

JUDAISM

The Talmud

Meilah

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Chapter 1

¹ MISHNA: Offerings of the most sacred order that were disqualified before their blood was sprinkled on the altar, e.g., if one slaughtered them in the south of the Temple courtyard, and not in the north as required, are subject to the following halakha: One is liable for misusing them, i.e., one who derives benefit from them must bring a guilt offering and pay the principal and an additional one-fifth of their value. If he improperly slaughtered them in the south of the courtyard and properly collected their blood in the north, or even if he properly slaughtered them in the north of the courtyard but improperly collected their blood in the south, although the more significant rite was performed improperly, one is liable for misuse if he derives benefit from the animals.

² The same halakha that applies if the location of the sacrificial rites was altered likewise applies if the time of those rites was altered. Accordingly, if one properly slaughtered them during the day and improperly sprinkled their blood at night, or if he improperly slaughtered them at night and properly sprinkled their blood during the day, one is liable for misuse if he derives benefit from the animals. Or in a case where one slaughtered them with the intent to partake of their meat or sprinkle their blood beyond its designated time, rendering it piggul, or outside its designated area, disqualifying the offering, he is liable for misusing them if he derives benefit from the animals.

³ Rabbi Yehoshua stated a principle with regard to misuse of disqualified sacrificial animals: With regard to any sacrificial animal that had a period of fitness to the priests before it was disqualified, one is not liable for misusing it. Misuse applies specifically to items consecrated to God, which are not permitted for human consumption at all. Once the offering was permitted for consumption by the priests, it is no longer in that category. And with regard to any sacrificial animal that did not have a period of fitness for the priests before it was disqualified, one is liable for misusing it if he derives benefit from it, as it remained consecrated to God throughout.

⁴ Which is the sacrificial animal that had a period of fitness for the priests? This category includes a sacrificial animal whose meat remained overnight after its blood was presented on the altar and therefore came to have the status of notar and was therefore disqualified, and one that was disqualified when it became ritually impure, and one that left the Temple courtyard and was thereby disqualified. All of these disqualifications transpired after consumption of the sacrificial meat was permitted, and therefore one who derives benefit from these offerings is not liable for misuse.

⁵ And which is the sacrificial animal that did not have a period of fitness for the priests? It is a sacrificial animal that was slaughtered with the intent to partake of it or sprinkle its blood beyond its designated time, or outside its designated area, or one that those unfit for Temple service collected and sprinkled its blood. All of these disqualifications took effect before consumption of the sacrificial meat was permitted. The offerings therefore remain consecrated to God, and one is liable for misuse if he derives benefit from them.

⁶ GEMARA: The mishna teaches: With regard to offerings of the most sacred order that were disqualified before their blood was sprinkled on the altar, e.g., if one slaughtered them in the south of the Temple courtyard, one who derives benefit from them is liable for misusing them. The Gemara asks: Isn't it obvious? Just because their slaughter was performed in the south, should we revoke their status as subject to the halakhot of misuse?

⁷ The Gemara answers: It was necessary for the mishna to mention the case of slaughtering them in the south, as it might enter your mind to say that since Ulla says that Rabbi Yoḥanan says: Sacrificial animals that died without being sacrificed are excluded from being subject to the halakhot of misuse by Torah law, so too, in the case of offerings of the most sacred order that were improperly slaughtered in the south, they are considered as though they were strangled to death, and therefore they are no longer subject to misuse.

⁸ Consequently, the mishna teaches us that although they were slaughtered improperly, they are not considered to have the status of sacrificial animals that died, as those are not fit at all. But with regard to slaughtering an animal in the south, although this is not fitting for offerings of the most sacred order, yet the act is still classified as slaughter of sacrificial animals, as slaughter in the south is fitting for offerings of lesser sanctity.

⁹ § The Gemara asks: Why do I need the mishna to teach all of these different cases? It could have mentioned just one case, from which one would have derived the principle that even in a situation where the rite of the offering is not performed in the proper manner, the animal can still be subject to the halakhot of misuse.

¹⁰ The Gemara explains: All these cases are necessary. If the mishna had taught only the case of one who improperly slaughtered them in the south of the courtyard and properly collected their blood in the north, one might have thought that it is only here, in this case, that the animals are subject to the halakhot of misuse, as the collection of the blood was in the north. But if he slaughtered them in the north and collected their blood in the south, since the collection, which is a more fundamental rite than the slaughter, is in the south, one might think that they are removed from the status of being subject to the halakhot of misuse. Therefore, the mishna mentions that case as well.

¹¹ And if the mishna had taught only these aforementioned cases, I would say that only in such situations is the offering subject to the halakhot of misuse, as they were at least sacrificed during the day, which is the appropriate time for sacrifice. But if one slaughtered an offering at night and sprinkled its blood during the day, it would not be subject to the halakhot of misuse, as night is not the appropriate time for sacrifice, and therefore in this case of one who slaughtered at night, the animal is removed from its status of being subject to the halakhot of misuse.

¹² And if the mishna had taught only the case where he slaughtered it at night and collected the blood during the day, I would say: Since he collected the blood during the day, as required, the offering retains its status and is subject to the halakhot of misuse. But if he slaughtered animals during the day and sprinkled their blood, which is the main act of sacrifice, at night, since it is not a time fit for sacrifice, it is considered as though they were strangled, and they are not subject to the halakhot of misuse. Therefore, the mishna teaches us all of these cases.

¹³ § The mishna teaches: If one slaughtered sacrificial animals with the intent to partake of their meat or sprinkle their blood beyond its designated time, rendering them piggul, or outside its designated area, disqualifying them, he is liable for misusing them if he derives benefit from them.

The Gemara asks: For what are these sacrificial animals fit? Since they are unfit for both sacrifice and consumption by the priests, even in the case of offerings of lesser sanctity, why are they considered as consecrated items that are subject to misuse?

¹⁴ The Gemara answers: Since sprinkling their blood on the altar renders them accepted in that they receive their status of being subject to piggul, therefore they have still not entirely lost their sanctified status and are subject to misuse. In other words, an offering with regard to which there was an improper intention is rendered piggul only if all its permitting factors, one of which is sprinkling the blood, are performed properly (see Zevaḥim 28b). The fact that its permitting factors are important for the purpose of rendering it subject to piggul shows that the offering has not lost its consecrated status.

¹⁵ § A dilemma was raised before the Sages: In a case where a rite was performed in the wrong location, e.g., offerings of the most sacred order were slaughtered in the south rather than the north, if the offerings had already ascended the altar, what is the halakha as to whether they descend, i.e., are they removed from the altar or are they sacrificed? Rabba says: If they ascended the altar, they shall descend. Rav Yosef says: If they ascended the altar, they shall not descend.

¹⁶ With regard to this dilemma, the Gemara cites a relevant dispute between Rabbi Yehuda and Rabbi Shimon in a mishna (Zevaḥim 84a). Rabbi Yehuda maintains that in certain cases when an offering became disqualified in the sacred area, i.e., the Temple courtyard, it was removed from the altar. By contrast, Rabbi Shimon rules that any offering that became disqualified once it was already inside the Temple courtyard was not removed from the altar if it ascended there. The Gemara states: In accordance with the opinion of Rabbi Yehuda, you should not raise this dilemma, as everyone, i.e., both Rabba and Rav Yosef, agrees that in the cases of the mishna Rabbi Yehuda would rule that even if the disqualified offerings have ascended the altar, they must descend. They disagree when the dilemma is raised according to the opinion of Rabbi Shimon.

¹⁷ Rav Yosef holds in accordance with a straightforward interpretation of the opinion of Rabbi Shimon, that the offerings listed in the mishna do not descend from the altar, as they became disqualified inside the Temple courtyard. By contrast, Rabba could have said to you: Rabbi Shimon states that the offerings do not descend only with regard to cases such as the bird sin offering, whose blood should be placed below the red line on the altar, which one placed above the red line; or with regard to offerings such as the bird burnt offering, whose blood should be placed above the red line, which one placed below that line.

¹⁸ And therefore, Rabbi Shimon is actually dealing with cases where one slaughtered the offerings and collected their blood in the north, in accordance with the halakha. But here, in the cases of the mishna, since one slaughtered them in the south, it is considered as though they were strangled to death, and were not slaughtered at all. Consequently, Rabbi Shimon agrees that they should be removed from the altar.

¹⁹ We learned in the mishna: With regard to offerings of the most sacred order that were disqualified before their blood was sprinkled on the altar, if one slaughtered them in the south of the Temple courtyard, he is liable for misusing them if he derives benefit from them. Granted, according to the opinion of Rav Yosef, this halakha works out well. Since they remain consecrated and do not become permitted to the priests, they may remain on the altar. But according to the opinion of Rabba, it is difficult: If these offerings must be removed from the altar, why can one be liable for misusing them?

The Gemara explains: What is the meaning of the clause: One is liable for misusing them? This means that one is liable for misusing them by rabbinic law, but they are not subject to the halakhot of misuse by Torah law.

²⁰ The Gemara inquires: What practical difference is there between misuse by Torah law and misuse by rabbinic law? The Gemara explains that those who misuse by Torah law must pay an additional one-fifth to the Temple treasury, over and above the principal. By contrast, misuse by rabbinic law does not render one obligated to pay the additional one-fifth.

²¹ The Gemara asks: And is there a concept of misuse of consecrated property by rabbinic law? The Gemara answers: Yes there is, as Ulla said that Rabbi Yoḥanan says: Sacrificial animals that died have been removed from the halakhot of misuse by Torah law. Evidently, it is by Torah law that the halakhot of misuse do not apply to them, but by rabbinic law they do apply to them. So too in this case, where the animals are slaughtered in the south, they are subject to misuse by rabbinic law.

²² The Gemara raises a difficulty: If Rabba is correct that the mishna is referring to misuse by rabbinic law, let us say that we already learned in the mishna that which Ulla says that Rabbi Yoḥanan said. Why, then, was it necessary for Ulla to repeat this halakha? The Gemara explains: Even though we already learned it in the mishna, the statement of Ulla was necessary: It might enter your mind to say that here, with regard to offerings slaughtered in the south, people will not distance themselves from them, as they are no different in appearance from animals sacrificed properly, and therefore the Sages decreed that they are subject to misuse by rabbinic law.

²³ But in the case of sacrificial animals that died, and were never slaughtered at all, since people distance themselves from them, one might say that they are not subject to misuse even by rabbinic law. There-fore, Ulla teaches us that they are nevertheless subject to misuse by rabbinic law.

²⁴ The Gemara raises a further difficulty: Didn't we also learn in a mishna that sacrificial animals that died are subject to the halakhot of misuse by rabbinic law? As the mishna (18a) teaches: One who derives benefit from a sin offering while it is alive is not liable for misuse until he causes it one peruta worth of damage. But if he derives benefit from it when it is dead, since it will not be redeemed it cannot be damaged. Therefore, once he derives one peruta worth of benefit from it, even without damaging it, he is liable for misuse. This misuse must apply by rabbinic law, as sacrificial animals that have died are not subject to the halakhot of misuse by Torah law. If so, the halakha that these animals are subject to misuse by rabbinic law is already stated in a mishna and therefore there is no reason for Ulla to repeat it.

²⁵ The Gemara answers: It might enter your mind

²⁶ to say: Since a sin offering is brought for atonement, people do not distance themselves from it after it dies, as they realize that it is no longer fit to atone. Therefore, in order to ensure that people do not show disrespect, the Sages decreed that one is liable for its misuse. But with regard to other sacrificial animals of the most sacred order, since they are not brought for atonement, people still distance themselves from them after the animals die, and therefore one might think that there is no need to decree that they are subject to the halakhot of misuse. Consequently, Ulla teaches us that even other sacrificial animals that die are subject to misuse by rabbinic decree.

²⁷ The Gemara asks: And is a sin offering that died subject to the halakhot of misuse? But didn't we learn in a baraita: With regard to sin offerings that are left to die because they are no longer fit for the

altar, from which one is prohibited to derive benefit, and likewise money from which one is prohibited to derive benefit, which goes to the Dead Sea to be destroyed, one may not derive benefit from them ab initio, but if one derived benefit from them, he is not liable for their misuse?

²⁸ They say in response to this question: With regard to sin offerings that are left to die, since even during their lifetimes people distance themselves from them, as they are no longer fit for sacrifice, there was no need for the Sages to institute a prohibition of misuse. This is to the exclusion of a sin offering that was fit during its lifetime, as people do not distance themselves from it, and therefore the Sages saw fit to institute a prohibition of misuse after it dies.

²⁹ § The Gemara returns to the dispute with regard to offerings that were slaughtered in the wrong place and then were brought up to the altar. Rabba maintains that such offerings are removed from the altar while Rav Yosef rules that once they ascended the altar they do not descend from it and are burned. Rav Yosef raised an objection to Rabba, one source from another one, and that one from another one, i.e., his objection is based upon the combination of several sources.

³⁰ The Gemara elaborates: The mishna on Zevaḥim 66b, which deals with bird offerings that were disqualified for having either the napes of their necks pinched or their blood sprinkled in the wrong place, teaches: And all of the offerings mentioned in that mishna do not render one who swallows their meat ritually impure to the extent that his garments are rendered impure when it is in the throat. Although the offering is disqualified, since the nape of its neck was pinched as part of the rite one is not rendered impure by swallowing an olive-bulk of its meat, as is the halakha with regard to a carcass of a kosher bird. And one who derives benefit from these offerings is liable for misusing them.

³¹ This is the halakha concerning all bird offerings, except for the bird sin offering that one performed below the red line, according to the procedure of a bird sin offering, and for the sake of a sin offering. Since it was sacrificed correctly, its meat is permitted to the priests and is no longer subject to the halakhot of misuse.

³² And it is taught in another mishna (Zevaḥim 68b) with regard to the same disqualified bird offerings: For any one of them whose disqualification occurred in the sacred area, i.e., the Temple courtyard, e.g., if the nape of its neck was pinched at night, it does not render the garments of one who swallows it impure when the meat is in the throat. And for any one of them whose disqualification did not take place in the sacred area, it does render the garments of one who swallows it impure when the meat is in the throat.

³³ And it is taught in yet another mishna (Zevaḥim 84a): With regard to any offering whose disqualification took place in the sacred area, the sacred area renders the offering acceptable, and if such offerings ascended onto the altar they shall not descend. The first mishna establishes that birds disqualified because their rites were performed in the wrong place are subject to the halakhot of misuse. The second mishna teaches that these same birds are considered items whose disqualification occurred in the sacred area. The last mishna establishes that if items whose disqualification occurred in the sacred area ascend the altar, they do not descend. By citing all these mishnayot, Rav Yosef demonstrates that an offering that is slaughtered in the wrong place is not removed from the altar, contrary to Rabba's opinion. The Gemara concludes: The refutation of the opinion of Rabba is indeed a conclusive refutation.

³⁴ § The Gemara notes: And that matter with regard to which Rabba and Rav Yosef disagree is obvious to Rabbi Elazar, as Rabbi Elazar says: In the case of a burnt offering consecrated to be sacrificed on a personal altar, during the period when it is permitted to do so, that one brought inside the Temple courtyard,

³⁵ it is admitted by the partitions of the courtyard for all matters; and from that point onward it has the status of a burnt offering sacrificed in the Temple with regard to all halakhot.

³⁶ The Gemara continues: In this regard, Rabbi Elazar asks: In the case of a burnt offering consecrated to be sacrificed on a personal altar that one brought into the Temple courtyard and it was rendered unfit for sacrifice, e.g., it was slaughtered in the south rather than its proper place in the north, if its limbs ascended the altar to be sacrificed, what is the halakha as to whether they should descend? Although the animal was disqualified due to the change in location, had it been slaughtered in the south on a personal altar it would not have been disqualified.

³⁷ The Gemara concludes: From the fact that Rabbi Elazar asked this question only with regard to this one case, one can conclude that in the other case, where the burnt offering was consecrated for sacrifice in the Temple, the halakha of the limbs that ascended the altar is obvious to him. He either holds that the halakha is that they are not sacrificed, in accordance with the opinion of Rabba, or he maintains that they are sacrificed, in accordance with the opinion of Rav Yosef.

³⁸ The Gemara rejects this inference, as it is possible that Rabbi Elazar was actually uncertain with regard to that case as well; but he raises one dilemma as a result of the other. In other words, Rabbi Elazar was asking two questions, one predicated on the other, and the second question is valid regardless of whether he holds in accordance with the opinion of Rabba or Rav Yosef.

³⁹ The Gemara elaborates: Even if Rabbi Elazar holds in accordance with the opinion of Rabba, that in a regular case the limbs are removed from the altar, one can claim that Rabba says that if the limbs ascend the altar they shall descend only there, i.e., if the burnt offering was consecrated for sacrifice in the Temple. In that case, the owner consecrated the offering with the intention of sacrificing it within the partition of the courtyard, where slaughtering is performed properly, in the north.

⁴⁰ Consequently, if it was slaughtered in the south, that renders the offering entirely disqualified, and therefore even if it ascended the altar it must descend. But in a case where he consecrated the offering in order to sacrifice it improperly on a personal altar, slaughtering it in the south does not render the offering entirely disqualified, and therefore if it ascends the altar it does not descend.

⁴¹ Or perhaps, the opposite is the case: Even according to the opinion of Rav Yosef, who said that if it ascends the altar it shall not descend, that halakha applies only in a case where the owner consecrated the offering in order to sacrifice it within the partition of the courtyard, in which case it was consecrated properly. In such an instance, the offering is admitted by the partitions of the courtyard, and therefore even in a case where it was disqualified, if it ascended the altar it does not descend. By contrast, in a case where he consecrated it in order to sacrifice it improperly on a personal altar, the offering is not admitted at all by the partitions of the courtyard, which means that even if it ascends the altar it must descend. The Gemara concludes that the dilemma shall stand unresolved [teiku].

⁴² § With regard to the misuse of offerings that were rendered unfit, Rav Giddel says that Rav said: Sprinkling the blood of an offering with the intent to consume it after its appointed time [piggul], in a

case where there was piggul intent during the slaughter as well, does not remove the meat of the offering from the status of being subject to the halakhot of misuse, in the case of offerings of the most sacred order. The reason is that its meat is still classified as “the sacred items of the Lord” (Leviticus 5:15), since there was no proper sprinkling that permitted the priests to partake of the offering, as it is piggul. Similarly, this sprinkling does not bring the sacrificial portions of offerings of lesser sanctity into the status of being subject to the halakhot of misuse, as only a valid sprinkling confers that status.

⁴³ The Gemara relates that Abaye sat and related this halakha, which Rav Giddel said that Rav said. Rav Pappa raised an objection to Abaye from a mishna (Menaḥot 78b): With regard to one who slaughters the thanks offering in its proper place inside the Temple courtyard, and at that time, its forty accompanying loaves were outside the wall, where it is prohibited to partake of the loaves, the loaves are not sanctified by this slaughtering.

⁴⁴ Likewise, if he slaughtered the thanks offering before the surface of the loaves formed a crust in the oven, and this is the halakha even if the surface of all the loaves formed a crust except for one of them, the loaves are not sanctified, even those that had already formed a crust. If the priest slaughtered the thanks offering with the intent to partake of it or to burn the portions consumed on the altar beyond its designated time and it was thereby rendered piggul, or outside its designated area and was disqualified, the loaves are sanctified and are subject to the halakhot of misuse. This is presumably the case even if he also sprinkled the blood with piggul intent, as the mishna does not differentiate in this regard.

⁴⁵ The Gemara explains the objection: Evidently, sprinkling the blood of offerings of lesser sanctity with the intent of piggul subjects offerings of lesser sanctity to the halakhot of misuse. This apparently contradicts the opinion that Abaye stated that Rav Giddel said that Rav said. Abaye was silent, and was unable to resolve the difficulty against Rav’s statement.

⁴⁶ When Abaye came before Rabbi Abba and reported Rav Pappa’s comments, Rabbi Abba said to Abaye: That is not a difficulty, as Rav Giddel said that the intent of piggul during sprinkling does not subject offerings of lesser sanctity to the halakhot of misuse. Since the offering is rendered full-fledged piggul and is disqualified, it cannot become subject to the halakhot of misuse. By contrast, the mishna in Menaḥot is referring specifically to the intent of piggul during slaughtering, whereas there was no such intent during sprinkling. In such a case, the sprinkling was performed with proper intent, and therefore it subjects the offering to the halakhot of misuse.

⁴⁷ Rav Ashi said to Rava, with regard to this explanation of Rav Giddel’s statement: But doesn’t Ulla say: In the case of a handful that is piggul, which is unfit for sacrifice, that was brought up onto the altar to be sacrificed and was burned by the fire of the altar, its piggul status lapsed from it, and it is fit for sacrifice?

⁴⁸ And since the removal of the handful in the case of the meal offering is the same as slaughtering animal offerings, i.e., it is the equivalent rite, and in this case the improper intent during the removal of the handful rendered the meal offering piggul, the same should apply to slaughtering in the case of an animal offering: The sacrificial portions of the offerings of lesser sanctity should be rendered full-fledged piggul by slaughtering alone with the intent of piggul, regardless of the intent during sprinkling. If so, Rabbi Abba’s answer above is incorrect.

⁴⁹ Rava said to Rav Ashi: This is not a difficulty, as Ulla did not mean that the intent during the removal of the handful alone rendered the meal offering full-fledged piggul. Rather, he meant that a prohibited act was performed upon it which brings it to a status of piggul, but the full status of piggul is attained only if there is also improper intent at the time of the sacrificing of the handful, which is equivalent to sprinkling in the case of an animal.

⁵⁰ With regard to Rava's answer to Rav Ashi, the Gemara objects: But didn't Ulla teach in justification of his opinion: If the taking of this handful brings others, i.e., the remainder of the meal offering, into a status of piggul, by means of the intent to consume it after its appointed time, with regard to the handful itself, is it not all the more so that it should be rendered piggul by this intent? If so, the same should likewise apply in the case of an offering of lesser sanctity that was slaughtered with the intent to consume it after its appointed time, i.e., it should be rendered piggul by this intent alone, regardless of intent during sprinkling.

⁵¹ The Gemara explains: This is not difficult, as in this instance, as well, Ulla did not mean that it is full-fledged piggul by intent with regard to the taking of the handful alone. Rather, he meant that a prohibited act was performed upon it which brings it to a status of piggul, but the full status of piggul is attained only if there is also an improper intent at the time of the sacrificing of the handful.

