTAH OF ANY OBJECT AND DECLARE THAT THE MONEY<sup>9</sup> BELONGING TO TEMPLE PROPERTY, WHERESOEVER IT MAY BE AT THAT TIME, SHALL BE REDEEMED WITH THIS; FOR CONSECRATED THINGS CAN BE REDEEMED BOTH WITH MONEY AND WITH MONEY'S WORTH.

**GEMARA.** What does he teach us thereby?<sup>10</sup> — That unexpressed words are of no avail. IF ONE HAS COMMISSIONED A DEAF-MUTE, AN IMBECILE OR A MINOR, AND THEY HAVE CARRIED OUT, etc. But surely these people are legally not fit to become agents! —

Said R. Eleazar: They have the same status as the vat of olives of which we have learnt:<sup>11</sup> From what tree do olives become susceptible to defilement?<sup>12</sup> When they begin to exude,<sup>13</sup> the moisture being one that comes out of them when they are in the vat and not moisture that comes out of them when they are still in the store basket.<sup>14</sup>

R. Johanan said: This is to be compared to that which we have learnt: If one placed it<sup>15</sup> upon an ape or upon an elephant, which carried it to the right quarter (and another person was charged to receive it), the 'Erub is valid.<sup>16</sup> Does this not prove that the fact of the execution of the appointed errand alone matters?<sup>17</sup> So in our case: The appointed errand has at any rate been carried out.

IF HE HAS COMMISSIONED A SANE PERSON, etc. [Does this apply] even though the agent has not remembered? Against this the following contradiction is raised: If the employer remembered and not the agent, the agent is guilty of sacrilege, [but if both remembered the shopkeeper is guilty].<sup>18</sup> — Said R. Shesheth: Also our Mishnah has to be understood that both remembered.<sup>19</sup>

**MISHNAH.** IF HE GAVE HIM A PERUTAH<sup>20</sup> AND SAID TO HIM: GET ME FOR HALF A PERUTAH LAMPS AND FOR THE OTHER HALF WICKS', AND HE WENT AND BROUGHT FOR THE WHOLE WICKS OR FOR THE WHOLE LAMPS, OR IF HE SAID TO HIM, 'GET ME FOR THE WHOLE LAMPS OR FOR THE WHOLE WICKS', AND HE WENT AND BROUGHT FOR HALF [A PERUTAH] LAMPS AND FOR THE OTHER HALF WICKS. THEY ARE BOTH EXEMPTED FROM THE GUILT OF SACRILEGE.<sup>21</sup>

BUT IF HE SAID TO HIM, 'GET FOR HALF A PERUTAH LAMPS FROM ONE PLACE AND FOR HALF A PERUTAH WICKS FROM ANOTHER' AND HE WENT AND BROUGHT THE LAMPS FROM THE PLACE WHERE THE WICKS [WERE TO BE BROUGHT] AND THE WICKS FROM THE PLACE WHERE THE

# ME'ILOH - 2a-22a

LAMPS [WERE TO BE BROUGHT]. THE AGENT IS GUILTY.<sup>22</sup>

IF HE GAVE HIM TWO PERUTAH'S AND SAID, 'GET ME FOR THEM A CITRON', AND HE BROUGHT FOR ONE PERUTAH A CITRON AND FOR THE OTHER A POMEGRANATE, BOTH HAVE TRANSGRESSED THE LAW OF SACRILEGE.<sup>23</sup> R. JUDAH HOLDS THAT THE EMPLOYER IS NOT GUILTY, FOR HE CAN ARGUE, I WISHED FOR A LARGE CITRON AND YOU BROUGHT ME A SMALL AND UGLY ONE.<sup>24</sup>

IF HE GAVE HIM A GOLDEN DENAR<sup>25</sup> AND SAID TO HIM, 'GET ME A SHIRT

- (1) Both containing the same kind of consecrated property.
- (2) According to the rule that the uttered word and not the unexpressed thought of a man are of avail.
- (3) To buy goods with money which belongs to the Temple.
- (4) As soon as he spends the money, for the shopkeeper at this point transfers it from Temple property to private possession. As long as it is with the shopkeeper, the money is regarded as deposited with him.
- (5) So does the messenger, v. Gemara.
- (6) The employer and the messenger are exempted because the Law of Sacrilege applies only in the case of inadvertency.
- (7) Viz., the employer, according to Rashi and Tosaf., and according to Maim. the shopkeeper who has learned in the meantime that a coin of sacred property is among his money.
- (8) So as to prevent the shopkeeper from committing sacrilege. according to Rashi; according to Maim. so as not to commit sacrilege himself.
- (9) Lit., 'Perutah'.
- (10) Referring to the first clause of the Mishnah.
- (11) Toh. IX, 1.
- (12) Food is susceptible to defilement only after it has been moistened with liquid. It is, however, essential that the circumstances are such as to enable one to assume that the owner regards the moistening as desirable.
- (13) To prepare the olives for the press they used to be packed in vessels until they formed a viscid mass. Previous to that they were kept in baskets. The exudation produced in the vat was preserved. It was advantageous for the owner that such

exudation should take place. We, therefore, assume that the owner was satisfied with the dripping of the olives, which accordingly become fit for defilement. The juice produced in the basket, however, trickles down and its formation is against the owner's interest and wish. Thus Maim.