⁵² There is a dispute in a mishna (Zevahim 29b) with regard to two consecutive improper intentions. Rabbi Yehuda maintains that if there first was intent to partake of an offering or to burn the portions consumed on the altar beyond its designated time, which renders it piggul and therefore one who consumes it would be liable to receive karet, and then there was intent to perform that act outside its designated area, which merely disqualifies the offering, it is piggul. But if the order is reversed, it is merely disqualified. The Rabbis rule that in either case it is only disqualified. With that mishna in mind, Ravina said to Rav Ashi: But doesn't Ilfa say: This disagreement applies in a case where the different intentions occurred during the performance of two different sacrificial rites?

⁵³ Ilfa elaborated: For example, if one said: I am hereby slaughtering the first one of the organs that must be severed in ritual slaughter, i.e., either the trachea or the esophagus, with the intention of consuming the offering beyond its designated time; and he then slaughtered its second organ with the intention of consuming it outside its designated area, then these halakhot apply. But if both intentions occurred in the course of one rite, e.g., during the slaughtering of the same organ, then everyone, including Rabbi Yehuda, agrees that this constitutes a mixture of intentions, and the offering is not rendered piggul. This example indicates that slaughtering alone with intent beyond its designated time renders the offering piggul, contrary to the opinion of Rav Giddel.

⁵⁴ Rav Ashi answered Ravina: Indeed, Rav Giddel agrees with this ruling. Although he maintains that slaughtering alone does not render an offering piggul, nevertheless, he agrees that when the blood is sprinkled afterward with piggul intent, it will be revealed whether there was piggul intent in the course of one rite or two rites. Consequently, if both intentions occurred during one sacrificial rite, everyone agrees that the offering is not piggul, despite the fact that the sprinkling was performed with piggul intent. But if the two intentions took place during two different sacrificial rites, then the question of whether it is piggul or merely disqualified is subject to the dispute between Rabbi Yehuda and the Rabbis. Yet, the offering cannot be established as piggul until after the sprinkling.

⁵⁵ The Gemara raises a difficulty: But if so, with regard to a thanks offering, where it is stated that if the priest slaughtered it with the intent to partake of it or to burn the portions consumed on the altar

beyond its designated time, then the loaves are sanctified (see 3b), the intention only at the time of the slaughtering should also not render the offering piggul until the blood is sprinkled. Since the mishna is apparently referring to a regular case of piggul, it must be speaking of a situation where the sprinkling was also performed with the piggul intent, which is how Ilfa explained the mishna on Zevaḥim 29b. If so, according to Rav Giddel, who maintains that slaughtering with the intent of piggul does not bring offerings of lesser sanctity into the status of being subject to the halakhot of misuse, how could the loaves be considered sanctified?

⁵⁶ The Gemara explains: What does the mishna mean when it says that the loaves are considered sanctified? It does not mean that they are sanctified in the sense that they are subject to the halakhot of misuse. Rather, it means that they are sanctified to the extent that they have the possibility to be disqualified, to the extent that they require burning afterward.

⁵⁷ The Gemara suggests: Let us say that the following baraita supports the opinion of Rav Giddel: With regard to an offering that is piggul, one who derives benefit from it is always liable for misuse of consecrated property. Does this not mean that the meat of an offering of the most sacred order is subject to the halakhot of misuse even though its blood was sprinkled with the intent to partake of it or to burn the portions consumed on the altar beyond its designated time? And if so, this supports Rav Giddel's opinion.

⁵⁸ The Gemara rejects this suggestion: No, one cannot cite a proof from this baraita, as it is possible that the baraita is referring to a case where the priest did not yet sprinkle the blood, and that is why the offering is subject to the halakhot of misuse. But once the blood is sprinkled with improper intent, the offering is no longer subject to the halakhot of misuse. The Gemara asks: If the baraita is dealing with a case where the priest did not yet sprinkle the blood, what is the purpose of stating it? Certainly before its blood is sprinkled the offering is included in the category of "the sacred items of the Lord," and is subject to the halakhot of misuse.

⁵⁹ The Gemara suggest an alternative reason for rejecting the suggestion: Rather, the baraita is actually referring to a case where the blood was sprinkled. But nevertheless, it does not support Rav Giddel's opinion, as when that baraita is taught, it is referring to a burnt offering. A burnt offering is always subject to the halakhot of misuse even after its blood is sprinkled, as it is never permitted to the priests in consumption. The Gemara raises a difficulty: If the ruling of the baraita is stated with regard to a burnt offering, then it is obvious that it is still subject to the halakhot of misuse, as it entirely belongs to the Most High, i.e., the entire offering is burned on the altar and none of it is consumed by the owners or priests.

⁶⁰ And furthermore, one may cite proof for the opinion of Rav Giddel from that baraita, as the latter clause of the baraita teaches: If its blood was left overnight instead of being sprinkled on the altar on the day it was slaughtered, even though the priest later sprinkled it on the following day, nevertheless, one who derives benefit from it is liable for misuse of consecrated property.

⁶¹ The Gemara analyzes this statement of the baraita: Granted, if you say that the baraita is referring to a sin offering, then it is well. Since the blood was disqualified for sprinkling by being left overnight, it does not become permitted to the priests even after the blood is sprinkled, and is therefore subject to the halakhot of misuse. But if the blood had not been left overnight, the offering would not be subject to the halakhot of misuse, as the sprinkling would have removed the sin offering from that category due to the fact that it became permitted for the priests.

⁶² But if you say that the baraita is referring to a burnt offering, does it need to be said that it is still subject to the halakhot of misuse? A burnt offering remains subject to the halakhot of misuse even if the blood had not been left overnight and the sprinkling was performed properly, as it never becomes permitted to the priests.

⁶³ The Gemara comments: The latter clause of the baraita certainly supports the opinion of Rav Giddel, as it clearly shows that an unfit sprinkling does not remove an offering from being subject to the halakhot of misuse. But with regard to the first clause of the baraita, what does it teach concerning the opinion of Rav Giddel? Is it reasonable to say that since the latter clause of the baraita supports the opinion of Rav Giddel, the earlier clause, which states that piggul is always subject to the halakhot of misuse, also supports his opinion?

⁶⁴ The Gemara rejects this suggestion: It is not even certain that the latter clause supports Rav Giddel, as it is possible that although the sprinkling of blood that was left overnight does not remove an offering from being subject to the halakhot of misuse, nevertheless, sprinkling after piggul does achieve this. The Gemara clarifies: What is the difference between the two cases? The difference is with regard to leaving the blood overnight, where it is performed in relation to an action, i.e., the priest failed to act in the proper manner, sprinkling the blood is not effective to remove the offering from the status of being subject to the halakhot of misuse.

⁶⁵ By contrast, in the case of sprinkling after piggul, where the disqualification is merely a function of intent, which is not performed in relation to an action, perhaps sprinkling the blood is effective to remove the offering from the status of being subject to the halakhot of misuse.

⁶⁶ The Gemara suggests: Let us say that this baraita supports the opinion of Rav Giddel: With regard to an offering of the most sacred order that is piggul, one who derives benefit from it is liable for misuse of consecrated property. Does this not mean that it is subject to the halakhot of misuse even though the priest sprinkled its blood, and if so this baraita supports Rav Giddel's opinion? The Gemara rejects this suggestion: No, one cannot cite a proof from this baraita, as it is possible that it is referring to a case where the priest did not yet sprinkle the blood.

⁶⁷ The Gemara asks: But if that is so, what, then, is the halakha if the priest did sprinkle the blood? Is the halakha indeed that one is not liable for misusing it? If so, why is it taught in the latter clause of the baraita: Unlike an offering of the most sacred order, in the case of an offering of lesser sanctity, one who derives benefit from it is not liable for misuse of consecrated property?

⁶⁸ The Gemara explains the difficulty: If there is a difference between whether or not the priest sprinkled the blood, let the baraita distinguish and teach the distinction in the first clause, with regard to the case of offerings of the most sacred order itself, as follows: Before the sprinkling of the blood one is liable for misusing the offering, but after the sprinkling of the blood one is not liable for misusing it. It is not necessary to mention offerings of lesser sanctity at all. The Gemara concludes: That statement in the latter clause of the baraita certainly supports Rav Giddel's opinion.

⁶⁹ The Gemara suggests: Shall we say that since the latter clause supports the opinion of Rav Giddel, the first clause also supports his opinion? The Gemara again answers that even the latter clause does not necessarily support the opinion of Rav Giddel, as one can explain that the reason the baraita distinguishes between offerings of the most sacred order and offerings of lesser sanctity, rather than providing a distinction within the category of offerings of the most sacred order itself, is that the case of offerings of lesser sanctity is clear-cut, i.e., all cases of offerings of lesser sanctity that are piggul

are not subject to the halakhot of misuse. By contrast, here in the case of offerings of the most sacred order, it is not clear-cut, as there is a difference depending on the sprinkling of the blood.

⁷⁰ § The mishna teaches that Rabbi Yehoshua said a principle with regard to misuse of disqualified sacrificial animals: With regard to any sacrificial animal that had a period of fitness to the priests before it was disqualified, one is not liable for misusing it. Misuse fundamentally applies to items consecrated to God, which are not permitted for human consumption at all. Once the offering was permitted for consumption by the priests, it is no longer in that category. And with regard to any sacrificial animal that did not have a period of fitness for the priests before it was disqualified, one is liable for misusing it, as it remained consecrated to God throughout.

⁷¹ The mishna clarifies: Which is the sacrificial animal that had a period of fitness for the priests? This category includes a sacrificial animal whose meat remained overnight after it was properly sacrificed, and was therefore disqualified as notar, and one that was disqualified when it became ritually impure after it was properly sacrificed, and one that left the Temple courtyard after it was properly sacrificed and was thereby disqualified. All of these disqualifications transpired after consumption of the sacrificial meat was permitted, and therefore one who derives benefit from these offerings is not liable for misuse.

⁷² And which is the sacrificial animal that did not have a period of fitness for the priests? It is a sacrificial animal that was slaughtered with the intent to partake of it or sprinkle its blood or sacrifice its sacrificial portions beyond its designated time, or outside its designated area, or one that those unfit for Temple service collected and sprinkled its blood. All of these disqualifications occurred before consumption of the sacrificial meat was permitted by means of the sprinkling of the blood. Therefore, these offerings remain consecrated to God and one is liable for misuse if one derives benefit from them.

⁷³ With regard to this matter, the Gemara relates that bar Kappara said to bar Pedat: My sister's son, look into the topic of the question that you will ask me tomorrow in the study hall. The question involved the interpretation of Rabbi Yehoshua's statement: Any sacrificial animal that had a period of fitness to the priests. Was it fitness of slaughtering that we learned, i.e., provided that it was slaughtered properly, even if the offering was later disqualified, it is no longer subject to the halakhot of misuse.

⁷⁴ Or was it fitness of sprinkling of the blood that we learned, i.e., once the blood is ready to be sprinkled, even if it was not sprinkled yet, the offering is no longer subject to the halakhot of misuse? Or was it fitness of consuming the meat of the offering that we learned? In other words, is it only after the blood was actually sprinkled properly, and the meat of the offering is permitted to be consumed by the priests, that the offering is no longer subject to the halakhot of misuse? The Gemara cites the different opinions with regard to this matter: Hizkiyya says: It was fitness of slaughtering that we learned, whereas Rabbi Yoḥanan says: It was fitness of consuming the meat of the offering that we learned.

⁷⁵ The Gemara further discusses this matter. Rabbi Zeira says: The mishna is not precisely in accordance with the opinion of Hizkiyya nor precisely in accordance with the opinion of Rabbi Yoḥanan, i.e., a close reading of the mishna does not conform to either of their interpretations of the phrase: A period of fitness.

⁷⁶ Rabbi Zeira elaborates: We learned in the mishna, in its list of examples of offerings that were disqualified after a period of fitness: A sacrificial animal that remained overnight after its blood was sacrificed on the altar and was therefore disqualified as notar, and one that was disqualified when it became ritually impure, and one that left the Temple courtyard and was thereby disqualified. Isn't the case of remaining overnight referring to a situation where the blood remained overnight and was not sprinkled after it was collected in a cup? And yet the mishna teaches: One is not liable for misusing it, as there was a period of fitness.

⁷⁷ And therefore, one can learn from the mishna that it was fitness of sprinkling of the blood that we learned. Since the slaughtering and collecting of the blood was performed properly, the offering is no longer subject to the halakhot of misuse, despite the fact that the blood was not actually sprinkled. This is not in accordance with the opinion of Hizkiyya or with the opinion of Rabbi Yoḥanan.

⁷⁸ The Gemara rejects this conclusion: No, the mishna is not referring to a case where the blood had not been sprinkled. Rather, it is dealing with a case where the meat was left overnight, but the blood had already been sprinkled properly. It is due to this that the mishna teaches: One is not liable for misusing it, as there was a period of fitness of consuming the meat, as stated by Rabbi Yoḥanan.

⁷⁹ The Gemara further analyzes Rabbi Yehoshua's statement. We learned in the mishna: And which is the sacrificial animal that did not have a period of fitness for the priests? It is a sacrificial animal that was slaughtered with the intent to partake of it or sprinkle its blood beyond its designated time, or outside its designated area, or one that those who are unfit for Temple service collected its blood for use in the sacrificial rite and sprinkled its blood.

⁸⁰ What are the circumstances referred to in the mishna, with regard to people who are unfit for collecting and sprinkling the blood? If we say that the mishna is dealing with a case where the blood was both sprinkled by those who are unfit for Temple service and the blood was also collected by those who are unfit for Temple service, this is difficult: Why do I need to say that it is not disqualified until there are two actions, collecting and sprinkling, which were performed improperly? After all, the offering is disqualified as soon as those who are unfit for Temple service collect the blood.

⁸¹ Rather, is it not referring to a case where the blood was collected by those who are unfit for Temple service but sprinkled by those who are fit? And the mishna thereby teaches us that it is only in this case that one is liable for misusing it. This is due to the fact that there was no period of fitness for sprinkling the blood. By contrast, had the blood been collected by those who are fit for Temple service, where the blood is fit for sprinkling, the offering would no longer be subject to the halakhot of misuse, even if it was sprinkled by those who are unfit for Temple service.

⁸² If so, one can learn from the mishna that it is fitness of sprinkling of the blood that we learned. In other words, already at this stage the offering is no longer subject to the halakhot of misuse, despite the fact that the blood was not actually sprinkled. This is not in accordance with the opinion of Hizkiyya or the opinion of Rabbi Yoḥanan.

⁸³ Rav Yosef objects to this interpretation of the mishna: But if it enters your mind that there is a way to make this distinction in the mishna, between a case where the blood was collected by those who are unfit for Temple service and sprinkled by those who are fit and a situation where it was collected by those who are fit for Temple service and sprinkled by those who are unfit, then this would present a difficulty with regard to that which we learned in a mishna there (Zevaḥim 92a).

⁸⁴ The Gemara cites the relevant mishna: With regard to a disqualified sin offering, its blood does not cause a garment to require laundering whether the offering had a period of fitness when its blood was fit for presentation or whether it did not have a period of fitness. In either case, as the offering is currently unfit, its blood does not require laundering.

⁸⁵ The mishna proceeds to explain: Which offering is the disqualified sin offering that had a period of fitness and was then disqualified? It is one that was left overnight and then became disqualified as notar; or it is one that became ritually impure; or it is one that left the Temple courtyard.

⁸⁶ Which offering is the disqualified sin offering that did not have a period of fitness? It is one that was slaughtered with the intent to eat it or present its blood beyond its designated time or outside its designated area; or it is one whose blood was collected by people disqualified for Temple service and they sprinkled its blood.

⁸⁷ Rav Yosef analyzes this mishna: What are the circumstances of the mishna's case? If we say that the mishna is referring specifically to a situation where the blood was both collected by those who are unfit for Temple service and also sprinkled by those who are unfit for Temple service, and it is only in such a case that its blood does not cause a garment to require laundering, it may be inferred that if the blood was collected by those who are fit for Temple service and sprinkled by those who are unfit, or collected by those who are unfit and sprinkled by those who are fit, then its blood does cause a garment to require laundering. But this inference is difficult: It is not possible to interpret the mishna in such a manner, as that conclusion is incorrect.

⁸⁸ The Gemara explains why the above conclusion is untenable: Read here the verse that states, with regard to laundering a garment on which the blood of a sin offering was sprayed: "And if any of its blood is sprinkled on a garment, you shall wash that upon which it was sprinkled in a holy place" (Leviticus 6:20). The Sages infer from the verse that this halakha applies only to the blood of a sin offering that has not yet been sprinkled, and not to blood of a sin offering whose blood had already been sprinkled. Rather, one can conclude that the language of the mishna with regard to the topic of the blood of a sin offering is not exact, as the same halakha applies even if the blood was collected and sprinkled by those who are fit.

⁸⁹ If so, one can say that so too the mishna here is not exact, and therefore one cannot infer from it that the halakhot of misuse apply only when those who were unfit for Temple service collected the blood. Rather, the halakhot of misuse are in effect even if those who collected the blood were fit and those who sprinkled it were unfit, which means that the phrase: A period of fitness, can be referring to fitness of consuming the meat of the offering. Rav Asi said: If so, that the mishna is not exact, why do I need the tanna to teach two mishnayot in an inexact manner? It must be that at least one of them is taught in a precise fashion, and for that reason the same style was preserved in the other mishna.

⁹⁰ Rather, one must say that only one mishna is imprecise, i.e., the one in Zevahim with regard to the blood of a sin offering, and actually the mishna here with regard to misuse of consecrated property is precise, and therefore one can infer that the meaning of the phrase: A period of fitness, is fitness to sprinkle the blood.

⁹¹ And as for the mishna in Zevahim, which speaks of those who are unfit for collecting the blood despite the fact that the same halakha applies if those who are fit collected it, this is what it teaches us: That if those who are unfit for Temple service collected some of the blood, it renders the blood,

including that which he did not collect, as leftovers. The blood has the same status as the remainder of the blood of a fit offering after some of its blood was sprinkled on the altar.

⁹² And consequently, it teaches with regard to a case where the blood was collected in two vessels, that even though the priest who was unfit collected the blood and sprinkled it, and a priest who was fit subsequently collected the blood and sprinkled it, the sprinkling of the fit priest is considered as though he did not do anything. What is the reason for this? The reason is that the blood is considered leftovers.

⁹³ The Gemara objects: But didn't Reish Lakish ask Rabbi Yoḥanan: In the case of an individual unfit for Temple service who sprinkled the blood, what is the halakha with regard to the remaining blood? Does the fact that he sprinkled some of the blood render the remaining blood leftovers?

⁹⁴ And Rabbi Yoḥanan said to him in response: You do not have a matter of an invalid sprinkling that renders the remaining blood leftovers except for a case where he sprinkled the blood with the intent to consume the offering beyond its designated time or outside its designated area. In these instances it is considered a significant sprinkling, since this sprinkling with improper intent effects acceptance, i.e., it is considered a valid sprinkling with regard to rendering the meat of the offering piggul.

⁹⁵ The Gemara analyzes Rabbi Yoḥanan's statement: What, is it not the case that when he said that only piggul intent renders the blood leftovers, this is to the exclusion of a sprinkling performed by an unfit priest? If so, this would mean that an unfit priest does not render the remainder of the blood leftovers, which contradicts the opinion of Rav Asi. The Gemara rejects this inference: No, even an unfit priest renders the blood leftovers.

⁹⁶ The Gemara objects: But Rabbi Yoḥanan taught in a broad manner: You do not have a matter of an invalid sprinkling that renders the remaining blood leftovers except for a case where he sprinkled the blood with the intent to consume the offering beyond its designated time or outside its designated area. Evidently, Rabbi Yoḥanan maintains that the blood is rendered leftovers only in those cases.

⁹⁷ The Gemara explains that this is what Rabbi Yoḥanan is teaching: You do not have a matter of an invalid sprinkling that does not effect acceptance in the case of offerings of the community, and yet which renders the remaining blood leftovers, except for a case where he sprinkled the blood with the intent to consume the offering beyond its designated time or outside its designated area. Although these offerings are not sacrificed, nevertheless the sprinklings render the blood leftovers. But Rabbi Yoḥanan was not referring to a ritually impure priest, who is fit to effect acceptance for offerings of the community in a case where the majority of the community is impure, as he does render the remainder of the blood leftovers.

⁹⁸ By contrast, with regard to all other invalid sprinklings, which are not fit to effect acceptance in the case of offerings of the community, e.g., a blemished priest, they do not render the blood leftovers. Accordingly, Rav Asi's comment, that the mishna in Zevahim teaches that if those who are unfit for Temple service collect some of the blood they thereby render the blood leftovers, is referring only to an impure priest.

⁹⁹ The Gemara further analyzes Rabbi Yehoshua's phrase: That had a period of fitness to the priests. Come and hear a baraita: With regard to an offering of the most sacred order that is piggul, one who derives benefit from it is always liable for misuse of consecrated property.

¹⁰⁰ The Gemara analyzes this statement: Is this not referring to a case where the priest collected the blood but did not yet sprinkle it? If so, this would mean that it is specifically the collection of the blood after the intent of piggul that does not remove the offering from the halakhot of misuse. One can infer from here that if the blood was collected with the proper intent, i.e., when the offering is not piggul, and is ready to be sprinkled, it does remove the offering from the halakhot of misuse. Accordingly, conclude from the baraita that it is fitness of sprinkling of the blood that we learned in the mishna.

¹⁰¹ The Gemara rejects this inference: No, one cannot cite a proof from here, as it is possible that the baraita is referring to a case where the priest already sprinkled the blood. If so, the reason that one is liable for misuse is because the sprinkling of piggul does not remove it from the halakhot of misuse. It can therefore be inferred from the baraita that if the offering was not piggul, then the sprinkling would remove it from misuse. This interpretation is in accordance with the opinion that when Rabbi Yehoshua referred to a period of fitness, he meant fitness of consuming the meat of the offering, i.e., only when the blood was sprinkled properly.

¹⁰² And if so, what does the baraita mean when it states that one who derives benefit from an offering that is piggul always remains subject to the halakhot of misuse? This is what the baraita teaches us by this phrase, that the halakha is in accordance with the opinion of Rav Giddel, as Rav Giddel said that Rav said: Sprinkling the blood of an offering with piggul intent does not remove the offering from the status of being subject to the halakhot of misuse, in the case of offerings of the most sacred order. And similarly, such a sprinkling does not bring the sacrificial portions of offerings of lesser sanctity into the status of being subject to the halakhot of misuse.

¹⁰³ The Gemara cites another source that might resolve the issue: Come and hear a baraita that can provide a proof with regard to the meaning of Rabbi Yehoshua's statement about a period of fitness to the priests: Rabbi Shimon says that there is a case of notar, when the blood was left overnight and was rendered unfit, where one is liable for misusing the meat of the offering, and there is also a case of notar where one is not liable for misusing it.

¹⁰⁴ The baraita elaborates: How so? If the blood was left over and someone consumed the meat before the sprinkling of the blood, he is liable for misusing consecrated property. But if it was consumed after the sprinkling of the blood, he is not liable for misusing consecrated property, as the sprinkling removes the meat from being subject to the halakhot of misuse.

¹⁰⁵ The Gemara notes: In any event, Rabbi Shimon teaches that if one consumes the meat before the leftover blood was sprinkled, he is liable for misusing it. Is this not referring to a case where there was time left in the day to sprinkle the blood that had already been collected in the service vessel, and therefore, if he had desired, he could have sprinkled the blood? Nevertheless, the offering is subject to the halakhot of misuse. This indicates that merely collecting the blood in the service vessel alone, without actually sprinkling it, does not remove the offering from being subject to the halakhot of misuse.

¹⁰⁶ And accordingly, one may conclude from the baraita that it is fitness of consuming the meat of the offering that we learned in Rabbi Yehoshua's statement in the mishna. It is the fitness of consuming the meat of the offering that removes the possibility of being liable for the prohibition of misuse, not the fitness of sprinkling.

¹⁰⁷ The Gemara refutes this conclusion: No, the baraita is not referring to a case where there was time left in the day to sprinkle the blood that had already been collected. Rather, it is referring to a situation where the priest collected the blood shortly before sunset, where there was no time left in the day to sprinkle the blood while it was still daytime. Since the blood could not have been sprinkled, the offering is still subject to the prohibition of misuse. But if there had been time to sprinkle the blood, then that blood would be considered ready to be sprinkled, and the offering would no longer be subject to the prohibition of misuse, in accordance with the opinion that the criteria is the fitness of sprinkling of the blood.

¹⁰⁸ The Gemara raises a difficulty: But in that case, what is the halakha in a situation where there was time in the day to sprinkle the blood? According to the above claim, so too the halakha is that he is not liable for misusing the offering.

¹⁰⁹ If so, why does Rabbi Shimon specifically teach this distinction between a case before sprinkling, when the offering is still subject to the halakhot of misuse, and after sprinkling, when the offering is no longer subject to misuse? Let Rabbi Shimon instead teach a more precise distinction, between a situation where the blood was collected before sunset and there was time to sprinkle it but it was left overnight, in which case the offering is not subject to the prohibition of misuse, and a situation where the blood was collected after sunset, in which case it is still subject to the prohibition of misuse.

¹¹⁰ The Gemara answers that this is indeed what Rabbi Shimon meant, as he actually taught: Before it was fit for sprinkling, the offering is still subject to the prohibition of misuse, but after it was fit for sprinkling, it is no longer subject to the prohibition of misuse.

¹¹¹ The Gemara suggests another proof from a similar baraita. Come and hear: Rabbi Shimon says that there is a case of an offering of the most sacred order that was sacrificed with piggul intent where one is liable for misusing it, and there is also a case of piggul intent where one is not liable for misusing it.

¹¹² The baraita elaborates: How so? If someone consumed the meat before the sprinkling of the blood, he is liable for misusing consecrated property. If he consumed it after the sprinkling of the blood, he is not liable for misusing consecrated property, as the sprinkling removed the prohibition of misuse.

¹¹³ In any event, Rabbi Shimon teaches that if one consumes the meat of an offering that was rendered piggul before the blood was sprinkled, he is liable for misusing it. Is this not referring to a case where there was time left in the day to sprinkle the blood that had already been collected in the service vessel, and therefore, if he had desired, he could have sprinkled the blood? And yet Rabbi Shimon teaches that one is liable for misusing it. Once again, this would indicate that merely collecting the blood in the service vessel alone, without sprinkling, does not remove the possibility of the prohibition of misuse. And accordingly, one may conclude from the baraita that it is fitness of consuming the meat of the offering that we learned in Rabbi Yehoshua's statement in the mishna.

¹¹⁴ The Gemara refutes this conclusion: No, the baraita is referring to a situation where the priest collected the blood shortly before sunset, where there was no time to sprinkle the blood while it was still daytime. Since the blood could not have been sprinkled, the offering is still subject to the prohibition of misuse. The Gemara raises a difficulty: But if so, what is the halakha in a case where there was time in the day to sprinkle the blood? According to the above claim, the offering is indeed removed from being subject to the halakhot of misuse.

¹¹⁵ If so, why does Rabbi Shimon specifically teach this distinction between after sprinkling, when the offering is no longer subject to the halakhot of misuse, and before sprinkling, when the offering is still subject to misuse? Let Rabbi Shimon instead teach a more precise distinction, between a situation where the blood was collected before sunset and there was time to sprinkle it but it was left overnight, in which case the offering is not subject to the prohibition of misuse, and a situation where the blood was collected after sunset, in which case it is still subject to the prohibition of misuse.

¹¹⁶ The Gemara answers that that is indeed what Rabbi Shimon is saying: Before it was fit for sprinkling, the offering is still subject to the prohibition of misuse, but after it was fit for sprinkling, it is no longer subject to the prohibition of misuse.

¹¹⁷ § The Gemara suggests another proof. Come and hear: An offering of the most sacred order which is piggul is subject to the halakhot of misuse. The Gemara analyzes this statement: What, is this baraita not referring to a case where the priest already sprinkled its blood? This would indicate that a fit offering, unlike a piggul offering, is no longer subject to the prohibition of misuse only once the blood is sprinkled. And if so, one may conclude from the baraita that it is fitness of consuming the meat of the offering that we learned in Rabbi Yehoshua's statement in the mishna, i.e., this fitness of consuming the meat of the offering removes the prohibition of misuse. The Gemara rejects this suggestion: No, one cannot cite a proof from this baraita, as it is possible that the baraita is referring to a case where the priest did not yet sprinkle the blood.

¹¹⁸ The Gemara asks: But if so, what, then, is the halakha in a case where the priest did sprinkle the blood? Is the halakha indeed that one is no longer liable for misusing it? If so, why does the latter clause of the baraita specifically teach: Unlike an offering of the most sacred order, in the case of the sacrificial portions of an offering of lesser sanctity one is not liable for misusing it?

¹¹⁹ Let the baraita instead teach a distinction within the category of offerings of the most sacred order themselves: Here, the offering is subject to the prohibition of misuse because it is before the sprinkling of the blood, and there, the offering is not subject to the prohibition of misuse because it is after the sprinkling of the blood.

¹²⁰ The Gemara answers: The baraita could have taught that distinction, but it chose to state a distinction between offerings of the most sacred order and offerings of lesser sanctity because it comes to teach us this following principle: In any case where the result of sprinkling brings the offering into the category of the halakhot of misuse, e.g., the sacrificial portions of offerings of lesser sanctity, to which the halakhot of misuse apply only after the blood had been sprinkled, only sprinkling the blood properly brings the offering into the halakhot of misuse.

¹²¹ By contrast, in any situation where the result of sprinkling is removing the offering from the halakhot of misuse, e.g., the meat of an offering of the most sacred order, which was subject to the halakhot of misuse even before the blood was sprinkled, even sprinkling the blood improperly removes the offering from the halakhot of misuse. This ruling is not in accordance with the opinion of Rav Giddel.

¹²² MISHNA: The mishna presents a dispute with regard to the status of offerings of the most sacred order, which normally are not subject to the halakhot of misuse once their blood has been sprinkled and they have been permitted to the priests. The case of the mishna is the meat of offerings of the most sacred order, whose consumption is permitted from the moment their blood was sprinkled, that left the Temple courtyard before the sprinkling of the blood, and then reentered the courtyard.

¹²³ Rabbi Eliezer says: The sprinkling of this blood does not permit its consumption by the priests. Consequently, one is liable for misusing it. And he is not liable for eating it due to violation of the prohibitions of piggul, if he partook of it after it was slaughtered with the intent to partake of it or sprinkle its blood beyond its designated time, or of notar, if he partook of the meat after it remained overnight, or of partaking of the meat while ritually impure.

¹²⁴ Rabbi Akiva says: The sprinkling is effective despite the fact that the meat left the Temple courtyard and was disqualified, and therefore one is not liable for misusing it. Likewise, other halakhot that apply to offerings whose blood was sprinkled apply to it, and consequently one is liable for eating it due to violation of the prohibitions of partaking of meat that is piggul, or notar, or remained overnight, or of partaking of the meat while ritually impure.

¹²⁵ Rabbi Akiva said, in support of his opinion: But there is the case of one who designated an animal as his sin offering and it was lost, and he designated another animal in its stead, and thereafter the first sin offering was found and both of them are standing fit for sacrifice. If he slaughtered both animals at the same time and sprinkled the blood of one of them, which means that the second was disqualified as a leftover sin offering, the question arises as to the status of the meat of the second animal with regard to the halakhot of misuse.

¹²⁶ Is it not the case that just as the blood of the animal whose blood was sprinkled exempts its meat from liability for its misuse, so too it exempts the meat of the other animal? Since he could have chosen to sprinkle the blood of either animal, they are considered as though they were one offering.

¹²⁷ If so, one may learn from there by an a fortiori inference with regard to the case of sprinkling the blood of meat that left the courtyard and returned: If the sprinkling of its blood exempted the meat of the other animal from the halakhot of misuse, it is only right that it should exempt its own meat that left the courtyard.

¹²⁸ The mishna adds that just as Rabbi Eliezer and Rabbi Akiva disagree as to whether the sprinkling of blood exempts meat that left the courtyard from liability for its misuse, so too, they disagree with regard to the sacrificial portions of offerings of lesser sanctity consumed on the altar that left the Temple courtyard before the sprinkling of the blood. The dispute is whether the subsequent sprinkling of the blood generates liability for misuse of those portions.

¹²⁹ Rabbi Eliezer says: The sprinkling of the blood is completely ineffective in rendering those portions consecrated to the Lord. Consequently, one is not liable for misusing them. And similarly, one is not liable for their consumption due to violation of the prohibitions of piggul, notar, or of partaking of meat while ritually impure. Rabbi Akiva says: The sprinkling is effective, and therefore one is liable for misusing them. And likewise, one is liable for its consumption due to violation of the prohibitions of piggul, notar, or of partaking of the meat while ritually impure.

¹³⁰ GEMARA: The Gemara asks: Why do I need the mishna to cite these two disagreements, i.e., both the case of offerings of the most sacred order and offerings of lesser sanctity? After all, both disagreements are based on the same principle.

¹³¹ The Gemara answers: Both cases are necessary, as, if the disagreement was stated only with regard to offerings of the most sacred order, I would say that it is specifically in that case that Rabbi Eliezer says that one is liable for misusing the meat of the offering, due to the fact that only sprinkling the blood properly removes the offering from being subject to the halakhot of misuse. By

contrast, sprinkling the blood improperly, including for meat that left the courtyard, does not remove the offering from the halakhot of misuse.

¹³² But with regard to the issue of when the rite of sprinkling brings the offering into being subject to the halakhot of misuse, i.e., in the case of sacrificial portions of offerings of lesser sanctity, Rabbi Eliezer concedes to Rabbi Akiva that even sprinkling the blood improperly, as in this case, brings the offering into being subject to the halakhot of misuse.

¹³³ And by contrast, if their disagreement was stated only with regard to offerings of lesser sanctity, I would say that it is specifically in the case of offerings of lesser sanctity that Rabbi Akiva said one is liable for misusing them. This is due to the fact that here the act of sprinkling serves to include them in the category of misuse, and therefore even sprinkling the blood improperly, as in this case, brings the offering into being subject to the halakhot of misuse.

¹³⁴ But with regard to offerings of the most sacred order, where the sprinkling of the blood serves to remove the offering from being subject to the halakhot of misuse, one might say that Rabbi Akiva agrees that sprinkling the blood improperly does not remove the offering from being subject to the halakhot of misuse. Therefore, the mishna teaches us that the tanna'im disagree in both cases.

¹³⁵ § It was stated that amora'im disagree with regard to the opinion of Rabbi Akiva in the mishna. Rabbi Yoḥanan says: When Rabbi Akiva says that sprinkling is effective to remove the meat of offerings of the most sacred order that left the courtyard from the halakhot of misuse, that applies specifically in a case where only part of it left the courtyard and part remained inside. In such a situation, as the sprinkling is effective for the portion that remained inside the courtyard, it also is effective for the portion that left the courtyard. But if all of it left the courtyard, Rabbi Akiva did not say that the sprinkling is effective to remove the meat from the halakhot of misuse.

¹³⁶ Rav Asi said to Rabbi Yoḥanan: My colleagues in the exile, i.e., the Sages of Babylonia, already taught me that

¹³⁷ one renders an offering piggul by having an intention at the time of sprinkling to later sacrifice its sacrificial portions after the proper time, even with regard to sacrificial portions that were already lost and with regard to sacrificial portions that were already burned.

¹³⁸ The Gemara analyzes this statement: But sacrificial portions that are lost or burned are not present in the world, i.e., they are not available, and even so it is taught that one renders an offering piggul by an intention to consume it after its appointed time. It can be derived from here that if the entire offering left the courtyard, which is comparable to a case where it was lost, the sprinkling is effective with regard to the halakhot of misuse according to Rabbi Akiva. This apparently contradicts the opinion of Rabbi Yoḥanan.

¹³⁹ The Gemara asks: But did Rav Asi actually say this? Does he maintain that even if all of the meat and the sacrificial portions left the courtyard, the sprinkling is effective according to Rabbi Akiva? Didn't Rav Asi raise the following dilemma before Rabbi Yoḥanan: What is the halakha in a case where the priest intended during the sacrificial rites that the remnant of the blood, which is meant to be poured on the base of the altar immediately after the sprinkling, will be poured improperly tomorrow? Does the offering thereby become piggul, as this is similar to intending to sprinkle the blood after the proper time; or does such intent apply only to the blood that is actually sprinkled on the altar?

¹⁴⁰ And Rabbi Zeira said to Rav Asi in response to this dilemma: You already taught us in tractate Hullin, with regard to the ritual impurity of food and animal carcasses, that items that are not themselves edible but are attached to meat combine with the meat to constitute the requisite measure of an egg-bulk to transmit the impurity of foods. One instance of this principle is the meat residue attached to the hide after flaying, which combines with the meat to transmit the impurity of foods, despite the fact that it is not considered food and does not transmit impurity of foods on its own. Evidently this meat residue, since it has no substance and significance in and of itself, it is not susceptible to impurity.

¹⁴¹ The Gemara explains the contradiction: It follows that according to Rav Asi, in the case of this blood, which is meant to be poured on the base of the altar, since it is going to be lost and therefore is also insignificant, intent with regard to it is not effective to render the offering piggul. The blood that is to be poured on the base of the altar is similar to an offering that left the courtyard in its entirety, as they are both considered as though they are not present. Consequently, according to Rav Asi, in a case where the entire offering left the courtyard and is meant to be burned and thereby destroyed, it cannot be rendered piggul by means of intent during the sprinkling. This follows Rabbi Yoḥanan's interpretation of the opinion of Rabbi Akiva, that he is referring only to a case where the offering left partially, not where the entire offering left.

¹⁴² The Gemara objects: But Rav Asi cited that which the baraita teaches: One can render an offering piggul by means of one's intent, even with regard to sacrificial portions that were already lost and with regard to sacrificial portions that were already burned. This baraita itself poses a difficulty, as it indicates that intent is effective even for that which has been destroyed. Rava said in response: Emend the wording of the baraita and say instead: One can render an offering piggul by means of one's intent, even with regard to sacrificial portions that stand to be lost or with regard to sacrificial portions that stand to be burned, but were not yet destroyed. Since they are currently present, such intent is effective to render the offering piggul. But in a case where the offering left the courtyard, as it is not present, intent is ineffective with regard to it.

¹⁴³ § With regard to Rabbi Akiva's opinion in the mishna, Rav Pappa says that Rabbi Akiva says his ruling, that sprinkling is effective for the meat of offerings that left the courtyard before sprinkling, with regard to piggul and the halakhot of misuse, only in a case where the meat left while the blood remained inside and was sprinkled. But if the blood itself left, then even if it was returned to the courtyard and was sprinkled, in such a case the sprinkling of blood that left the courtyard is not effective to remove the meat from the halakhot of misuse.

¹⁴⁴ The Gemara notes that this opinion of Rav Pappa is also taught in a baraita: If one slaughtered the animal in silence, i.e., with no improper intent, and the blood subsequently left the courtyard, even though it was returned to the courtyard and the priest later sprinkled it, he has done nothing, i.e., it is ineffective. Therefore, in the case of offerings of the most sacred order, one who derives benefit from it is still liable for misuse of consecrated property, as the sprinkling did not render the meat permitted. Likewise, in the case of offerings of lesser sanctity, the sprinkling does not render the sacrificial portions subject to the halakhot of misuse, and therefore one who derives benefit from it is not liable for misuse, as is the case before the sprinkling.

¹⁴⁵ The Gemara continues to analyze the opinion of Rabbi Akiva. Rabbi Akiva said, in support of his opinion: To what is this case, where the meat left before the blood was sprinkled, comparable? To the

case of one who designated an animal as his sin offering and it was lost, and he designated another animal in its stead, and thereafter the first sin offering was found and both of them stand fit for sacrifice. From the fact that the second, unfit offering is exempted by means of the sprinkling of the blood of the first, fit offering, it may be inferred that the meat of an offering is exempted from the halakhot of misuse by the sprinkling of its own blood, despite the fact that the meat left the courtyard.

¹⁴⁶ Rabbi Elazar says: When Rabbi Akiva says his opinion, that the sprinkling of the blood of one of the offerings exempts the other from the halakhot of misuse, that applies specifically in a situation where the two offerings were slaughtered at the same time, i.e., by two priests simultaneously, as in such a case they are considered like a single body. But in a case where the two offerings were slaughtered one after the other, Rabbi Akiva did not say that the sprinkling of one exempts the other from the halakhot of misuse. This is because when the first offering was slaughtered, the other became unfit as a leftover sin offering. Since there was no point at which its meat was permitted to be consumed by the priests, it was not exempted from the halakhot of misuse.

¹⁴⁷ The Gemara cites a relevant baraita: It is taught in a baraita that Rabbi Shimon said: When I went to the village of Pani, a certain old man found me and said to me: Is it so that Rabbi Akiva would say that sprinkling is effective for the meat of offerings that left the courtyard and were thereby rendered unfit, with regard to the halakhot of misuse? I said to him: Yes. And when I came and presented this matter that the old man said before my colleagues in Galilee, they said, agreeing with his skepticism: How could Rabbi Akiva have said that? Since the meat that left the courtyard is unfit, how can the sprinkling effect acceptance for that which is unfit?

¹⁴⁸ But when I left their presence and presented this matter before Rabbi Akiva, he said: And you, my son, do you not say so, that sprinkling is effective even with regard to that which is unfit? But in the case of one who designated an animal as his sin offering and it was lost and he designated another animal in its stead, and thereafter the first sin offering was found and both of them stand fit for sacrifice, he may sacrifice either animal, thereby rendering the other unfit, and yet both are subject to the halakhot of misuse. This is due to the fact that these offerings remain consecrated to God, and therefore one who derives benefit from them is liable for misuse. Likewise, if one slaughtered them both, and their blood is placed in cups and the blood of one of them will be sprinkled on the altar, both of them are subject to the halakhot of misuse.

¹⁴⁹ And in a case where the blood of one of the sin offerings was sprinkled, do you not concede that just as the sprinkling of its blood exempts its meat from the halakhot of misuse, so too, it exempts the meat of the other animal from the halakhot of misuse?

¹⁵⁰ If so, one may infer from here by an a fortiori inference with regard to the case of sprinkling the blood of meat that left the courtyard: If the sprinkling of its blood spared the meat of the other animal from the halakhot of misuse, even though that animal is unfit, as it is a leftover sin offering, it is only right that the blood that was sprinkled should exempt its own meat, despite the fact that it left the courtyard.

¹⁵¹ With regard to this reply by Rabbi Akiva, Reish Lakish says in the name of Rav Oshaya: Rabbi Akiva gave a deceptive response to that student of his, Rabbi Shimon. Reish Lakish elaborates: Based on Rabbi Akiva's reply, one would think that if the two sin offerings were slaughtered at the same time, then yes, the blood of one sin offering exempts the meat of the other from the halakhot of

misuse. But if they were slaughtered one after the other, it does not exempt the meat of the other offering.

¹⁵² But since in either case the other offering, whose blood was not sprinkled, is unfit, as it is a leftover sin offering, what difference does it make to me whether they were slaughtered at the same time or whether they were slaughtered one after the other? In either case, according to Rabbi Akiva, the sprinkling of one should exempt the meat of the other from the halakhot of misuse.

¹⁵³ Rabbi Yoḥanan said to Reish Lakish in response: And you, who raise this difficulty, do you not also say the same, that there is a difference between a case where they were slaughtered at the same time, and are therefore considered one entity, when the sprinkling of the blood of one offering exempts the meat of the other, and a case where they were slaughtered one after the other, and are therefore considered two separate entities, which means that the blood of one offering does not exempt the meat of the other?

¹⁵⁴ But in a case where one separated two guilt offerings as a guarantee for his obligation of a single guilt offering, i.e., that if one were lost he could achieve atonement by means of the second, and one slaughtered both of them, and the priest first brought up the sacrificial portions of one of them onto the altar before sprinkling any blood, and then sprinkled the blood of the other offering, would you not concede that even if the sacrificial portions of this offering whose blood was not sprinkled ascended the altar, that they shall descend without being sacrificed? The proper procedure is that first the blood is sprinkled and only then are the sacrificial portions brought up onto the altar to be sacrificed.