(14) We learn from this that the vat may be considered an instrument for the realization of the owner's wish. In the same way are the deaf-mute, the imbecile and the minor to be considered a mere instrument by which the employer's wish is fulfilled. In other words: With sacrilege it is not the act of appropriation that is decisive, but the effect of possessing or deriving a benefit from consecrated things. It does not matter, therefore, whether it be achieved by legally qualified persons or not.

(15) Viz., the 'Erub, v. Glos.

(16) V. 'Er. 31b.

(17) Irrespective of the instrument by which it was achieved.

(18) Kid. 50a.

(19) And only the shopkeeper is subject to the Law of Sacrilege.

(20) Belonging to the Temple.

(21) The employer, because his order has not been carried out and the messenger. because he spent only half a Perutah contrary to the commission he received.

(22) Because he spent a whole Perutah in contradiction to his commission.

(23) The employer by reason of that part of the order which was carried out according to his desire, and the messenger because of the other part.

(24) I.e., your purchase cannot be recognized as a part fulfillment of my order.

(25) Twenty-four silver dinars, v. Keth. 99a, Tosaf. s.v. גרן.

## Me'ilah 21b

AND HE BROUGHT HIM FOR THREE [SILVER SELA'S]<sup>1</sup> A SHIRT AND FOR THE OTHER THREE A CLOTH, BOTH HAVE TRANSGRESSED THE LAW OF SACRILEGE. R. JUDAH HOLDS THE EMPLOYER IS NOT GUILTY, FOR HE CAN ARGUE, I WISHED FOR A BIG SHIRT AND YOU BROUGHT ME A SMALL AND BAD ONE.

*GEMARA.* May we infer from this<sup>2</sup> that if a man said to his agent. Go, buy for me a kor<sup>3</sup> of land and he bought only a lethek<sup>4</sup> the acquisition on behalf of the buyer is valid?<sup>5</sup>

## ME'ILOH - 2a-22a

— I might retort: [Our Mishnah] refers to a case where [the messenger] bought something worth six [silver Sela's] for three.<sup>6</sup> But read then the concluding clause: R. JUDAH HOLDS THE EMPLOYER IS NOT GUILTY. FOR HE CAN ARGUE, I WISHED FOR A BIG SHIRT AND YOU BROUGHT A SMALL AND BAD ONE? — [This is to be understood in the following manner]: Because he can say to him, Had you spent the whole [golden] dinar you could have bought something worth two [golden] denars.<sup>7</sup>

This interpretation stands to reason, for it says [in the concluding section]:<sup>8</sup> R. Judah agrees with reference to pulse, for it makes no difference whether you buy pulse for a Perutah or for a denar!<sup>9</sup> But how is this? If it deals with a place where it is customary to sell cereals by estimate, Surely then also in the case of pulse when one buys for a whole Sela' he buys much cheaper? —

Said R. Papa: It refers to a place where it is customary to sell it in kannas,<sup>10</sup> each kanna for a Perutah, in which case the price is absolutely fixed.<sup>11</sup>

**MISHNAH.** IF ONE DEPOSITED MONEY<sup>12</sup> WITH A MONEYCHANGER,<sup>13</sup> AND IT WAS TIED UP. HE MAY NOT USE IT; AND THEREFORE IF HE DID SPEND IT HE IS GUILTY OF SACRILEGE; IF IT WAS LOOSE HE MAY USE IT AND THEREFORE IF HE SPENT IT HE IS NOT GUILTY OF SACRILEGE.<sup>14</sup> IF [THE MONEY WAS DEPOSITED] WITH A PRIVATE PERSON,<sup>15</sup> HE MAY NOT USE IT IN NEITHER CASE, AND THEREFORE IF HE DID SPEND IT HE IS GUILTY OF SACRILEGE. A SHOPKEEPER HAS THE STATUS OF A PRIVATE PERSON. SAYS R. MEIR. R. JUDAH HOLDS, HE IS LIKE A MONEY-CHANGER.

IF A PERUTAH BELONGING TO THE TEMPLE FELL INTO HIS BAG OR IF HE SAYS, ONE PERUTAH IN THIS BAG SHALL BE DEDICATED, HE IS GUILTY OF

SACRILEGE AS SOON AS HE SPENDS THE FIRST PERUTAH. THUS THE VIEW OF R. AKIBA. WHILE THE SAGES HOLD: NOT BEFORE HE HAS SPENT ALL THE MONEY THAT WAS IN THE BAG. R. AKIBA AGREES, HOWEVER, WITH THE SAGES THAT IF HE SAID, A PERUTAH OUT OF THIS BAG<sup>16</sup> SHALL BE DEDICATED, HE IS PERMITTED TO KEEP ON SPENDING [AND IS LIABLE ONLY] WHEN HE HAS SPENT ALL THAT WAS IN THE BAG.