¹⁵⁵ Rabbi Yoḥanan analyzes this case: And if it enters your mind to say that even when the two offerings were slaughtered one after the other they are still considered as one entity, why is it the halakha that if the sacrificial portions ascended the altar, they shall descend? Doesn't Ulla say that sacrificial portions of offerings of lesser sanctity which one brought up to the altar before the sprinkling of the offering's blood, and are therefore not yet fit for the altar, shall not descend, but are sacrificed, as the sacrificial portions have become the food of the altar, by virtue of their placement upon it?

¹⁵⁶ Reish Lakish was silent, as he had no answer to Rabbi Yoḥanan's difficulty. Rabbi Yoḥanan said in this regard: We have cut off the legs of the child, i.e., I have refuted Reish Lakish's opinion by raising a difficulty that eliminates the basis for his opinion.

¹⁵⁷ MISHNA: With regard to establishing liability for misuse of consecrated items, there is an aspect of leniency and an aspect of stringency in the act of sprinkling the blood of offerings of the most sacred order. But with regard to the sprinkling of the blood in the case of offerings of lesser sanctity, it contains in its entirety aspects of stringency, i.e., there are only aspects of stringency.

¹⁵⁸ How so? The status of offerings of the most sacred order is that before the sprinkling of blood, one is liable for misusing their sacrificial portions that are to be burned on the altar, and for misusing the meat that is to be eaten by the priests. Since the meat is prohibited prior to sprinkling the blood, it is in the category of items consecrated to God, which are subject to the halakhot of misuse. After the sprinkling of the blood of offerings of the most sacred order, one is still liable for misuse of their sacrificial portions, as they remain prohibited to be eaten and are in the category of items consecrated to God, but one is not liable for misuse of the meat, as it is now permitted for consumption by the

priests. This explains how there is an aspect of leniency in the sprinkling of the blood of offerings of the most sacred order.

¹⁵⁹ By contrast, for consumption of both this, the sacrificial portions, and that, the meat, after the sprinkling of the blood, one is liable to receive karet due to violation of the prohibition against consumption of piggul, and the prohibition against consumption of notar, and the prohibition against consumption of sacrificial meat while ritually impure. Consequently, the act of sprinkling blood of offerings of the most sacred order is found to contain an aspect of leniency and an aspect of stringency.

¹⁶⁰ But with regard to the sprinkling of the blood of offerings of lesser sanctity, all of their aspects are of stringency. How so? The status of offerings of lesser sanctity is that before the sprinkling of the blood, one is not liable for misuse, not for their sacrificial portions nor for the meat. After the sprinkling of the blood, one is liable for misuse of their sacrificial portions, but one is not liable for misuse of the meat. This explains how the sprinkling of the blood in the case of offerings of lesser sanctity causes a stringency in terms of the halakhot of misuse.

¹⁶¹ And for consumption of both this, the sacrificial portions, and that, the meat, after the sprinkling of the blood, one is liable to receive karet due to violation of the prohibition against consumption of piggul, and of the prohibition against consumption of notar, and of the prohibition against consumption of sacrificial meat while ritually impure. Consequently, in the act of sprinkling the blood of offerings of lesser sanctity, it is found that all of their aspects are of stringency.

¹⁶² GEMARA: The mishna teaches: After the sprinkling of the blood of offerings of the most sacred order, one is not liable for misusing the meat. The Gemara infers from this that there is no liability for misuse of consecrated property, but there is a prohibition for the priest to eat from it even after the blood has been sprinkled. The Gemara therefore asks: But why is there such a prohibition? Isn't the meat the property of the priests after the blood has been sprinkled, and therefore it is permitted for them in consumption?

¹⁶³ The Gemara answers: This is not difficult, as the above inference is invalid. The reason that the mishna taught that one is not liable, rather than saying that the meat is permitted, is as follows: Since the first clause mentions the phrase: One is liable for misusing, the latter clause also mentions the parallel phrase: One is not liable for misusing. Therefore, the above inference is incorrect, as there is in fact no prohibition for the priests to eat the meat.

¹⁶⁴ The Gemara continues to analyze the mishna. Say the latter clause: But with regard to the sprinkling of the blood of offerings of lesser sanctity, all of their aspects are of stringency. How so? The status of the meat of offerings of lesser sanctity is that before the sprinkling of the blood, one is not liable for misuse, not for their meat nor for their sacrificial portions. And one is not liable due to violation of the prohibition against piggul, notar, or the consumption of sacrificial meat while ritually impure. After the sprinkling of the blood, one is liable for misuse of their sacrificial portions, and one is not liable for misuse of the meat.

¹⁶⁵ The Gemara infers as above: There is no liability for misuse of the meat of offerings of lesser sanctity, but there is a prohibition for the owners to consume it, even after the blood has been sprinkled. But why is there such a prohibition? Isn't this meat the property of the owners after the blood has been sprinkled, and it is permitted for them in consumption?

¹⁶⁶ Rabbi Ḥanina says in explanation: This is referring to meat that was taken out from the place where it is permitted to be eaten before the sprinkling of the blood, and the blood was later sprinkled. In such a case, the meat is prohibited. And this ruling is in accordance with the opinion of Rabbi Akiva in the mishna on 6b, who rules that sprinkling is effective in that it exempts the meat of the offerings of the most sacred order from the halakhot of misuse, and renders the meat of offerings of lesser sanctity subject to misuse, even if the meat left the courtyard.

¹⁶⁷ Rabbi Ḥanina continues: The tanna here is teaching that when Rabbi Akiva says that sprinkling is effective with regard to the meat of offerings of the most sacred order or the sacrificial portions of offerings of lesser sanctity that left the courtyard, with regard to the halakhot of misuse, piggul, notar, and the prohibition against consumption of sacrificial meat while ritually impure, that applies specifically with regard to the halakhot of its burning, that it is not burned right away, but that one must wait until the following morning to burn it.

¹⁶⁸ But as for permitting it for eating, in this regard even Rabbi Akiva concedes that the sprinkling of the blood does not effect acceptance.

Chapter 2

¹ MISHNA: One who derives benefit from a bird sin offering is liable for misuse of consecrated property from the moment that it was consecrated. Once the nape of its neck was pinched, it was rendered susceptible to disqualification for sacrifice through contact with one who was ritually impure who immersed in a ritual bath that day and is waiting for nightfall for the purification process to be completed, and through contact with one who has not yet brought an atonement offering to complete his purification process, e.g., a zav and a leper, who are not yet permitted to partake of sacrificial meat; and through its blood being left overnight, i.e., if its blood was not sprinkled before sunset.

² Once its blood was sprinkled, one is liable to receive karet for eating it due to violation of the prohibition of piggul, and the prohibition of notar, and the prohibition of partaking of sacrificial meat while ritually impure. But there is no liability for misuse of consecrated property, because after the blood is sprinkled it is permitted for priests to partake of its meat and it is no longer consecrated exclusively to God.

³ GEMARA: The mishna teaches: From the time the nape of its neck was pinched, the bird sin offering was rendered susceptible to disqualification for sacrifice through contact with one who immersed that day, and through contact with one who has not yet brought an atonement offering, and through its blood being left overnight. It can be inferred from here that yes, it is susceptible to disqualification, but it is not fit to render other items ritually impure.

⁴ In light of the above inference, the Gemara asks: Whose opinion is expressed in the mishna? The Gemara answers: It is the opinion of the Rabbis, as it is taught in a baraita (Tosefta, Teharot 1:4) that Abba Shaul says: With regard to one who immersed that day,

⁵ until sunset he is treated as one who is impure with first-degree impurity with regard to sacrificial food. In other words, an item of sacrificial food that he touches assumes the status of second-degree impurity. A second item that comes into contact with the first item of food assumes third-degree

impurity. If a third item comes into contact with the second item, it assumes fourth-degree impurity, i.e., it may not be eaten but does not impart impurity to other items.

⁶ Rabbi Meir says: One who immersed that day is considered impure with second-degree impurity, even with regard to sacrificial food, and therefore he renders sacrificial food impure and disqualifies teruma. And the Rabbis say: Just as he merely disqualifies teruma liquids and teruma foods, without them becoming impure to a degree that their impurity is transferred to another item, so too, he only disqualifies sacrificial liquids and sacrificial foods. Apparently, the mishna here is in accordance with the opinion of the Rabbis, not the opinions of Abba Shaul and Rabbi Meir.

⁷ Rava rejects this analysis and says: The mishna can be explained even in accordance with the opinions of Abba Shaul and Rabbi Meir, as they might agree that by Torah law one who immersed that day only disqualifies the food and does not render it impure. But according to Abba Shaul, the Sages established a higher standard with regard to consecrated items, and therefore the Sages equated one who immersed that day to one who is impure with first-degree ritual impurity.

⁸ Rava continues: According to Rabbi Meir, the Sages equated the impurity of one who immersed that day to food of second-degree ritual impurity, but according to the opinion of the Rabbis there is no additional impurity by rabbinic law. Their reasoning is that since he has immersed, although he is not completely pure, his level of ritual impurity is relatively weak. Therefore, he renders a sin offering disqualified, but he does not render it ritually impure.

⁹ § The mishna teaches with regard to a sin offering: Once its blood was sprinkled, one is liable to receive karet for its consumption due to violation of the prohibition of piggul, and the prohibition of notar, and the prohibition of partaking of sacrificial meat while ritually impure, but there is no liability for misuse of consecrated property. The Gemara infers: There is no liability for misuse of consecrated property, but there is a prohibition against deriving benefit from it even after the blood has been sprinkled. But why is there such a prohibition? Isn't the meat of the sin offering the property of the priests after the blood has been sprinkled? Accordingly, they would therefore be permitted to consume this meat.

¹⁰ Rabbi Ḥanina says in explanation: The mishna is referring to meat that has been taken out from the place where it is permitted to be eaten. And this ruling is in accordance with the opinion of Rabbi Akiva, who said: Sprinkling of the blood renders fit those portions that were taken out of the place where they may be eaten, i.e., the prohibition of misuse no longer applies to them, but they are not fit for consumption.

¹¹ The Gemara continues to discuss the halakha of a bird sin offering. After the nape of its neck has been pinched and the blood sprinkled, the neck of the bird is pressed onto the side of the altar so that the blood is squeezed out and trickles down to the base of the altar. Rav Huna says that Rav says: Failure to squeeze out the blood from a bird sin offering after sprinkling the blood does not invalidate the offering or prevent atonement, as Rav teaches in his version of the mishna: Once its blood was sprinkled.

¹² By contrast, Rav Adda bar Ahava says that Rav says: Failure to squeeze out the blood from a bird sin offering after sprinkling the blood does invalidate the offering and prevents atonement. And Rav teaches in his version of the mishna: Once its blood was squeezed out. Only after the blood has been squeezed out is the atonement complete and the bird may be eaten.

¹³ The Gemara raises a difficulty with regard to the statement of Rav Huna. Come and hear a verse in the Torah: “And he shall sprinkle of the blood of the sin offering upon the side of the altar; and the remainder of the blood shall be squeezed out at the base of the altar, it is a sin offering” (Leviticus 5:9). Granted, according to the opinion of Rav Adda bar Ahava, who holds that the squeezing out of the blood is essential, this is as it is written: “And the remainder of the blood shall be squeezed out at the base of the altar, it is a sin offering.” This clause indicates that only after the blood has been squeezed out is it considered a valid sin offering. But according to the opinion of Rav Huna, what does the verse mean when it states: “The remainder of the blood shall be squeezed out at the base of the altar, it is a sin offering”?

¹⁴ The Gemara answers that Rav Huna explains this verse as it is taught in a baraita of the school of Rabbi Yishmael: The verse teaches that if any of the blood remains inside the bird it must be squeezed out, but there is no requirement to ensure that blood must remain so that it can be squeezed out. Consequently, even if one does not squeeze out any blood on the side of the altar, the offering is valid. And what is the meaning of the phrase: “It is a sin offering”? This is referring to the first clause of the verse, i.e., it is a valid sin offering only if the blood is sprinkled on the side of the altar.

¹⁵ Rav Aḥa, son of Rava, said to Rav Ashi: If that is so, consider the fact that it is written with regard to a meal offering: “But that which is left of the meal offering shall be Aaron’s and his sons’; it is a thing most holy of the offerings of the Lord made by fire” (Leviticus 2:3). Does this also mean that if some of the meal offering remains then it is given to the priests, but there is no need to ensure that some of it remains ab initio? And if you would say this is indeed the case,

¹⁶ but isn’t it taught in a baraita: The verse states: “And he shall bring it to Aaron’s sons the priests; and he shall remove his handful of its fine flour, and of its oil, together with all its frankincense; and the priest shall make its memorial part smoke upon the altar, an offering made by fire, of a pleasing aroma to the Lord” (Leviticus 2:2)? This verse excludes those situations where some of its flour was missing, or some of its oil was missing, or some of its frankincense was missing, in which case the priest may not place the meal offering on the fire. This indicates that one must ensure that some of the flour, oil, and frankincense remain.

¹⁷ The Sages said in response to the difficulty of Rav Aḥa, son of Rava: In general, the terms “remainder” or “leftover” refer to a situation where there happened to be some of the item remaining. Yet, the case of the meal offering is unique, as there it is written: “But that which is left of the meal offering shall be Aaron’s and his sons’; it is a thing most holy of the offerings of the Lord made by fire” (Leviticus 2:3). This part of the verse is superfluous, as it appears in Leviticus 2:10 as well. It is therefore derived from the repetition of this phrase that in the specific case of a meal offering one must ensure that some of the items remain. This requirement does not apply to a bird sin offering.

¹⁸ Shmuel’s father raises an objection to Rav Huna from a mishna (Zevaḥim 64b): With regard to both a bird sin offering and a bird burnt offering, where the priest pinched their nape or squeezed out their blood with the intent to partake of an item whose typical manner is to partake of it, or to burn an item whose typical manner is to burn it on the altar, outside its designated area, the offering is not valid, but there is no liability for karet for one who partakes of the offering. If his intent was to eat it or burn it beyond its designated time, the offering is piggul and one is liable to receive karet for partaking of the offering, provided that the permitting factor, the blood, was sacrificed in accordance

with its mitzva. In any event, this mishna teaches: Squeezed out their blood, indicating that failure to squeeze out the blood disqualifies the offering.

¹⁹ Shmuel's father raises the objection and he resolves it himself. The tanna of that mishna teaches it disjunctively. In other words, the two clauses of the mishna are referring to two different cases. The halakha of pinching the nape of the neck applies to both the bird sin offering and the bird burnt offering. By contrast, the squeezing out of the blood applies only to a bird burnt offering, whose blood is not sprinkled on the altar. For this reason, the priest's intent at the time of squeezing out the blood is significant. In the case of a bird sin offering, it is only an intent at the time of sprinkling that invalidates the offering.

²⁰ The Gemara returns to the matter itself, i.e., the baraita cited above: The tanna of the school of Rabbi Yishmael taught that if any of the blood remains inside the bird it must be squeezed out, but there is no requirement to ensure that blood remains for this purpose. Consequently, even if one does not squeeze out the blood on the side of the altar, the offering is valid.

²¹ The Gemara asks: But the school of Rabbi Yishmael taught there, on Zevahim 52a, that failure with regard to the remainder of the blood invalidates the offering, and Rav Pappa said: Both Rabbi Yishmael and Rabbi Akiva agree that failure to pour the remainder of the blood on the base does not invalidate the offering. The practical difference between them is whether or not failure to squeeze out the blood from a bird sin offering after sprinkling the blood invalidates the offering. The school of Rabbi Yishmael rules that it does invalidate the offering, and Rabbi Akiva maintains that it does not invalidate the offering. The Gemara answers: There are two tanna'im and they disagree with regard to the opinion of Rabbi Yishmael.

²² MISHNA: One is liable for misusing a bird burnt offering from the moment that it was consecrated. When the nape of its neck was pinched, it was rendered susceptible to disqualification for sacrifice through contact with one who immersed in a ritual bath that day, and through contact with one who has not yet brought an atonement offering, and through its blood being left overnight. Once its blood was squeezed out, one is liable to receive karet for eating it, due to violation of the prohibition of piggul, and the prohibition of notar, and the prohibition of partaking of sacrificial meat while ritually impure. And as it may not be eaten, one is liable for its misuse until it leaves to the place of the ashes, where it is burned.

²³ One is liable for misuse of bulls that are burned and goats that are burned from the moment that they were consecrated. Once they were slaughtered, they were rendered susceptible to disqualification for sacrifice through contact with one who immersed that day, and through contact with one who has not yet brought an atonement offering, and through its blood being left overnight. Once its blood was sprinkled, one is liable to receive karet for eating it, due to violation of the prohibition of piggul, and the prohibition of notar, and the prohibition of partaking of sacrificial meat while ritually impure. And one is liable for its misuse even when it is in the place of the ashes, until the flesh has been completely scorched.

²⁴ One is liable for misuse of the burnt offering from the moment that it was consecrated. Once it was slaughtered it was rendered susceptible to disqualification for sacrifice through contact with one who immersed that day, and through contact with one who has not yet brought an atonement offering, and through its blood being left overnight. Once its blood was sprinkled, one is liable to receive karet for eating it, due to violation of the prohibition of piggul, and the prohibition of notar,

and the prohibition of partaking of sacrificial meat while ritually impure. And one is not liable for misuse of the hides, but one is liable for misuse of the flesh until it leaves to the place of the ashes.

²⁵ One is liable for misuse of a sin offering, and a guilt offering, and communal peace offerings from the moment that they were consecrated. Once they were slaughtered they were rendered susceptible to disqualification for sacrifice through contact with one who immersed that day, and through contact with one who has not yet brought an atonement offering, and through its blood being left overnight. Once their blood was sprinkled, one is liable to receive karet for eating them, due to violation of the prohibition of piggul, and the prohibition of notar, and the prohibition of partaking of sacrificial meat while ritually impure. One is not liable for misuse of the flesh, but one is liable for misuse of their sacrificial portions, i.e., the portions that are to be consumed on the altar, until they leave to the place of the ashes.

²⁶ One is liable for misuse of the two loaves brought on the festival of Shavuot from the moment that they were consecrated. Once they formed a crust, they were rendered susceptible to disqualification for sacrifice through contact with one who immersed that day, and through contact with one who has not yet brought an atonement offering, and through it being left overnight, and they are rendered eligible to slaughter with them the accompanying offering of the two lambs. Once the blood of the lambs is sprinkled, one is liable to receive karet for eating the loaves, due to violation of the prohibition of piggul, and the prohibition of notar, and the prohibition of partaking of consecrated food while ritually impure. And they are not subject to the halakhot of misuse, as at that point their consumption is permitted.

²⁷ One is liable for misuse of the shewbread, which is arranged on the Golden Table in the Sanctuary each Shabbat, from the moment that it was consecrated. Once it formed a crust in the oven it assumes the status of bread and its halakhic status is like that of offerings of the most sacred order after the animal was slaughtered, in that it was rendered susceptible to disqualification through contact with one who immersed that day, and through contact with one who has not yet brought an atonement offering, and it is rendered eligible for arrangement upon the Table in the Sanctuary.

²⁸ Once the bowls of frankincense brought with the shewbread of the previous week were sacrificed, one is liable to receive karet for eating the loaves due to violation of the prohibition of piggul, and the prohibition of notar, and the prohibition of partaking of consecrated food while ritually impure. But it is not subject to the halakhot of misuse, as at that point its consumption is permitted.

²⁹ One is liable for misuse of the meal offerings from the moment that they were consecrated. Once they were consecrated through placement of the flour in a service vessel, they were rendered susceptible to disqualification for sacrifice through contact with one who immersed that day, and through contact with one who has not yet brought an atonement offering, and through its blood being left overnight.

³⁰ Once the handful taken from the meal offering was sacrificed, one is liable to receive karet for eating the meal offering due to violation of the prohibition of piggul, and the prohibition of notar, and the prohibition of partaking of consecrated food while ritually impure. And one is not liable for misuse of the remainder of the meal offering, which is eaten by the priests, but one is liable for misuse of the handful that is sacrificed, until it leaves to the place of the ashes.

³¹ GEMARA: It was stated that there is a dispute between amora'im with regard to one who derives benefit from the ash of the round heap that is on top of the altar. Rav says: One who derives benefit

from it is not liable for misuse of consecrated property, and Rabbi Yoḥanan says: One who derives benefit from it is liable for misuse of consecrated property.

³² The Gemara clarifies this dispute: Before the removal of the ashes, everyone agrees that one who derives benefit from it is liable for misuse of consecrated property. The reason is that the mitzva of the removal of the ashes has not yet been completed. When they disagree it is with regard to the halakha after the removal of the ashes, at which point the mitzva has been completed.

³³ Rav says that one who derives benefit from it is not liable for misuse of consecrated property, as its mitzva has been performed and completed. And Rabbi Yoḥanan says that one is liable for misuse, since it is written: “And the priest shall put on his linen garment, and his linen breeches shall he put upon his flesh; and he shall take up the ashes to where the fire has consumed the burnt offering on the altar, and he shall put them beside the altar. And he shall remove his garments, and don other garments, and carry forth the ashes outside the camp” (Leviticus 6:3–4). Rabbi Yoḥanan explains: Since taking the ashes outside the Temple also requires the priestly vestments, albeit garments of lesser quality than those used to remove the ashes from the altar, evidently the ash remains in its consecrated state.

³⁴ The Gemara raises a difficulty against the opinion of Rav. We learned in the mishna, with regard to the bird burnt offering: One is liable for its misuse until it leaves to the place of the ashes, where it is burned. This indicates that the halakhot of misuse apply while the ashes remain on the altar, even after the removal of ashes, which is difficult for the opinion of Rav. The Gemara answers that Rav could have said to you: The mishna means that one is liable until the ash is fit to be taken out to the place of ashes, i.e., once it is burned on the altar and has had a shovel of ashes removed from it.

³⁵ The Gemara raises an objection to Rav’s explanation from a mishna (Zevahim 86a): And all of those unfit offerings, with regard to which it was taught that if they ascended to the altar they do not descend, in a case where they were dislodged from upon the altar, the priest does not restore them to the altar. And likewise, with regard to an ember that was dislodged from upon the altar, the priest does not restore it to the altar. It can be inferred from the mishna that if the ember was still on the altar, then the priest must restore it.

³⁶ The Gemara explains the objection: Granted, according to Rabbi Yoḥanan this works out well, as he maintains that even after the shovelful of ashes has been removed, an ember on the pile of ashes still retains its sanctity. But according to Rav this is difficult. The Gemara answers that Rav could have said to you: An ember is different, as it has substance [meshasha] and is therefore still fit to be burned on the altar.

³⁷ There is a Sage who stated this objection in the opposite manner: The mishna indicates that the reason that the priest must return it to the altar is because it is an ember, and that it has substance. It can be inferred from this that one who derives benefit from ash, which does not have substance, is not liable for misuse of consecrated property even when it is on the top of the altar. Granted, according to Rav this works out well, but according to Rabbi Yoḥanan it is difficult.

³⁸ The Gemara answers that Rabbi Yoḥanan could have said to you: The same is true that even ash that was dislodged must be returned. And this is the reason that the mishna teaches an ember, and not ash: It is coming to teach us that even in the case of an ember, which has substance, if it is dislodged from upon the altar the priest does not return it.

³⁹ § One of the halakhot of misuse is that the violator must pay the value of the benefit he derived and add an extra one-fifth. It was stated that there is a dispute between amora'im with regard to this money: In the case of one who derives benefit from meat of an offering of the most sacred order before the sprinkling of the blood on the altar, or who derives benefit from sacrificial portions, such as the fats of offerings of lesser sanctity, after the sprinkling of the blood, Rav says: The value of that benefit which he derived is allocated for communal gift offerings, and Levi says: One must bring an item that is entirely consumed on the altar, e.g., incense. One does not bring a burnt offering with this money, as the hide of a burnt offering belongs to the priests.

⁴⁰ It is taught in a baraita in accordance with the opinion of Levi: This money paid for misuse of consecrated items, to where does it go? The Rabbis who are called: Those who learn before the Sages, say: One must bring an item that is entirely consumed on the altar, and what is that? Incense, which is burned on the altar in its entirety.

⁴¹ It is taught in another baraita in accordance with the opinion of Rav: In the case of one who derives benefit from money set aside for the purchase of a sin offering or set aside as money set aside for the purchase of a guilt offering, if he pays before his sin offering is sacrificed he must add the amount of the benefit he derived and an additional fifth and bring with that money a more expensive animal as his sin offering. And likewise, if he pays before his guilt offering is sacrificed, he must add the amount of the benefit he derived and an additional fifth and bring with that money a more expensive animal as his guilt offering. If his sin offering has already been sacrificed, the money is cast into the Dead Sea. If his guilt offering has already been sacrificed, the money is allocated for communal gift offerings.

⁴² The baraita continues: One who derives benefit from meat of an offering of the most sacred order before the sprinkling of the blood on the altar, or if he derives benefit from sacrificial portions, such as the fats of offerings of lesser sanctity, after the sprinkling of the blood, the value of that benefit which he derived is allocated for communal gift offerings. The baraita summarizes: The reimbursement for misuse of all offerings which are sacrificed on the altar is used to purchase items for the altar, whereas the reimbursement for misuse of all offerings which are consecrated for Temple maintenance is donated to Temple maintenance. And the reimbursement for misuse of all communal offerings is allocated for communal gift offerings.

⁴³ The Gemara notes that this baraita itself is difficult, i.e., it is apparently self-contradictory. In the first clause it teaches that if he pays before his sin offering is sacrificed he must add the amount of the benefit he derived and an additional fifth and bring a more expensive animal as his sin offering, and if his sin offering has already been sacrificed the money is cast into the Dead Sea. But it is taught in the latter clause of the baraita: The reimbursement for misuse of all offerings that are sacrificed on the altar must be used to purchase items for the altar. The Gemara further explains the contradiction: And it can be inferred from this last statement that there is no difference if the owner has already achieved atonement through his sin offering and there is no difference if the owner has not yet achieved atonement through his sin offering.

⁴⁴ The Gemara answers that the first clause is in accordance with the opinion of Rabbi Shimon, who says: Any sin offering whose owners achieved atonement by means of another animal must be left to die. Therefore, if the owner has achieved atonement, the money for misuse must be cast into the Dead Sea.

⁴⁵ And the latter clause of the baraita is in accordance with the opinion of the Rabbis, who maintain that a sin offering that became lost is left to die only if it was found after its replacement had already been sacrificed. Rav Geviha of Bei Katil likewise said to Rav Ashi that this is what Abaye said: The first clause of that baraita is in accordance with the opinion of Rabbi Shimon and the latter clause is in accordance with the opinion of the Rabbis.

⁴⁶ § Rava says: With regard to the dispute between Rav and Rabbi Yoḥanan, everyone concedes that if one derived benefit from meat of an offering of the most sacred order that had become ritually impure before the sprinkling of the blood on the altar, or from the sacrificial portions, such as the fats of offerings of lesser sanctity, after they have been brought up to the altar, that he is not liable for misuse of consecrated property, and is exempt from repayment or bringing an offering. The reason is that although in both cases the meat must be burned, this burning is not considered part of the Temple service.

⁴⁷ The Gemara asks: Isn't this ruling obvious? What loss did the one who derived benefit cause to Temple property? The impure meat of an offering of the most sacred order is unfit for the altar and may not be eaten by the priests, and once the portions of offerings of lesser sanctity have been placed on the altar no further service is performed with them.

⁴⁸ The Gemara answers that Rava's statement is necessary, lest you say with regard to meat of an offering of the most sacred order that had become ritually impure: There is a mitzva for the priests to burn it; and lest you say with regard to the sacrificial portions from the fats of offerings of lesser sanctity: There is a mitzva to turn them with a fork [betzinnora] while they are on the altar, so that they will burn more evenly and quickly. Consequently, one who derives benefit from them should be liable for misuse. Rava therefore teaches us that there is no liability for misuse, as the mitzva to burn them or turn them is not considered part of the sacrificial rite.

⁴⁹ Rava said, in explanation of the above baraita: This halakha that you say, that if his sin offering has already been sacrificed, then the money is cast into the Dead Sea, this statement applies only if his prohibited benefit was made known to him before the atonement, i.e., before the sacrifice of the animal. In such a case, he could have added his money to the value and purchased a better animal for his offering. But if it became known to him only after the atonement, i.e., the sacrifice of the animal, the money is not cast into the Dead Sea. Instead, it is allocated for communal gift offerings. What is the reason? There is a principle that one does not separate money or an offering from the outset in order for it to be lost or destroyed by being cast into the Dead Sea.

⁵⁰ MISHNA: The mishna lists sacrificial items that are consumed in their entirety on the altar and of which the priests have no share. One is liable for misuse of the handful taken from the meal offering, and the frankincense burned with the handful on the altar, and the incense burned each day on the golden altar in the Sanctuary, and the meal offering of priests, from which a handful is not taken but which is burned in its entirety, and the meal offering of the anointed priest, i.e., the High Priest, and the meal offering sacrificed with the libations that accompany offerings. In all these cases, one is liable for misuse from the moment that they were consecrated through declaration.

⁵¹ Once one consecrated them by placing them in the appropriate service vessel, each was rendered susceptible to disqualification for sacrifice through contact with one who immersed in a ritual bath that day, and through contact with one who has not yet brought an atonement offering, and through its blood being left overnight, and one is liable to receive karet for eating it, due to violation of the

prohibition of notar, and due to the prohibition of partaking of it while ritually impure; but there is no liability for piggul in each of these cases.

⁵² This is the principle that applies to piggul: With regard to any consecrated item that has permitting factors, i.e., there is another item whose sacrifice renders it permitted for consumption by the altar or by an individual, one is not liable due to violation of the prohibition of piggul, and the prohibition of notar, and the prohibition of partaking of it while ritually impure, until they sacrifice the permitting factors.

⁵³ And with regard to any item that does not have permitting factors, e.g., the handful and the frankincense, as they render other items permitted whereas no other items are needed to render them permitted, once one sanctified them in the appropriate service vessel, one is liable to receive karet for eating it, due to violation of the prohibition of notar, and the prohibition of partaking of it while ritually impure; but there is no liability for piggul in those cases.

⁵⁴ GEMARA: The mishna teaches that one is liable for the prohibition of notar and the prohibition of eating an item while ritually impure, both with regard to items that have permitting factors and items that do not have permitting factors. The Gemara asks: From where are these matters derived? The Gemara answers that this is as the Sages taught in a baraita: One might have thought that one is liable due to partaking of sacrificial food in a state of ritual impurity only with regard to an item that has permitting factors.

⁵⁵ The baraita continues: And this is a logical inference: If with regard to piggul, which renders one who eats it unwittingly liable through one awareness, i.e., for one to be liable to bring a sin offering it is enough for him to become aware after the fact that he had sinned unwittingly, and its offering for one who eats it unwittingly is fixed, and there are no circumstances in which its general prohibition was permitted, i.e., it is never permitted to eat piggul, and yet one is liable due to the prohibition of partaking of piggul only for an item that has permitting factors, the same should certainly apply to ritual impurity.

⁵⁶ The Gemara elaborates: Then with regard to ritual impurity, where one is liable only in a case of two awarenesses, i.e., one is liable only if he was aware of his impurity before eating the meat, and then forgot and ate, and afterward again became aware of his impurity; and its offering to atone for this transgression is a sliding-scale offering, which varies according to the offender's financial status; and there are circumstances in which its general prohibition was permitted to the community, as communal offerings are sacrificed in the Temple in a state of impurity, under certain circumstances; is it not right that one should be liable for violating the prohibition of partaking of the meat while ritually impure only for an item that has permitting factors?

⁵⁷ Therefore, the verse states: "Say to them: Anyone of all your seed throughout your generations, that approaches the sacred items, which the children of Israel consecrate to the Lord, while his impurity is on him, that soul shall be cut off from before Me: I am the Lord" (Leviticus 22:3). The verse, which deals with eating while ritually impure, is speaking of all the sacred items, whether or not they have a permitting factor. One might have thought that they should be liable for eating them immediately, as soon as they have been verbally consecrated, even before they have been placed into a service vessel. The verse states: "That approaches the sacred items." This clause is puzzling, as it apparently leads to the unlikely conclusion that liability applies after one has touched the item.

⁵⁸ The baraita explains that Rabbi Elazar said: But is there a case of one who touches an item who is liable? Rather, how is this possible? The answer is that the phrase “approaches [yikrav] the sacred items” can also be understood as: The sacred items that are fit to be sacrificed [yikarev], and therefore with regard to any item that has permitting factors, one is not liable until the permitting factors have been sacrificed. And in the case of any item that does not have permitting factors, one is not liable until it is sanctified in a service vessel.

Chapter 3

¹ MISHNA: This mishna, which also appears in tractate Temura, deals with the five sin offerings left to die. It is cited here because of its relevance to the halakhot of misuse. The mishna first mentions three of those offerings: The offspring of a sin offering, and an animal that is the substitute for a sin offering, whether or not the owners achieved atonement by means of another offering, and a sin offering whose owners have died before the offering was sacrificed, shall die.

² And the other two sin offerings left to die are the sin offering whose year since birth passed and is therefore unfit for sacrifice, and a sin offering that was lost and when it was found it was blemished, with regard to which the halakhot are as follows: If the sin offering was found after the owner achieved atonement through the sacrifice of another animal as a sin offering, then the blemished animal shall die, and it does not render a non-sacred animal exchanged for it a substitute, as it is has neither inherent sanctity, which would make it fit for sacrifice on the altar, nor sanctity that inheres in its value. And one may not derive benefit from the found animal ab initio, but if he derived benefit from the animal he is not liable for its misuse.

³ And if the animal whose year passed was found before the owner achieved atonement, the found animal shall graze until it becomes blemished [shetista'ev], at which point it may not be sacrificed; and it shall be sold and the owner shall purchase another animal with the money received from its sale. The animal that was found blemished may be sold immediately, and the owner shall purchase another animal with the money received from its sale. In both cases, the animal renders a non-sacred animal exchanged for it a substitute, and one who derives benefit from it is liable for misusing it.

⁴ GEMARA: The mishna first groups together three cases of sin offerings that are left to die, after which it discusses the other two as another group. The Gemara asks: What is different about the three cases in the first clause that the mishna does not distinguish between whether or not the owner has achieved atonement, and what is different about the latter clause that the mishna does distinguish between cases where the owner has and has not achieved atonement?

⁵ The Gemara answers: The three cases of sin offerings discussed in the first clause are absolute, i.e., the halakha is the same whether or not the owner has achieved atonement. By contrast, the cases of the other two sin offerings discussed in the latter clause are not absolute, as their status depends on whether or not their owner achieved atonement by means of another offering.

⁶ The Gemara asks: Didn't the Mishna teach this same halakha verbatim in connection with the topic of substitution, in tractate Temura (21b)? Why is it repeated here? The Gemara answers: It is taught there, in Temura, because it discusses the halakhot of substitution, and it is taught again here in tractate Me'ila because it discusses the halakhot of misuse.

⁷ MISHNA: In the case of a nazirite who designated money for the three offerings he is obligated to bring upon completion of his naziriteship, a sin offering, a burnt offering, and a peace offering, but he did not specify which money was designated for which offering, since it is not clear what the money is intended for, one may not derive benefit from the money ab initio, but if he derived benefit from the money he is not liable for its misuse. This is due to the fact that all the money is fit for purchase of the peace offering, for which one is liable for misuse only after its blood is sprinkled, and therefore there is no liability for its misuse.

⁸ If the nazirite died and he had undesignated funds, meaning he did not specify which money was for each of the three offerings, all the money will be allocated for purchase of communal gift offerings. If the nazirite died and he had specified money, the money specified for purchase of the sin offering shall go to the Dead Sea for disposal, because one may not derive benefit ab initio from the money of a sin offering whose owner has died. But if it was not disposed of, and one derived benefit from the money, he is not liable for its misuse.

⁹ With the money specified for purchase of the burnt offering, one shall bring a gift burnt offering, and one is liable for misusing the funds. With the money specified for purchase of the peace offering, one shall bring a gift peace offering. Although it is a gift offering, the restrictions of the peace offering of the naziriteship apply, and therefore it is eaten for one day and that same night, not the standard two days and one night of a regular peace offering. And nevertheless the peace offering does not require the bringing of the loaves that accompany the peace offering of naziriteship, as it is written with regard to the loaves: “And shall place them on the hands of the nazirite” (Numbers 6:19), and in this case the nazirite is dead.

¹⁰ GEMARA: The mishna teaches that if a nazirite designated money for the three offerings that he is obligated to bring upon completion of his naziriteship but did not specify which money was designated for which offering, one who derived benefit from the money is not liable for its misuse, as all the money is fit for purchase of the peace offering. Reish Lakish objects to this: And let the tanna of the mishna also teach a similar halakha with regard to one who was obligated to bring a pair of birds as an offering in a purification ritual, e.g., for a leper or a woman who gave birth, and he designated money for those nests, i.e., the bird offerings, but did not specify which money was for the burnt offering and which was for the sin offering.

¹¹ Reish Lakish elaborates: Here too, the tanna could have stated that one may not derive benefit from the money ab initio, but if he derived benefit from it he is not liable for its misuse. This is due to the fact that all the money is fit for purchase of doves whose time of fitness for sacrifice has not yet arrived, as they are fit for sacrifice only when they are older; or pigeons whose time of fitness has passed, which are fit only when they are young. Since these are not fit to be sacrificed, one is not liable for misuse.

¹² Rava says in response: This halakha is not included in the mishna because the two cases are not comparable: In the case of the undesignated money, the Torah said to bring a peace offering as one of the obligatory offerings of a nazirite. Since any part of the money may be used to purchase the peace offering, there is no liability for its misuse. By contrast, in the case of one who designated money for bird offerings, did the Torah say to use this money to bring specifically doves whose time of fitness has not arrived? Such birds are not fit to be sacrificed on the altar. Therefore, it cannot be said this money is intended for a purpose that does not entail liability for misuse.

¹³ MISHNA: Rabbi Shimon says: With regard to misuse of the blood of offerings that is to be sprinkled on the altar, the halakha is lenient with regard to the status of the blood at the outset and stringent at its conclusion. With regard to misuse of the wine of the libations that accompany the offerings, the halakha is stringent with regard to the status of the wine at their outset and lenient at their conclusion.

¹⁴ The mishna explains: With regard to blood, at its outset, before it is sprinkled on the altar, one is not liable for misusing it; but once its remainder has been poured on the base of the altar and it emerges via the canal that runs through the Temple to the Kidron Valley at the foot of the Temple Mount, one is liable for misusing it. With regard to libations, at their outset, from the moment they were consecrated, one is liable for misusing them, but once they have descended to the drainpipes built into the altar and which extend beneath it, through which the libations flowed out of the Temple, one is no longer liable for misusing them, as their mitzva was fulfilled and therefore their sanctity has ceased.

¹⁵ GEMARA: The Gemara cites a baraita relating to the mishna's ruling that once the remainder of the blood emerged via the canal that runs through the Temple one is liable for its misuse. The Sages taught in a baraita: One is liable for misusing the blood of the offerings after it has emerged via the canal that runs through the Temple to the Kidron Valley. This is the statement of Rabbi Meir and Rabbi Shimon. And the Rabbis say: One is not liable for misusing the blood.

¹⁶ The Gemara asks: What is the reason of the one who says that one is not liable for misusing the blood, despite the fact that it comes from a consecrated offering? Ulla said that blood is not consecrated, because the verse states: "For the life of the flesh is in the blood, and I have given it to you upon the altar to atone for your souls" (Leviticus 17:11). "To you" indicates that it shall be yours, and it is not the property of the Temple. A Sage of the school of Rabbi Yishmael likewise taught that the term "to atone" teaches that God says: I gave it for atonement, and not for the prohibition against misuse of consecrated property.

¹⁷ Rabbi Yoḥanan says this halakha is derived from a different phrase, as the verse states: "For it is the blood that atones by reason of the life" (Leviticus 17:11). The word "is" teaches that the blood remains as it is, retaining the same status before atonement as after atonement: Just as after atonement it is not subject to the prohibition against misuse of consecrated property, as the mitzva has been performed, so too, before atonement it is not subject to misuse of consecrated property.

¹⁸ The Gemara asks: But if the basis for this halakha is that the status of blood remains the same before and after atonement, one can say the opposite, that its status after atonement should be like its status before atonement: Just as before atonement it is subject to misuse of consecrated property, so too, after atonement it is subject to misuse of consecrated property.

¹⁹ The Gemara rejects this contention with a rhetorical question: Is there anything whose mitzva has been performed and it is still subject to misuse of consecrated property? The Gemara challenges this assumption: Why not? Why not say this; is there really no precedent for such a suggestion?

²⁰ But there is the instance of the removal of the ashes of offerings burned on the altar, whose mitzva has been performed and nevertheless it is still subject to misuse of consecrated property.

²¹ The Gemara answers: The removal of the ashes cannot serve as a model for other halakhot whose mitzva has been performed, because the mitzva of the removal of the ashes and the limbs of the

scapegoat of Yom Kippur after it was pushed off the cliff are both subject to the prohibition of misuse even after their mitzva has been performed. Consequently, they are two verses that come as one, i.e., they are two cases that share a unique halakha not found elsewhere. And there is a principle: Any two verses that come as one do not teach their common aspect to apply to other cases.

²² The Gemara objects: This works out well according to the one who said that one may not derive benefit from the limbs of the scapegoat, as this is a second verse indicating that an item can be subject to the halakha of misuse even after its mitzva has been performed. But according to the one who said that one may derive benefit from the limbs of the scapegoat, and they are not subject to the halakha of misuse, what can be said to explain why it is not possible to derive this halakha from the removal of the ashes? According to that opinion, this is not a case of two verses that come as one.

²³ The Gemara explains: Even according to that opinion, the removal of the ashes cannot serve as a model for other halakhot whose mitzva has been performed, because the mitzva of the removal of the ashes and the priestly vestments, the four white garments worn by the High Priest on Yom Kippur, are both subject to the halakha of misuse of consecrated property even after their mitzva has been performed. Consequently, they are two verses that come as one, and any two verses that come as one do not teach their common aspect.

²⁴ The Gemara raises a further difficulty: This works out well according to the opinion of the Rabbis, who say that the verse: “And he shall take off the linen garments, which he wore when he went into the sacred place, and shall leave them there” (Leviticus 16:23), teaches that the four white garments worn by the High Priest on Yom Kippur are unfit for further use, and they require interment. According to their opinion, the answer given by the Gemara works out well.

²⁵ But according to the opinion of Rabbi Dosa, who said that these priestly vestments, which are the same as those required by an ordinary priest throughout the year, are permitted for use by an ordinary priest and do not require interment, which means that misuse of consecrated property does not apply to them, what can be said to explain why it is not possible to derive the halakha from the removal of the ashes, since it is a lone instance and therefore should serve as a general source for other cases?

²⁶ The Gemara responds: Even so, the removal of the ashes cannot serve as a model for other halakhot whose mitzva has been performed, because the cases of the removal of the ashes and the heifer whose neck is broken, a ritual performed in certain cases of murder where the perpetrator is not identified, are two verses that come as one that do not teach their common aspect, as they are both subject to the halakha of misuse of consecrated property even after their mitzva has been performed.

²⁷ The Gemara challenges this reply: This answer works out well according to the one who says that two verses that come as one do not teach their common aspect to other cases, but according to the one who said that two verses that come as one do teach their common aspect to other cases, what is there to say?

²⁸ The Gemara explains: Two exclusions are written in these two cases, which indicate that this halakha applies only to them. There, with regard to the heifer whose neck is broken, it is written: “The one whose neck was broken” (Deuteronomy 21:6), and the definite article indicates that this halakha should not be extended to other cases.

²⁹ And there, with regard to the removal of ashes, it is written: “And he shall put it next to the altar” (Leviticus 6:3), indicating that it alone is subject to the prohibition of misuse despite the fact that this is after the fulfillment of its mitzva. The verse emphasizes that this halakha applies to “it,” the ashes, but not to anything else. It is derived from these exclusions that specifically in the case of these, yes, there is misuse after the fulfillment of the mitzva, but with regard to other matters there is no misuse after fulfillment of the mitzva.

³⁰ § The mishna teaches: With regard to libations, at their outset, from the moment they were consecrated, one is liable for misusing them, but once they have descended to the drainpipes built into the altar one is no longer liable for their misuse. The Gemara suggests: Let us say that the mishna is not in accordance with the opinion of Rabbi Elazar bar Rabbi Tzadok.