**GEMARA.** When R. Dimi arrived,<sup>17</sup> he said, Resh Lakish had questioned R. Johanan: What is the difference between the first clause<sup>18</sup> and the last?<sup>19</sup> To this he [R. Johanan] replied: In the last clause the man's declaration was, This bag should not be spared from a donation to the Temple.<sup>20</sup>

When Rabin arrived<sup>17</sup> he said: He<sup>21</sup> raised before him<sup>22</sup> a contradiction between the case of the pocket and that of the oxen. For we have learnt: If one said, I dedicate one of my oxen to the Temple, and he had two oxen, the larger one becomes sacred.<sup>23</sup> To this the other<sup>24</sup> replied: In the last clause the man's declaration was, 'this bag shall not be spared from a donation to the Temple'.

(1) Twelve silver dinars.

(2) Viz., the last instance of the Mishnah where we read that according to the first Tanna the messenger is regarded as having acted on behalf of the employer with regard to a part of the commission.

(3) A piece of land which requires a Kor (measure) of seed. It is usually called Beth-Kor.

(4) I.e., half a Kor.

(5) V. Keth. 98a.

(6) It is because the employer has obtained an article of the required quality that the commission is considered partly fulfilled.

(7) Thus cur. edd., a version which renders the discussion which follows incomprehensible. The Gemara in Keth reads 'at least two dinars' and Tosaf. there understands this as follows: Had the messenger bought for the whole dinar he would have got something worth more than two dinars, because things are cheaper when bought in big quantities. The profit of the employer would then have been also relatively higher. This loss cannot be remedied, for even if the messenger bought

# ME'ILAH - 2a-22a

now goods for another half dinar at the same price, the extra profit over and above two dinars would not materialize. Tosaf. quotes also a version which reads explicitly 'more than two dinars'.

(8) To be found in the Tosef. II. The bracketed words are rightly deleted by Sh. Mek.

(9) There is no reduction when buying a large quantity. The employer had therefore no loss when the messenger spent only half a dinar. The owner's order is therefore to be considered as partly fulfilled, and he is liable to the law of sacrilege.

(10) A certain measure.

(11) With no reduction for larger quantities.

(12) Belonging to the Temple.

(13) Or a banker, without telling him that the money was from sacred property.

(14) According to Rashi the depositor is guilty, while Maim. holds that both are exempted.

(15) Lit., 'householder'.

(16) V. Gemara infra as to the difference between this form of promise and the previous.

(17) From Palestine.

(18) Viz., that which forms the subject of the dispute between R. Akiba and the Sages.

(19) Why does R. Akiba differ from the Sages in the first clause and agree with them in the last?

(20) It is assumed that the last Perutah was meant.

(21) Resh Lakish's.

(22) R. Johanan.

(23) Men. 108b; from which it is inferred that if, however, both oxen were equal the one that is met first is considered sacred, while in the last clause of the Mishnah we learn that one can fulfill such a promise with the last Perutah. Thus Rashi. Tosaf. explains the contradiction as follows: Why not say also in the last instance of our Mishnah that the biggest coin in the pocket should become sacred. Apparently Tosaf. read 'coin' instead of PERUTAH' in the last clause of the Mishnah, or PERUTAH should be understood in its general significance as money.

(24) Viz., R. Johanan.

is prohibited.<sup>6</sup> To this he<sup>7</sup> replied: In the last clause the man's declaration was, 'this bag shall not be spared from a donation to the Temple'.

(1) Dem. VII, 4.

(2) Late on Sabbath Eve or while on the way, thus not being in a position to separate tithe and Terumah, The law is exemplified with a quantity of a hundred logs.

(3) V. Glos.

(4) Second tithe has to be consumed in Jerusalem, or redeemed and its equivalent spent in Jerusalem.

(5) R. Meir accepts the principle of bererah (v. Glos.); i.e., the subsequent actual separation of these taxes will be retrospectively valid in that it will establish that the portion used by the owner was not 'mingled' with tithe or Terumah which are prohibited for use.

(6) For they do not accept the principle of bererah, and as long as no actual separation of the tithe and the Terumah has taken place, the wine is considered untithed and is therefore forbidden for use, for of each cup of wine I might say, perhaps this is the one designated as tithe (v. Hul. 14a). Similarly I should say in the instance of the Mishnah of each coin, perhaps this is the one dedicated to the Temple, in contradiction to R. Akiba's view that the last may be assumed to be the one designated for the Temple.

(7) Viz., R. Johanan.

## Me'ilah 22a

R. Papa said, 'He raised before him a contradiction between the case of the bag and that of loss; for we have learnt:<sup>1</sup> If one has bought wine<sup>2</sup> from Cutheans,<sup>3</sup> he shall declare: Two logs which I shall separate are herewith designated as Terumah, ten as first tithe and nine as second tithe, the latter portion is redeemed<sup>4</sup> and then he may begin to drink at once.<sup>5</sup> This is the view of R. Meir, while R. Judah. R. Jose and R. Simeon hold it