³¹ As it is taught in a baraita that Rabbi Elazar bar Rabbi Tzadok says: There was a small gap between the ramp and the altar west of the ramp. Once in seventy years young priests would descend there to the drainpipes built into the altar and bring out from there the congealed wine left over from the libations that had accumulated over time, which resembled round cakes of dried and pressed figs. And they would burn it in sanctity in the Temple courtyard, as it is stated: “In sanctity shall you pour a libation of strong drink to the Lord” (Numbers 28:7). This teaches that just as its pouring is in sanctity, so too, its burning must be in sanctity.

³² Before addressing the issue of whether or not the mishna is in accordance with the opinion of Rabbi Elazar bar Rabbi Tzadok, the Gemara first analyzes the derivation stated at the end of the baraita: From where is this halakha of burning inferred? After all, the verse it cites is referring to pouring, not burning. Ravina said: It is derived by means of a verbal analogy between an expression of sanctity written with regard to libations and sanctity written with regard to leftover offerings. It is written here, with regard to libations: “In sanctity shall you pour a libation” (Numbers 28:7), and it is written there, with regard to leftover offerings: “You shall burn the leftovers in fire; they are not to be eaten, because it is sanctified” (Exodus 29:34).

³³ This teaches that just as the burning of leftover offerings must be in sanctity, so too, the burning of these congealed libations must also be in sanctity. After the Gemara has clarified the baraita itself, it returns to the issue of whether or not the mishna here is in accordance with the opinion of Rabbi Elazar bar Rabbi Tzadok. It is clear from the baraita that he maintains that even after the libations descend into the drainpipes that are built into the altar, they retain their sanctity and are therefore burned, which apparently contradicts the opinion of the mishna.

³⁴ The Gemara rejects this claim: You may even say that the mishna is in accordance with the opinion of Rabbi Elazar bar Rabbi Tzadok, as it can be claimed that the mishna is referring to the specific case where some of the libations were collected in the space between the ramp and the altar and did not reach the bottom of the drainpipes. In such a situation, the libations are not subject to misuse and there is no requirement of burning, even according to the opinion of Rabbi Elazar bar Rabbi Tzadok. By contrast, the tanna of the mishna agrees that libations that reached the bottom of the drainpipes are thereby consecrated, and therefore they are subject to misuse and there is a requirement of burning.

³⁵ There are those who say a different version of this discussion. Let us say that the mishna is in accordance with the opinion of Rabbi Elazar bar Rabbi Tzadok, and it is referring to the specific case where some of the libations were collected in the space between the ramp and the altar and did not

reach the bottom of the drainpipes. In such an instance the libations are not subject to misuse and there is no requirement of burning. One can infer that libations that reached the bottom of the drainpipes are thereby consecrated, and are subject to misuse and must be burned.

³⁶ The Gemara rejects this claim. The Sages say in response: No; this is not the correct explanation. Rather, Rabbi Elazar bar Rabbi Tzadok concedes that even libations that reached the bottom of the drainpipes are not subject to misuse, as by Torah law they are not consecrated. And his ruling that they must be burned applies by rabbinic law. The Gemara raises a difficulty: But Rabbi Elazar bar Tzadok cites a verse in support of this halakha that the libations are burned, which indicates that it applies by Torah law. The Gemara answers: The verse is a mere support, not an actual source for the halakha, and therefore its citation does not prove that this prohibition applies by Torah law.

³⁷ MISHNA: With regard to the removal of ash from the inner altar to the place where the ashes lifted from the outer altar are deposited, and similarly with regard to the wicks of the Candelabrum, one may not derive benefit from them ab initio; but if one derived benefit from them he is not liable for their misuse. In the case of one who consecrates anew the ash that has been removed, he is liable for misusing it. With regard to doves whose time of fitness for sacrifice has not arrived, as they are too young, and pigeons whose time of fitness for sacrifice has passed, as they are too old, one may not derive benefit from them ab initio; but if one derived benefit from them he is not liable for their misuse.

³⁸ GEMARA: The mishna teaches that the ashes of the inner altar are not subject to misuse once they have been moved to the place where the ashes lifted from the outer altar are deposited. The Gemara asks: Granted

³⁹ that the ashes of the external altar are subject to misuse, as it is written in the context of those ashes: “And he shall put it beside the altar” (Leviticus 6:3). This teaches that these ashes must be interred, despite the fact that their mitzva has been performed by its removal, and therefore they are subject to misuse. But from where do we derive that the ashes of the inner altar are also subject to misuse?

⁴⁰ Rabbi Elazar said in response: It is derived from the fact that the verse states with regard to a bird sacrificed as a burnt offering: “And he shall take away its crop with its feathers, and cast it beside the altar on the east part, in the place of the ashes” (Leviticus 1:16), referring to the location for the placement of the removed ashes. If this verse is not needed for the matter of the external altar, as that halakha is already derived from the phrase: “And he shall put them beside the altar” (Leviticus 6:3), apply it to the matter of the ashes of the inner altar, teaching that these ashes must also be placed there.

⁴¹ The Gemara questions this conclusion: One can say that this and that, i.e., both verses cited above, are stated with regard to the ashes that are on the external altar, and the additional verse is necessary to fix its place, i.e., that it should be put on the east part, which is mentioned only in Leviticus 1:16. If so, there is no source for the placement of the ashes of the inner altar.

⁴² The Gemara answers: If so, that both verses are referring to the external altar, and the sole purpose of Leviticus 1:16 is to fix its place, let that verse merely state: “And he shall take away its crop with its feathers and cast it beside the altar,” and it would be understood that the two verses are referring to the same place, as the identical phrase “beside the altar” appears in the other verse. What is the

reason for the additional phrase “in the place of the ashes”? It teaches that even the ashes of the inner altar are placed there.

⁴³ The Gemara asks: From where do we derive that the ashes of the Candelabrum are also placed to the east of the altar? The Gemara answers: It is derived from the definite article in: “The ashes,” as the verse could have said “ashes” and instead it said “the ashes.” This addition serves to include the ashes of the Candelabrum.

⁴⁴ MISHNA: The previous mishna teaches that one may not derive benefit from doves whose time of fitness for sacrifice has not arrived and from pigeons whose time of fitness for sacrifice has passed, but one who derived benefit from them is not liable for their misuse. Rabbi Shimon disagrees with this ruling and says: With regard to doves whose time of fitness for sacrifice has not arrived, one is liable for misusing them. With regard to pigeons whose time of fitness for sacrifice has passed, one may not derive benefit *ab initio*, but if one derived benefit from them he is not liable for their misuse.

⁴⁵ GEMARA: This and the preceding mishna indicate that the Rabbis and Rabbi Shimon disagree as to whether or not doves whose time of fitness for sacrifice has not arrived are subject to misuse. The Gemara clarifies their opinions: Granted, one can understand the opinion of Rabbi Shimon, as he himself teaches his reason in a mishna (Zevahim 112b). As Rabbi Shimon would say: In the case of any sacrificial animal that is fit to be sacrificed after the passage of time, e.g., doves that will be fit for sacrifice when they mature, if one consecrated it before its time of fitness and slaughtered it outside the Temple courtyard, that person is in violation of a prohibition but there is no liability to receive *karet* for it.

⁴⁶ But according to the opinion of the Rabbis, who hold that doves whose time of fitness for sacrifice has not arrived are not subject to misuse, in what way is this case different from an animal whose time has not yet arrived, and yet it can be consecrated? An animal whose time has not yet arrived enters the pen to be tithed together with the other animals (see Bekhorot 56a). Why is the case of the young doves any different?

⁴⁷ The Rabbis would say in response that the cases are not comparable. An animal whose time has not yet arrived can indeed be consecrated, just as is the *halakha* with regard to a blemished animal, which can be consecrated, although only to the degree that it is subject to redemption. But in the case of these birds, since a blemish does not render birds unfit, there is no possibility of redemption for blemished birds. Therefore, one cannot compare the case of animal, which is subject to redemption, to the case of a bird whose time has not yet arrived.

⁴⁸ § Ulla says that Rabbi Yoḥanan says: Sacrificial animals that died without being sacrificed are excluded from the *halakhot* of misuse by Torah law. This is because they are no longer fit to be sacrificed, and therefore are no longer in the category of: “The sacred items of the Lord” (Leviticus 5:15). They cannot be redeemed either, since one may not redeem sacrificial animals merely in order to feed them to the dogs.

⁴⁹ The Gemara relates that Ulla was sitting in the study hall and he recited this *halakha* in the name of Rabbi Yoḥanan. Rav Ḥisda said to him: Who will listen to you and Rabbi Yoḥanan, your teacher, with regard to this opinion, that such offerings are not subject to the *halakhot* of misuse by Torah law? After all, to where has the sanctity that was inherent in them until they died gone?

⁵⁰ Ulla said to Rav Ḥisda: According to your reasoning, the mishna itself should present a difficulty, as it teaches: With regard to doves whose time of fitness for sacrifice has not arrived, as they are too young, and pigeons whose time of fitness for sacrifice has passed, as they are too old, one may not derive benefit from them *ab initio*, but if one derived benefit from them he is not liable for their misuse. Here too, one can say: To where has the sanctity that was inherent in the pigeons whose time of fitness for sacrifice has passed gone? Why are they no longer subject to the *halakhot* of misuse?

⁵¹ Rav Ḥisda said to Ulla in response: I agree that both the sacrificial animals that died and the pigeons whose time of fitness for sacrifice has passed are not subject to the *halakhot* of misuse by Torah law. I also concede to you that in the case of sacrificial animals that died and doves whose time of fitness for sacrifice has not arrived there is a prohibition of misuse of consecrated property by rabbinic law. Accordingly, I am no longer troubled by the question of where the sanctity has gone. But there is another matter that is difficult for me: Is there anything where initially, when it was consecrated, it is not subject to the *halakhot* of misuse, and ultimately it is subject to the *halakhot* of misuse by rabbinic law, such as these doves whose time of fitness for sacrifice has not arrived?

⁵² The Gemara asks: And is it so that there is no instance of an item that is initially not subject to the *halakhot* of misuse, and in the end is subject to the *halakhot* of misuse? But there is the case of blood, which initially is not subject to the *halakhot* of misuse, and ultimately it is subject to the *halakhot* of misuse. As we learned in the mishna (11a): With regard to blood, at its outset, before it is sprinkled on the altar, one is not liable for misusing it, but once it emerges via the canal that runs through the Temple to the Kidron Valley at the foot of the Temple Mount, one is liable for misusing it.

⁵³ The Sages say in response: This is not a proof, as there too, in the case of blood it is subject to the *halakhot* of misuse initially.

⁵⁴ As Rav said: In a case of one who lets blood from a live sacrificial animal, deriving benefit from that blood is prohibited and one is liable for misusing it by Torah law. Since there is a stage when there is a prohibition of misuse by Torah law, one can understand the *halakha* that one is liable by rabbinic law for misusing the blood ultimately, when it descended to the Kidron Valley. This is not comparable to doves whose time of fitness for sacrifice has not arrived, as they are initially not subject to misuse by Torah law.

⁵⁵ § The Gemara analyzes the matter itself. Rav Huna says that Rav says: In a case of one who lets blood from a sacrificial animal, deriving benefit from that blood is prohibited and one is liable for misusing it. Rav Hamnuna raises an objection to the opinion of Rav from the mishna below: With regard to the milk of animals consecrated to be sacrificed and the eggs of doves consecrated to be sacrificed, one may not derive benefit from them *ab initio*, but if one derived benefit from them he is not liable for their misuse, despite the fact that one is liable for misuse of the animals and doves themselves. Apparently, the products of a consecrated item do not share its status with regard to the *halakha* of misuse. Why doesn't this principle apply to blood as well?

⁵⁶ Rav said to Rav Hamnuna in response: When we said the products of a consecrated item are also subject to the *halakha* of misuse that was only with regard to blood, as the animal cannot exist without blood and therefore the blood is considered like the animal itself. But in the case of milk, since the animal can exist without milk, the milk is not considered like the animal itself.

⁵⁷ Rav Mesharshiyya raises an objection to this suggestion from a baraita: One may not derive benefit from the dried manure and the fresh dung of offerings of the most sacred order found in the

Temple courtyard ab initio, but if one derived benefit from them he is not liable for misusing them; and the money received from their sale will be allocated for the treasury chamber of the Temple.

⁵⁸ In light of the suggested distinction between blood and milk, the Gemara asks: Why is the dung not subject to the halakhot of misuse? Here too, the animal cannot exist without dung, and therefore the dung should be subject to the halakhot of misuse like blood. The Sages say in response: How can you compare the two cases? In the case of this dung that comes to the animal from an external source, i.e., the food that it ate, this food goes out of the body in the form of dung and that other food comes into the body and takes its place. This description serves to exclude blood, which is part of the animal's body and is not replaced from an external source.

⁵⁹ The Gemara notes: The baraita teaches that one may not derive benefit from the manure and dung ab initio, but if one derived benefit from them he is not liable for misuse, and the money received from their sale will be allocated for the treasury chamber of the Temple. This supports the opinion of Rabbi Elazar, as Rabbi Elazar said: Wherever the Sages said an item is consecrated and not consecrated, as in this case where one may not derive benefit but he is not liable for misuse either, the money received from its sale is allocated for the treasury chamber of the Temple.

⁶⁰ MISHNA: With regard to the milk of sacrificial animals and the eggs of sacrificial doves, one may not derive benefit from them ab initio, but if one derived benefit from them after the fact he is not liable for their misuse.

⁶¹ In what case is this statement, that if one derived benefit from the eggs or milk of sacrificial animals, he is not liable for their misuse, said? It is stated in the case of sacrificial animals offered on the altar, as their eggs and milk are not brought to the altar and therefore they are considered distinct from the offerings themselves. But this is not the halakha in the case of animals that are not sacrificed and are consecrated only for Temple maintenance. For example, if one consecrated a hen he is liable for misusing it and for misusing its egg; if one consecrated a donkey he is liable for misusing it and for misusing its milk, as the animal and its milk, and likewise the hen and its eggs, are both consecrated for Temple maintenance and are deemed a single unit.

⁶² GEMARA: The mishna teaches that if one derived benefit from the eggs or milk of consecrated animals sacrificed on the altar he is not liable for their misuse. The Gemara asks: But does that mean that in a case of an item that is suitable to be sacrificed on the altar, if he consecrated it with a sanctity that inheres in its value, i.e., to sell it and use the money to buy an offering rather than sacrifice the animal itself, then its eggs or milk are not subject to the halakhot of misuse? Since he does not intend to sacrifice the animal itself, why shouldn't the prohibition of misuse apply to its milk or its eggs?

⁶³ Rav Pappa said: The wording of the mishna is incomplete and this is what it is teaching: In what case is this statement, that the milk and eggs of a consecrated animal sacrificed on the altar are not subject to misuse, said? It is said when he consecrated the animal with inherent sanctity to be sacrificed on the altar. But if he consecrated it with a sanctity that inheres in its value, i.e., to sell it and use the money to buy an offering to be sacrificed on the altar, then it is considered as though he consecrated it for the Temple maintenance and it is subject to misuse. Therefore, if one consecrated a hen to sell it and use the money to buy an offering he is liable for misusing it and for misusing its egg; if one consecrated a donkey he is liable for misusing it and for misusing its milk.

⁶⁴ MISHNA: With regard to any consecrated item that is fit for sacrifice on the altar

⁶⁵ but is not fit for Temple maintenance, or if it is fit for Temple maintenance but not for sacrifice on the altar, or fit neither for the altar nor for Temple maintenance, nevertheless one is liable for misusing it. The mishna clarifies each of these categories: Fit for Temple maintenance but not for sacrifice on the altar, how so?

⁶⁶ In a case where one consecrated a cistern full of water, the water is not fit for sacrifice on the altar, as only water from the Siloam pool is used for the altar. Nevertheless, it is fit for Temple maintenance, e.g., to knead clay with it for use in reinforcing the walls of the Temple. What is the case of an item fit neither for the altar nor for Temple maintenance? If one consecrated garbage dumps full of manure, the place and its contents are fit neither for the altar nor for Temple maintenance. Rather, they are sold and the money received from the sale is donated to the Temple. What is the case of an item fit for sacrifice on the altar but not fit for Temple maintenance? If one consecrated a dovecote full of pigeons, the pigeons are fit for the altar while the dovecote is not fit even for Temple maintenance.

⁶⁷ Or if one consecrated a tree full of fruit, as the fruit is fit for the altar whereas the tree is not fit even for Temple maintenance. For example, grapes are fit for the altar as wine, but the vines are not fit for Temple maintenance, as they are too flimsy for construction. Another case where the consecrated item is fit for neither the altar nor Temple maintenance is a field full of grass.

⁶⁸ In all those cases, one is liable for misusing both them and that which is within them, as those that are unfit for use in the Temple will be sold and their money will be used for the altar or for Temple maintenance.

⁶⁹ But if one consecrated an empty cistern and it was subsequently filled with water, or if one consecrated an empty garbage dump and it was subsequently filled with manure, or an empty dovecote and it was subsequently filled with pigeons, or a tree without fruit and it was subsequently filled with fruit, or an empty field and it was subsequently filled with grass; in all these cases one is liable for misusing them but one is not liable for misusing that which is within them. There is no misuse with regard to enhancements that developed in consecrated property.

⁷⁰ Rabbi Yosei disagrees in two of the above cases and says: In the case of one who consecrates the empty field in which grass grew or the empty tree on which fruit grew, he is liable for misusing both them and their growth, because these are growths of consecrated property, despite the fact that they grew there only after the property was consecrated.

⁷¹ Apropos the growths of consecrated property, the mishna states that an offspring born to a tithed animal before it was tithed may not be given to suckle from the tithed mother, as it is a non-sacred animal that may not be allowed to derive benefit from consecrated property. And there are others who stipulate in this manner, i.e., that the consecration does not apply to the milk. The same is true of the offspring of sacrificial animals born to them before their consecration; they may not suckle from the sacrificial animal. And in this case as well, there are others who stipulate in this manner, i.e., to enable the offspring to suckle.

⁷² The laborers, who are generally permitted to eat the food of their employer, may not eat from consecrated dried figs, if they work with Temple produce. Rather, they can buy food with the money they are paid. And likewise, a cow working with consecrated property, e.g., threshing Temple produce, may not eat from consecrated vetch [mikarshinei].

⁷³ GEMARA: The mishna teaches that an offspring born to a tithed animal before it was tithed may not suckle from the tithed mother, and the same applies to the offspring of a sacrificial animal. The Gemara asks: From where are these matters derived?

⁷⁴ Rav Aḥadvoi bar Ami said: It is derived through a verbal analogy of the expressions “passing” and “passing,” from the case of a firstborn offering. With regard to animal tithe the verse states: “Whatsoever passes under the rod” (Leviticus 27:32), and with regard to the firstborn offering it is stated: “And you shall cause to pass all that opens the womb, to the Lord” (Exodus 13:12). Just as in the case of the firstborn offering one is liable for misusing all of it, as it is a male and does not have milk, so too, with regard to the milk of a tithed animal one is liable for misusing all of it, i.e., all of it is forbidden, including its milk, as it is part of the tithed animal. Therefore, the offspring may not suckle from the mother.

⁷⁵ The other halakha, that the milk of a sacrificial animal is prohibited, is also derived through a verbal analogy, specifically the terms “its mother” and “its mother,” from the case of a firstborn offering. With regard to sacrificial animals the verse states: “When a bullock, or a sheep, or a goat, is born, it shall be seven days under its mother” (Leviticus 22:27), and in the case of the firstborn offering it is stated: “Seven days it shall be with its mother” (Exodus 22:29). Just as one is liable for misusing all of a firstborn offering, so too, one is liable for misusing the milk of a sacrificial animal, i.e., the milk is forbidden, as it is part of the sacrificial animal. Consequently, its offspring may not suckle from the mother.

⁷⁶ § The mishna teaches that the laborers of Temple produce may not eat from consecrated dried figs, and likewise a cow may not eat from consecrated vetch. The Gemara does not ask about the source of the halakha of a laborer, as the verse clearly states in this regard: “When you come into your neighbor’s vineyard” (Deuteronomy 23:25), which does not include a vineyard belonging to the Temple; but the Gemara does ask about the case of the cow: What is the reason for the ruling with regard to a cow? Rav Aḥadvoi bar Ami said: As the verse states: “Do not muzzle the ox during its treading” (Deuteronomy 25:4). The term “its treading” teaches that this prohibition applies to muzzling an ox when it is treading your non-sacred field, and not when it is treading a consecrated field. Since the consecrated produce is prohibited, one must muzzle the ox.

⁷⁷ The Gemara discusses a similar case: One who threshes his non-sacred kalilin, a type of legume, in a consecrated field is liable for misuse of consecrated items. The Gemara raises a difficulty: But in order for one to be liable for misuse, we require the consecrated item from which one derives benefit to be detached from the ground, whereas the field is the ground itself. Ravina said: Conclude from it that the field’s dust is beneficial for kalilin, and therefore he misuses the detached dust of the consecrated field when he threshes it.

⁷⁸ MISHNA: With regard to the roots of the non-sacred tree of an ordinary person that enter into consecrated land, and the roots of a consecrated tree that enter into the non-sacred land of an ordinary person, one may not derive benefit from them ab initio, but if he derived benefit from them he is not liable for their misuse. With regard to water of a spring that flows in a non-sacred field but which emerges from that field and flows into a consecrated field, when it is in the consecrated field one may not derive benefit from it ab initio, but if one derived benefit from it he is not liable for its misuse. Once the spring emerges outside the consecrated field one may derive benefit from the water.

⁷⁹ With regard to the water that was drawn from the Siloam pool into the golden jug, which was not consecrated as a service vessel, to bring it to the altar for libation on the festival of Sukkot, one may not derive benefit from the water *ab initio*, as it was drawn for use in the Temple service. But if one derived benefit from it he is not liable for its misuse, since it was not consecrated in a service vessel. Once one places the water from the jug for libation into the flask, which is a service vessel, the water is consecrated and he is liable for misusing the water.

⁸⁰ With regard to the willow branches that are placed on the sides of the altar on the festival of Sukkot, before their placement one may not derive benefit from them *ab initio*, but if he derived benefit from them he is not liable for their misuse. After their placement their mitzva has been fulfilled, and therefore at that time one may derive benefit from the willow branches *ab initio*. Rabbi Elazar, son of Rabbi Tzadok, says: The elders were accustomed to derive benefit from the willow branches even before their placement on the sides of the altar, by cutting small branches for use in their lulav, in fulfillment of the mitzva of the four species.

⁸¹ GEMARA: Reish Lakish says: When the mishna teaches that one is not liable for misusing the water in the golden jug awaiting use as a libation, it means that one is not liable for misuse of all of the water in the jug, if it contained more than three log. But one is liable for misusing the three log required for the libation.

⁸² The Gemara raises a difficulty: But the latter clause of the mishna teaches that once one placed the water from the jug into the flask he is liable for misusing the water. One can conclude by inference that in the case addressed in the first clause of the mishna, where the water is still in the jug, one is not liable for misuse in all circumstances, even if the jug contains only the requisite three log. This apparently contradicts the statement of Reish Lakish.

⁸³ The Gemara answers: Rather, if a qualification was stated in this matter it was stated with regard to the latter clause of the mishna, which teaches that once the water is placed in the flask one is liable for misusing the water. The qualification is as follows: Reish Lakish says one is liable for its misuse only if the flask contains exactly three log of water, which is the requisite amount for the mitzva. But if there is more than three log one is not liable for misusing any of the water, as it is not consecrated at all.

⁸⁴ And Rabbi Yoḥanan disagrees and says: Even if the flask contained more than three log of water, one is liable for misusing any of the water. He maintains there is no fixed measure for water used in the libation, and therefore all the water is consecrated for the mitzva. The Gemara asks: Is this to say that Reish Lakish holds there is a maximum measure for the water used in the libation? But didn't we learn in a mishna (Zevaḥim 110b) that deals with liability for sacrificing outside the Temple that Rabbi Eliezer, or Rabbi Elazar, says: One who pours, as a libation, water consecrated for the libation of the festival of Sukkot, during the Festival, outside the courtyard, is liable to receive karet just as though he sacrificed outside the Temple.

⁸⁵ The Gemara continues: And Rabbi Yoḥanan says in the name of Rabbi Menaḥem Yodafa: Rabbi Elazar says that halakha in accordance with the opinion of Rabbi Akiva, his teacher, who interprets a verse dealing with the offerings of the festival of Sukkot: "Beside the daily burnt offering, its meal offering, and its libations" (Numbers 29:31), as follows: The plural form indicates that the verse is speaking of two types of libations: One is the water libation, unique to the festival of Sukkot, and the other one is the wine libation, which always accompanies the daily offering.

⁸⁶ And Reish Lakish said to Rabbi Yoḥanan: If Rabbi Elazar derives the obligation for the water libation through the derivation taught by Rabbi Akiva, and that is why he rules that one who pours it as a libation outside the courtyard is liable, then he should equate the libations of wine and water, as follows: Just as with regard to wine the measure for the mitzva is three log, so too here, in the case of water, the measure for the mitzva should be three log. One may conclude by inference from this statement that Reish Lakish himself holds there is no measure for the water used in the libation. The Gemara answers: Actually, Reish Lakish maintains that there is a measure for the water, but he stated his question according to the explanation of Rabbi Menahem Yodafa, cited by Rabbi Yoḥanan.

⁸⁷ MISHNA: With regard to a bird's nest that is atop the consecrated tree, one may not derive benefit from it *ab initio*, but if one derived benefit from it he is not liable for its misuse. In order to acquire a bird's nest that is atop a tree worshipped as idolatry, from which one may not derive benefit even by climbing it, one should dislodge the nest from its place by striking it with a pole. In the case of one who consecrates his forest, one is liable for misusing everything in the entire forest.

⁸⁸ GEMARA: Connected with the mishna's discussion of idol worship it was stated: In the case of an object of idol worship that broke by itself, Rabbi Yoḥanan says: It is prohibited to derive benefit from it, as the fact that it is broken does not constitute nullification, and Reish Lakish says: It is permitted to derive benefit from it.

⁸⁹ The Gemara clarifies their opinions: Rabbi Yoḥanan says it is prohibited, as a gentile did not nullify the object of idol worship, and its status is nullified only if a gentile broke it with the intention of nullifying it. And Reish Lakish says it is permitted, as it can be presumed that its gentile owner, upon seeing that it was broken, would have nullified it, saying to himself: If the object of idol worship could not even save itself from destruction, will it save me from harm?

⁹⁰ Reish Lakish raised an objection to Rabbi Yoḥanan from the mishna: With regard to the bird's nest that is atop the consecrated tree, one may not derive benefit from it *ab initio*, but if he derived benefit from it he is not liable for its misuse. In order to acquire a bird's nest that is atop the tree worshipped as idolatry one should dislodge the nest by striking it with a pole.

⁹¹ Reish Lakish analyzes the second halakha: What, is it not referring to a case where the nest was built from branches that broke off from the worshipped tree itself, and yet the mishna teaches: One should dislodge it by striking it with a pole? This indicates that branches that are broken off are permitted, despite the fact that they were not broken off by a gentile. Rabbi Yoḥanan responds: No, there is no proof from the mishna, as it is referring to a case where the bird brought branches from elsewhere, not from the worshipped tree itself.

⁹² Reish Lakish rejects this answer: If so, why does the mishna teach in the parallel case of a consecrated tree, where presumably the nest was likewise built of branches brought from elsewhere, that one may not derive benefit from it *ab initio*, but if one derived benefit from it he is not liable for its misuse? If the nest was built from non-sacred material, why is one not permitted to derive benefit from it *ab initio*?

⁹³ The Gemara answers: Rather, the mishna must be discussing cases where the nest was constructed from branches that came from the tree in which it was built, and it is referring to growths of consecrated property that came afterward, i.e., after the property was consecrated. And the tanna of the mishna holds one is not liable for misusing growths of consecrated property, but it is prohibited to derive benefit from them *ab initio*.

⁹⁴ The Gemara adds: This, too, stands to reason, that the mishna is referring to a case where the nest was built of branches from the tree in which it is located, as, if it enters your mind that the mishna is referring to a case where the bird brought the branches from elsewhere, why, in the case of the tree worshipped as idolatry, must one dislodge it from its place by striking it with a pole? Let him take it directly without using a pole.

⁹⁵ Rabbi Abbahu said that Rabbi Yoḥanan said in response to this question: Actually, the mishna is referring to a case where the bird brought the branches from elsewhere, and what is the meaning of the clause: One should dislodge? It does not mean he should dislodge the nest with a pole, but rather he should dislodge the chicks that are in the nest. Since it is difficult to take the chicks without climbing the tree, as they can move, there is more of a concern in this case that he might climb the tree, in which case he would be deriving benefit from it, which is prohibited.

⁹⁶ Rabbi Ya'akov said to Rabbi Yirmeya: With regard to chicks that can fly away and are not confined to this specific tree, both here and there, i.e., both in the case of a consecrated tree and in the case of a worshipped tree, it is permitted to derive benefit from them. But with regard to eggs, both here and there, it is prohibited to derive benefit from them, as they are dependent on the prohibited tree. Rav Ashi further says: If the chicks are young and still need their mother to survive they are considered like eggs, i.e., they have the same status as eggs and it is prohibited to derive benefit from them.

⁹⁷ MISHNA: In the case of the Temple treasurers who purchased non-sacred logs to use for repairs in the Temple, one is liable for misusing the wood itself, but one is not liable for misusing the sawdust, nor is he liable for the leaves [baneviyya] that fall from the log, as the treasurers purchased for the Temple only those materials fit for use in its construction.

⁹⁸ GEMARA: Shmuel says that the method of construction in the Temple, for repairs or improvements, is as follows: One builds the structures in the Temple with non-sacred materials, and afterward consecrates those materials upon completion of the work.

⁹⁹ The Gemara asks: What is the reason that one does not consecrate the materials immediately? One who donates money for Temple maintenance consecrates the money and it is therefore subject to the halakha of misuse of consecrated property. Consequently, one may not use this money to purchase items for Temple maintenance, as the supplier would be liable for misuse as soon as he received the money as payment. The only way to use donations for Temple maintenance is if the Temple treasurer said that the sanctity of this money which was consecrated by the donor shall take effect on the completed structure, rather than on the construction materials or the wages of the artisans during the construction.

¹⁰⁰ Therefore, once the construction is completed, the sanctity is transferred from the money to the structure, and then the money is non-sacred. And at that point, the Temple treasurers give the money to the artisans and the suppliers as their wages.

¹⁰¹ The Gemara raises an objection from a mishna (Shekalim 4:5): With regard to the incense left over from the previous year, which could no longer be used, what would they do with it in order to render it usable again? The Temple treasurers would set aside an amount of it equal to the value of the wages of the artisans who worked in the Temple.

¹⁰² And they would then desacralize that incense by transferring its sanctity to non-sacred money in the amount owed to the artisans. And they would subsequently give the incense to the artisans as their wages. And finally, they would return and buy back the incense from the artisans with funds from the new collection of shekels, so that the incense would now be considered to have been acquired from the shekels of the current year.

¹⁰³ The Gemara explains its objection: But why was this procedure necessary according to Shmuel, who maintains that one builds the structures in the Temple with non-sacred materials? Let them desacralize the leftover incense by transferring its sanctity to the completed, non-sacred structure, thereby consecrating it with the sanctity of the incense. After the leftover incense is desacralized, it can be given to the artisans as wages and the Temple treasurers can buy it back with funds from the new collection.

¹⁰⁴ The Gemara explains: The mishna is referring to a situation where there is currently no ongoing construction in the Temple, and therefore there is no structure to which they can transfer the sanctity of the leftover incense. The Gemara raises a difficulty: But the mishna teaches: The wages of the artisans, which indicates that construction is taking place in the Temple. The Gemara responds: Although there is indeed ongoing construction, the mishna in Shekalim is referring to a case where there is no construction equaling the amount of the value of the leftover incense. Therefore, it is not possible to transfer the sanctity of the leftover incense to the construction.

¹⁰⁵ The Gemara raises a further difficulty: But doesn't Shmuel say with regard to consecrated property worth one hundred dinars that if the Temple treasurer redeemed it for an object worth only one peruta, it is redeemed, despite the fact that the redemption was performed with an item that was not worth the full value of the consecrated property? The Gemara answers: This statement of Shmuel applies to a case where one did so, i.e., it applies only after the fact, but the Temple treasurer should not act in this manner *ab initio*.

¹⁰⁶ Rav Pappa said: This is the reason that one builds the structures in the Temple with non-sacred materials and afterward consecrates those materials upon completion: It is because the Torah was not given to the ministering angels, who do not tire and do not have physical needs, but rather to human beings. Therefore, the Sages said that perhaps an artisan will want to rest and sit on the stones being used in the construction, and he might in fact sit on them. And if he builds with consecrated materials, it will be found that he misused consecrated property. Consequently, it is preferable for one to build with non-sacred materials, and the structure should be consecrated only upon completion.

¹⁰⁷ The Gemara raises an objection to this reasoning from that which we learned in the mishna: In the case of the Temple treasurers who purchased non-sacred logs to use for repairs in the Temple, one is liable for misusing the wood itself, but he is not liable for misusing the sawdust, nor is he liable for misusing the leaves that fall from the log.

¹⁰⁸ But why should this be a situation where one could be liable for misusing the wood? Here too, let him work with non-sacred logs and consecrate them only after they have been fixed in the structure. After all, in this case too one can apply the above reasoning that the Sages said that perhaps he will want to rest and sit on the logs he is working with, and he might sit on them, and it will be found that he misused consecrated items.

¹⁰⁹ Rav Pappa said that if the mishna were referring to logs that the Temple treasurers acquired for use in construction from this point forward, then indeed they should not be consecrated until they are

fixed in the structure. But when we learned in the mishna that one is liable for misuse of the wood, the tanna was referring to logs acquired for use on that same day. Since they are meant to be used immediately, there is no concern that one might sit on them.

Chapter 4

¹ MISHNA: All items consecrated to be sacrificed on the altar join together to constitute the measure with regard to liability for misuse of consecrated property, which is deriving benefit equivalent to one peruta. And they join together to constitute an olive-bulk, which is the measure that renders one liable due to violation of the prohibitions of piggul, or notar, or partaking of the item while ritually impure. All items consecrated for Temple maintenance join together to constitute the measure with regard to liability for misuse. Both items consecrated to be sacrificed on the altar and items consecrated for Temple maintenance join together to constitute the measure with regard to liability for misuse.

² GEMARA: The Gemara asks: Now that one says that the mishna teaches in the latter clause: Both items consecrated to be sacrificed on the altar and items consecrated for Temple maintenance join together, which is a case where this one, i.e., items consecrated for the altar, have inherent sanctity and that one, i.e., items consecrated for Temple maintenance, have sanctity that inheres in its value, and even so the mishna teaches that they join together for misuse, if so, is it necessary for the mishna to teach in the first clause that items consecrated to be sacrificed on the altar join together with other items consecrated to be sacrificed on the altar?

³ The Gemara answers: It is necessary for the tanna to teach the first clause, because he teaches with regard to that case: They join together to render one liable due to violation of the prohibitions of piggul, or notar, or of partaking of the item while ritually impure. With regard to these matters, only items consecrated to be sacrificed on the altar join together, not items consecrated for Temple maintenance, as these halakhot do not apply to items consecrated for Temple maintenance. The concepts of piggul, notar, and ritual impurity are relevant only to items consecrated to be sacrificed on the altar. It is due to that reason that the tanna divides the first clause from the latter clause.

⁴ § The mishna teaches that items consecrated for Temple maintenance are subject to the halakhot of misuse. Rabbi Yannai said: It is clear that one is liable for misuse by Torah law only for items consecrated for Temple maintenance and a burnt offering alone. What is the reason? The reason is that the verse states: “If anyone commit a misuse, and sin through error, in the sacred items of the Lord, then he shall bring his guilt offering to the Lord, a ram without blemish out of the flock, according to your valuation in silver by shekels, after the shekel of the Sanctuary, for a guilt offering” (Leviticus 5:15).

⁵ Rabbi Yannai explains that it is derived from this verse that only those consecrated items that are uniquely for the Lord are subject to the halakhot of misuse; but with regard to items consecrated to be sacrificed on the altar, e.g., guilt offerings or sin offerings, as they have a portion that belongs to the priests and other items such as peace offerings also have a portion that belongs to the owners, they are not uniquely for the Lord, and therefore the halakhot of misuse do not apply.

⁶ The Gemara raises a difficulty with regard to the statement of Rabbi Yannai. We learned in the mishna: All items consecrated to be sacrificed on the altar join together to constitute the measure with regard to liability for misuse, which is deriving benefit worth one peruta. Evidently, one is liable for misusing all items consecrated to be sacrificed on the altar, not merely burnt offerings. The Gemara answers that the mishna is referring to a prohibition that applies by rabbinic law.

⁷ The Gemara raises a further difficulty with the statement of Rabbi Yannai, from another mishna (2a): In the case of offerings of the most sacred order that were disqualified before their blood was sprinkled on the altar, e.g., if one slaughtered them in the south of the Temple courtyard, rather than in the north as required, one is liable for misusing them. Offerings of the most sacred order include sin offerings and guilt offerings, not merely burnt offerings. Once again, the Gemara answers that the mishna is referring to a prohibition by rabbinic law.

⁸ The Gemara raises yet another difficulty with regard to the statement of Rabbi Yannai. We learned in a mishna (18a): One who derives benefit from a blemished sin offering while it is alive has not violated the prohibition of misuse until he causes one peruta worth of depletion of its value. Since the blemished animal will be redeemed, one lessens its value by removing wool from it. But when it is dead it will not be redeemed, which means that it cannot be devalued, and therefore once he derives one peruta worth of benefit from a dead sin offering he is liable for misuse. The Gemara again answers that the mishna is referring to a prohibition by rabbinic law.

⁹ The Gemara asks: And by Torah law is there no liability for misuse of items consecrated for sacrifice on the altar? But isn't it taught in a baraita that Rabbi Yehuda HaNasi says: The verse states at the conclusion of the passage discussing the sacrifice of a peace offering: "And the priest shall make them smoke upon the altar, it is the food of the offering made by fire, for a pleasing aroma; all the fat is the Lord's" (Leviticus 3:16). The term "all" serves to include the portions of offerings of lesser sanctity as subject to the halakhot of misuse. This is a source from the Torah for the halakha that one is liable for misuse of items consecrated for sacrifice on the altar.

¹⁰ The Gemara again answers that the mishna is referring to a prohibition by rabbinic law. The Gemara raises a difficulty: But the tanna cites a verse as the source for this halakha, which indicates that it applies by Torah law. The Gemara answers: The verse is a mere support, but it is not the actual source for the halakha.

¹¹ The Gemara raises a difficulty: But didn't Ulla say that Rabbi Yoḥanan said: Sacrificial animals that died without being sacrificed are excluded from the potential of misuse by Torah law? The Gemara clarifies the objection: To what is Rabbi Yoḥanan referring? If we say that he is referring to items consecrated for Temple maintenance, then even when they are dead they are also subject to the halakhot of misuse, as even if you say that this can be considered only like a case where one consecrated a garbage heap to the Temple maintenance, isn't that also subject to the halakhot of misuse of consecrated property?

¹² Rather, Rabbi Yoḥanan must be referring to dead animals that had been consecrated for sacrifice on the altar, and he is teaching that once they die they are no longer subject to the halakhot of misuse by Torah law. This indicates that while they are alive they are subject to the halakhot of misuse by Torah law. The Gemara states the difficulty: According to Rabbi Yannai, are animals consecrated for sacrifice on the altar subject to the halakhot of misuse by Torah law?

¹³ Rather, the Gemara rejects the previous version of Rabbi Yannai's opinion, and states that in fact he maintains that animals consecrated for sacrifice on the altar are subject to the halakhot of misuse by Torah law. As the school of Rabbi Yannai says as follows: From this verse: "If anyone commit a misuse, and sin through error, in the sacred items of the Lord" (Leviticus 5:15), we learn that items consecrated for Temple maintenance are subject to the halakhot of misuse. But we do not learn from this verse that animals consecrated for the altar are subject to the halakhot of misuse. Instead, that halakha is derived from the verse: "And if a man eat of the sacred items through error" (Leviticus 22:14), which is referring to all sacred items, or from the verse (Leviticus 3:16): "All the fat is the Lord's."

¹⁴ MISHNA: Five items in the burnt offering and the accompanying meal offering and libation join together to constitute the one peruta measure with regard to liability for misuse, and the olive-bulk measure with regard to liability for piggul, notar, and partaking of sacrificial foods while ritually impure. They are: The flesh; the fat of the burnt offering that is sacrificed on the altar; the fine flour of the accompanying meal offering; the wine of the accompanying libation; and the oil of the accompanying meal offering. And there are six items in the thanks offering that join together: The flesh, the fat, the fine flour, the wine, the oil, and the loaves accompanying the thanks offering.

¹⁵ GEMARA: The mishna teaches that five items in the burnt offering [ba'ola] join together. Rav Huna taught Rava the mishna as follows: Five items in the world [ba'olam] join together. Rava said to Rav Huna: Did you say: In the world, i.e., that there are only five items in the world of offerings that join together? But isn't it taught in the mishna with regard to a thanks offering that there are six items in the thanks offering that join together: The flesh, the fat, the fine flour, the wine, the oil, and the loaves accompanying the thanks offering? Rav Huna said to Rava: One should teach in the mishna: Five items in the burnt offering [ba'ola] join together, not: Five items in the world.

¹⁶ § The mishna teaches that the flesh and the fat join together. The Gemara notes that we already learned this, as the Sages taught explicitly in a baraita (Tosefta 1:28): The meat of burnt offerings and their sacrificial portions join together to constitute the amount of an olive-bulk that renders one liable for sacrificing them outside the courtyard, and to render one liable for eating them due to piggul, notar, and partaking of them while ritually impure.

¹⁷ The Gemara notes that the baraita teaches that with regard to a burnt offering, yes, this halakha applies, whereas with regard to a peace offering, it does not apply. The Gemara raises a difficulty: Granted, with regard to sacrificing them outside the courtyard, it stands to reason that in the case of a burnt offering, which is entirely consumed upon the altar, everything joins together, whereas with regard to peace offerings, whose meat is not burned on the altar, the meat and sacrificial portions do not join together. But with regard to rendering one liable for piggul, and notar, and partaking of them while ritually impure, in the case of a peace offering as well, why is he not rendered liable?

¹⁸ The Gemara elaborates: But didn't we learn in the mishna below: All the pieces of sacrificial meat that are piggul join together with one another to constitute the olive-bulk measure for liability, and all pieces of sacrificial meat that are notar join together with one another to constitute the olive-bulk measure for liability? The mishna indicates that this is the halakha with regard to all types of offerings.

¹⁹ The Gemara answers: Rather, say that the baraita should read as follows: The meat of a burnt offering and its sacrificial portions join together to constitute an olive-bulk in order to permit one to

sprinkle the blood for them. If the meat of the burnt offering was lost after it was slaughtered and only an olive-bulk of the meat and sacrificial portions remain, they combine to permit the sprinkling of the blood.

²⁰ The Gemara further explains: And since they join together to constitute an olive-bulk with regard to sprinkling the blood, once that blood has been sprinkled they join together to constitute the minimum amount of an olive-bulk to render one liable for eating them due to piggul, notar, and partaking of them while ritually impure. By contrast, in the case of a peace offering, the meat and the sacrificial portions do not join together for sprinkling, and as the sprinkling is not valid, they do not subsequently join together to constitute an olive-bulk to render one liable for eating them due to piggul, notar, and partaking of them while ritually impure.

²¹ The Gemara adds: And who is the tanna who teaches this baraita? It is Rabbi Yehoshua, as it is taught in a baraita that Rabbi Yehoshua says: With regard to all the offerings in the Torah from which there remains an olive-bulk of meat that is fit to be eaten, or an olive-bulk of fat that is fit to be sacrificed on the altar, one sprinkles the blood. If all that remains is half an olive-bulk of meat and half an olive-bulk of fat, one may not sprinkle the blood. Since the meat and fat serve different functions, as the fat is burned on the altar while the meat is eaten by the priests, they do not combine to form the minimum amount that must remain in order to sprinkle the blood.

²² But with regard to a burnt offering, even if all that was left was half an olive-bulk of meat and half an olive-bulk of fat, one sprinkles the blood, because it is all consumed upon the altar. Since both the meat and the fat are sacrificed on the altar, they combine. And in the case of a meal offering, even if all of it remains, one may not sprinkle the blood.

²³ With regard to the last statement, the Gemara asks: What is the relevance of a meal offering to this baraita? A meal offering does not require blood to be sprinkled on the altar. Rav Pappa said: The meal offering under discussion is the meal offering brought with the libations that accompany animal offerings. The baraita is teaching that if none of the meat of the animal remains, even if all of the accompanying meal offering is intact, the blood of the animal may not be sprinkled.

²⁴ MISHNA: Teruma, and teruma of the tithe, and teruma of the tithe of doubtfully tithed produce [demai], and ḥalla, and first fruits all join together with one another to constitute the requisite measure to prohibit a mixture with non-sacred produce, and to form the requisite measure of an olive-bulk that serves to render one obligated for their consumption in payment of an additional one-fifth over and above the principal. All the pieces of sacrificial meat that are piggul join together with one another to constitute the olive-bulk measure for liability, and all sacrificial meat that is notar joins together with one another to constitute the olive-bulk measure for liability.

²⁵ GEMARA: The Gemara asks: What is the reason that all of the foods listed in the mishna join together? The Gemara answers: The reason is that all of them are called teruma in the Torah. The Gemara elaborates: With regard to ḥalla it is written: “Of the first of your dough you shall set apart ḥalla for a teruma; like teruma of the threshing floor, so shall you set it apart” (Numbers 15:20).

²⁶ With regard to first fruits, they are also called teruma, as it is taught in a baraita that discusses foods that may not be eaten outside Jerusalem: The verse states: “You cannot eat within your gates the tithe of your grain or of your wine or of your oil or the firstlings of your herd or of your flock, or any of your vows that you vow, or your freewill offerings, or the offering of your hand” (Deuteronomy 12:17). “And the offering of your hand”; these are first fruits. But with regard to the

other items listed in the mishna, i.e., teruma, teruma of the tithe, and teruma of the tithe of demai, it is not necessary to explain why they join together or to cite a verse, as it is clear that they are called teruma.

²⁷ MISHNA: All animal carcasses, whose consumption is prohibited and which transmit impurity through contact with them and through carrying, join together with one another to constitute the requisite olive-bulk measure. And all repugnant creatures join together with one another to constitute the requisite olive-bulk measure to render one who consumes it liable to receive lashes. The eight creeping animals enumerated in the Torah join together to constitute the measure of a lentil-bulk, which transmits impurity through contact, and to render one who consumes it liable to receive lashes.

²⁸ GEMARA: The mishna teaches that all animal carcasses, whose consumption is prohibited and which transmit impurity through contact and through carrying, join together to constitute the requisite olive-bulk measure. Rav says:

²⁹ The mishna taught that all carcasses join together, which indicates that carcasses of non-kosher animals join together with carcasses of kosher animals, only with regard to ritual impurity. But with regard to the prohibition of eating animal carcasses, kosher animal carcasses are distinct, i.e., they join together only with other kosher animals, and non-kosher animal carcasses are likewise distinct. And Levi says: Even with regard to the prohibition of eating animal carcasses, kosher and non-kosher carcasses join together.

³⁰ And Rav Asi says: Kosher animal carcasses are distinct, and non-kosher animal carcasses are distinct. Since Rav Asi did not specify whether he is referring only to eating or also to ritual impurity, there are those who say that Rav Asi disagrees with the opinion of Rav, i.e., he interprets the mishna as referring to all carcasses of a similar kind, that is, from kosher animals on the one hand, and from non-kosher animals on the other hand. And there are those who say that Rav Asi does not disagree with the opinion of Rav, and concedes that kosher and non-kosher animal carcasses join together with regard to ritual impurity.

³¹ The Gemara raises an objection against the first explanation of the opinion of Rav Asi from a baraita: With regard to half an olive-bulk from the carcass of a dead cow and half an olive-bulk from the flesh of a live camel, they do not join together with one another. It can be inferred from here that if both of them are dead, they do join together. Rav can explain this baraita as referring to ritual impurity, but this poses a difficulty to Rav Asi.

³² The Gemara answers: One should say that the correct inference from the baraita is not that if both of them, the cow and the camel, are dead, then they join together. Rather, one should infer that if both of them are alive, they join together. And who is the tanna of the baraita? It is Rabbi Yehuda, who said: The prohibition of eating a limb from a living animal applies even to the limb of a non-kosher animal.

³³ The Gemara raises a difficulty with this answer. But in that case, what is the halakha if both of them, the cow and the camel, are dead? Do they not join together? If so, why does the tanna run specifically to an extreme case and teach: Half an olive-bulk from the carcass of a dead cow and half an olive-bulk from the flesh of a live camel? After all, even if both of them are dead, they do not join together.

³⁴ And furthermore, it is taught in a baraita: Half an olive-bulk from the flesh of a cow when it is alive and half an olive-bulk from the carcass of a camel when it is dead do not join together; but half an olive-bulk from a cow and half an olive-bulk from a camel, whether alive or dead, do join together. The first clause in the baraita is difficult as it is apparently contradicted by the latter clause. Rather, isn't it correct to conclude from the baraita that if there is half an olive-bulk from each of the two of them when they are dead, they join together?

³⁵ The Gemara answers: Rav Asi could have said to you that this tanna holds that a prohibition takes effect even where another prohibition already exists. He maintains that the prohibition of eating an animal carcass takes effect even with regard to the flesh of a non-kosher animal, which is already prohibited, and for this reason the two half olive-bulks join together, as the same prohibition against eating an animal carcass applies to both. By contrast, Rav Asi himself maintains that a prohibition does not take effect where another prohibition already exists, and therefore this baraita does not pose a difficulty to his opinion that the two do not combine.

³⁶ § Rav Yehuda says that Rav says: With regard to eating creeping animals, one is flogged for eating an olive-bulk of them. What is the reason? It is because the term "eating" is written in the Torah with regard to them. The verse states: "And every creeping thing that swarms upon the earth is a detestable thing; it shall not be eaten" (Leviticus 11:41). The term "eating" is invariably referring to consuming an olive-bulk.

³⁷ The Gemara raises a difficulty. But didn't Rabbi Yosei bar Rabbi Ḥanina teach the following baraita before Rabbi Yoḥanan: The verse states: "You shall separate between the kosher animal and the non-kosher, and between the non-kosher bird and the kosher; and you shall not make your souls detestable by animal, or by bird, or by anything that swarms on the ground, which I have set apart for you as impure" (Leviticus 20:25). The verse opens with eating creeping animals, in the phrase "You shall not make your souls detestable," and it ends with the ritual impurity of creeping animals: "Which I have set apart for you as impure."

³⁸ The baraita explains: This teaches that just as the carcass of a creeping animal imparts ritual impurity through contact when it is the volume of a lentil-bulk, so too, one is liable for the prohibition of eating a creeping animal when it is the volume of a lentil-bulk. And Rabbi Yoḥanan praised [vekilseih] Rabbi Yosei bar Rabbi Ḥanina for citing this baraita. And this poses a difficulty to the opinion of Rav, who maintains that one is flogged only if he eats an olive-bulk of creeping animals.

³⁹ The Gemara answers: This is not difficult. Here, the baraita is referring to eating creeping animals when they are dead, at which stage they impart ritual impurity and one is liable for eating a lentil-bulk. By contrast, there, Rav is speaking about eating creeping animals when they are alive, which do not yet impart ritual impurity. For this reason one is flogged only if he eats an olive-bulk.

⁴⁰ Abaye said to Rav Yosef: But in his statement Rav was referring to the mishna, and the mishna teaches: And all the creeping animals join together to constitute the requisite olive-bulk measure to render one who consumes it liable to receive lashes. This indicates that this halakha applies even when they are dead. Is the mishna not referring to a case where there is a bit of this live creeping animal and a bit of that carcass of a creeping animal, which together combine to amount to an olive-bulk? Rav Yosef said to Abaye: This deductive inference, that Rav is referring to the mishna, is

yours. But in fact Rav was merely saying a halakha unconnected to the mishna. Therefore, there is no proof that Rav was speaking about the carcasses of creeping animals.

⁴¹ The Gemara stated: And Rabbi Yoḥanan praised Rabbi Yosei bar Rabbi Ḥanina for citing the baraita that rules that one is liable for violating the prohibition of eating a creeping animal by the amount of a lentil-bulk. The Gemara raises an objection from a mishna (Oholot 1:7): The whole limbs of impure bodies have no minimum measure with regard to imparting ritual impurity. Even if the limbs were less than an olive-bulk of a carcass or less than a lentil-bulk of a creeping animal, they impart ritual impurity. And Rabbi Yoḥanan says: This mishna is referring to the halakhot of ritual impurity; but with regard to the minimum measure which renders one liable for consumption, one is flogged for eating them only if they amount to an olive-bulk.

⁴² Rava says in resolution of the apparent contradiction between Rabbi Yoḥanan's statements: When Rabbi Yoḥanan said that one is flogged for eating even a lentil-bulk of a creeping animal, he was referring only to those eight creeping animals of which the verse speaks, which are separated from all other creeping animals. The Torah (Leviticus 11:29–32) lists eight types of creeping animals, and Rabbi Yoḥanan was referring specifically to those eight. He maintains that one is flogged for eating a lentil-bulk of such creatures, whereas in the case of other creeping animals one is flogged only for eating an olive-bulk of them.

⁴³ Rav Adda bar Ahava said to Rava: If that is so, that there is a difference in the measure of liability for consumption between various types of creeping animals, the same should also apply with regard to an animal. Since the Torah in Leviticus 20:25 juxtaposes both kosher animals and non-kosher animals to creeping animals, one can say that an analogous difference should apply here as well: Let the halakha distinguish between flesh from the carcass of kosher animals, which is separated from other types in that it is permitted in consumption by the Torah, and flesh from the carcass of a non-kosher animal, which is not separated, i.e., which is not permitted by the Torah. Consequently, if the carcass of a kosher animal imparts ritual impurity by the amount of an olive-bulk of flesh, the measure of flesh from the carcass of a non-kosher animal that imparts ritual impurity should be larger, i.e., an egg-bulk.

⁴⁴ Rava said to Rav Adda bar Ahava: When the Merciful One juxtaposes kosher and non-kosher animals to creeping animals, this is referring to the prohibition of: "You shall not make your souls detestable" (Leviticus 20:25), teaching that they are all included in that prohibition. But with regard to measures the Torah does not juxtapose those animals to creeping animals. For this reason there is no difference between the measure of impurity of carcasses of kosher animals and non-kosher animals.

⁴⁵ MISHNA: The blood of one of the eight creeping animals listed in the Torah and their flesh join together to constitute the lentil-bulk measure to impart impurity. Rabbi Yehoshua stated a principle: With regard to any items whose impurity, in terms of degree and duration, and measure to impart impurity, are equal, e.g., two halves of an olive-bulk from two corpses or two animal carcasses or two halves of a lentil-bulk from two creeping animals, they join together to constitute the requisite measure.

⁴⁶ Rabbi Yehoshua continued: By contrast, with regard to items whose impurity is equal but their measure is not equal, e.g., a creeping animal and an animal carcass, each of which renders one impure until the evening, but the measure of a creeping animal is a lentil-bulk, whereas that of an

animal carcass is an olive-bulk; or items whose measure is equal but whose impurity is not equal, e.g., a corpse and an animal carcass, with regard to which the measure of each is an olive-bulk, but the duration of the impurity imparted by a corpse is one week and the duration of the impurity imparted by an animal carcass is until the evening; or items that are equal neither in terms of their impurity nor in terms of their measure, they do not join together to constitute the requisite measure.

⁴⁷ GEMARA: The mishna teaches that the blood of one of the eight creeping animals listed in the Torah and the flesh of those animals join together to constitute the lentil-bulk measure required to impart impurity. Rav Ḥanin says that Rav Zeira says: The blood and flesh join together only if the blood is from the same animal as the flesh, but not if it is from a different animal.

⁴⁸ And similarly, Rabbi Yosei bar Rabbi Ḥanina says, in rejection of Rav Zeira's statement: It is taught in a baraita: The verse states: "These are the impure [hateme'in] to you among all that creep; whoever touches them when they are dead, shall be impure until the evening" (Leviticus 11:31). This plural form of "hateme'in" teaches that they join together to impart ritual impurity. And this applies even to the flesh of a creeping animal and the flesh of another creeping animal, or the flesh of a creeping animal and the blood of another creeping animal, whether they are from one category, i.e., one type of creeping animal, or from two categories of creeping animal.

⁴⁹ Rav Yosef says: This is not difficult. Here, the baraita is referring to a case where the half-measure of flesh and the half-measure of blood both came from an entire animal, and therefore the two half-measures combine, due to the significance of an entire animal. There, in the statement of Rav Zeira, he is speaking of a case where the half-measure of flesh and the half-measure of blood each come from part of an animal.

⁵⁰ And from where do you say that there is a distinction between a case where the flesh and blood come from an entire animal and a case where they come from part of an animal? From that which is taught in a baraita: In a case where one quarter-log of blood from a corpse was spilled on the floor, and its place was a slope [ketafres], so that the blood trickles down, and someone leaned over so that he covered part of it, he remains ritually pure. If he covered all of it, he is rendered impure.

⁵¹ The Gemara clarifies the halakha: What does the phrase: Part of it, mean in this context? If we say that it is referring to part of the one quarter-log of blood, whereas if it is a full quarter-log then he is impure, that is difficult: But doesn't Rabbi Ḥanina say that Rabbi Yehuda HaNasi says: If there was exactly one quarter-log of blood in a pot that one stirred without touching the blood, he remains pure, despite the fact that his body must have overshadowed all the blood at the time, and would therefore have had the status of a tent over it. The reason is that some of the blood must have been absorbed into the spoon with which he stirred, and therefore there no longer remains an entire connected quarter-log. This shows that the entire quarter-log must be together, as one unit, in order to impart impurity.

⁵² Rather, isn't it correct to conclude from this baraita that there is a distinction between a case where the blood came from an entire corpse, and where it came from part of a corpse? In other words, if the blood came from one body it need not be together as a single unit, whereas if it came from more than one body, it must all be joined together, as in the case mentioned by Rabbi Yehuda HaNasi. Similarly, with regard to the statements of Rav Zeira and the baraita, here the baraita is referring to a situation where the half-measure of flesh and the half-measure of blood came from an entire animal, and due to the significance of an entire animal the two half-measures combine. There, Rav Zeira is referring

to a case where the half-measure of flesh and the half-measure of blood come from part of the animal. The Gemara notes that one should indeed conclude from it that this is the correct distinction.

⁵³ § The Gemara relates that Rabbi Matya ben Ḥarash asked Rabbi Shimon ben Yoḥai in the city of Rome: From where is it derived with regard to the blood of creeping animals that it is impure? Rabbi Shimon ben Yoḥai said to him: It is derived from the fact that the verse states: “And these are they that are impure for you among the creeping animals” (Leviticus 11:29). Since a similar phrase already appears in Leviticus 11:31, it is derived from here that the blood of creeping animals is impure.

⁵⁴ Rabbi Matya ben Ḥarash’s students said to him in amazement: How wise is Rabbi Shimon ben Yoḥai! Rabbi Matya ben Ḥarash said to them: This source is not his own, as it is a set tradition in the mouth of Rabbi Elazar bar Rabbi Yosei, and Rabbi Shimon ben Yoḥai learned it from him. Rabbi Matya ben Ḥarash provided the background for this claim. As, on one occasion the gentile monarchy issued a decree that the Jewish people may not observe Shabbat, and that they may not circumcise their sons, and that they must engage in intercourse with their wives when they are menstruating.

⁵⁵ Rabbi Reuven ben Isterobeli went and cut his hair in a komei hairstyle, which was common only among the gentiles, and he went and sat with the gentiles when they were discussing these three decrees. He said to them: One who has an enemy, does he want his enemy to become poor or to become rich? They said to him: He wants his enemy to become poor. Rabbi Reuven ben Isterobeli said to them: If so, with regard to the Jewish people as well, isn’t it better that they will not perform labor on Shabbat in order that they will become poor? The gentiles said: That is a good claim that he said; let us nullify our decree. And they indeed nullified it.

⁵⁶ Again Rabbi Reuven ben Isterobeli spoke to them and said: One who has an enemy, does he want his enemy to become weak or to become healthy? They said to him: He wants his enemy to become weak. Rabbi Reuven ben Isterobeli said to them: If so, with regard to the Jewish people as well, isn’t it better that they circumcise their sons after eight days and thereby cause them to become weak? The gentiles said: That is a good claim that he said, and they nullified their decree.

⁵⁷ Once again Rabbi Reuven ben Isterobeli spoke to them and said: One who has an enemy, does he want his enemy to multiply or to decrease? They said to him: He wants his enemy to decrease. Rabbi Reuven ben Isterobeli said to them: If so, with regard to the Jewish people as well, isn’t it better that they do not engage in intercourse with their wives when they are menstruating? The gentiles said: That is a good claim that he said, and they nullified their decree.

⁵⁸ A short time later they recognized that Rabbi Reuven ben Isterobeli was a Jew, and they realized that he had fooled them to the advantage of the Jewish people. They therefore arose and reinstated all of their decrees. The Sages then said: Who will go and nullify these decrees?

⁵⁹ Let Rabbi Shimon ben Yoḥai go to Rome, as he is accustomed to experiencing miracles. And who shall go after him, i.e., with him? Rabbi Elazar bar Rabbi Yosei.

⁶⁰ When Rabbi Yosei, Rabbi Elazar’s father, heard this suggestion, he said to the Sages: But if Abba Ḥalafta, my father, were alive, would you be able to say to him: Give your son to be killed? If so, how can you ask me to send my son to Rome, where he is likely to be killed? Rabbi Shimon said to the Sages: If Yoḥai, my father, were alive, would you be able to say to him: Give your son to be

killed? Nevertheless, I am prepared to risk my life and go to Rome, and if so, Rabbi Elazar bar Rabbi Yosei should accompany me.

⁶¹ Upon hearing this, Rabbi Yosei said to the Sages: If so, I will go in place of my son. I do not want him to go with Rabbi Shimon ben Yoḥai, as this is what I fear: My son Elazar is young and quick to answer, and I am concerned lest Rabbi Shimon, who is hot-tempered, will become angry with him and punish him. Rabbi Shimon accepted upon himself that he would not punish Rabbi Elazar. The Gemara notes that even so, Rabbi Shimon did punish him while they were on their journey.

⁶² Why did Rabbi Shimon end up punishing Rabbi Elazar? When they were walking on the road, this following question was asked before them: From where is it derived with regard to blood of a creeping animal that it is impure? Rabbi Elazar bar Rabbi Yosei twisted his mouth to whisper and said: It is derived from the verse: “And these are they that are impure for you among the creeping animals” (Leviticus 11:29). Although Rabbi Elazar tried to whisper so that Rabbi Shimon would not hear, Rabbi Shimon said to him: From the twisting of your mouth and your answer it is clear that you are a Torah scholar. Nevertheless, it is prohibited for a student to issue a ruling of halakha in the presence of his teacher. Therefore, I curse you that the son will not return from this journey to his father.

⁶³ The Gemara continues the story: As they were journeying, a demon named ben Temalyon emerged to greet them. He said to them: Do you wish that I will join you and come with you in order to help nullify this decree? When he saw that a demon was coming to help save the Jewish people, Rabbi Shimon cried and said: What, even for a maidservant of my father’s home, Hagar the Egyptian, who was Abraham’s handmaid, an angel was made available to appear to her three times to help her. Each of the three mentions of “and the angel of the Lord said unto her” (Genesis 16:9–11) in the story of Hagar is understood as a reference to a different angel. But I apparently do not deserve assistance from an angel even one time, but only help from a demon. In any case, let the miracle come and save the Jewish people, even if only through a demon.

⁶⁴ The demon ben Temalyon went before them and ascended into the emperor’s daughter and possessed her. When Rabbi Shimon ben Yoḥai arrived there, the emperor’s palace, he said: Ben Temalyon, emerge! Ben Temalyon, emerge! And once Rabbi Shimon called to him, ben Temalyon emerged and left the emperor’s daughter, and she was cured. When the emperor saw that Rabbi Shimon had cured his daughter, he said to them: Ask from me any reward that you want to ask. And he took them up to his treasury to take whatever they wanted. They found that letter there that contained the decrees against the Jewish people, and they took it and tore it up, and thereby nullified the decrees.

⁶⁵ The Gemara adds: And this is the background for that which Rabbi Elazar bar Rabbi Yosei said (Yoma 57a): I saw the Curtain of the Sanctuary in the city of Rome, and on the Curtain were several drops of blood from the bull and the goat of Yom Kippur. When the emperor took them into his treasury Rabbi Elazar saw the Temple vessels that the Romans had captured when they conquered Jerusalem, including the Curtain.

⁶⁶ MISHNA: Sacrificial meat that is piggul and sacrificial meat that is notar do not join together to constitute the requisite measure of an olive-bulk, due to the fact that they belong to two separate categories of prohibition. The flesh of the carcass of the creeping animal and the flesh of the animal carcass, and likewise the flesh of the animal carcass and the flesh of the corpse, do not join together

to transmit ritual impurity, not even for the more lenient of the two impurities, i.e., the impurity that requires the greater measure.

⁶⁷ GEMARA: Rav Yehuda says that Shmuel says: The mishna taught that piggul and notar do not join together only with regard to the ritual impurity of the hands if one touched them, which is by rabbinic law. But with regard to the matter of eating, they do join together. As it is taught in a baraita that Rabbi Eliezer says: The verse states with regard to leftover sacrificial food from meat and bread: “It shall not be eaten because it is sacred” (Exodus 29:34). This teaches with regard to anything sacred that has been disqualified for whatever reason, that the verse comes to apply a prohibition with regard to its consumption.

⁶⁸ MISHNA: The food that became ritually impure through contact with a primary source of ritual impurity, thereby assuming first-degree ritual impurity, and the food that became ritually impure through contact with a secondary source of ritual impurity, thereby assuming second-degree ritual impurity, join together to constitute the requisite measure of an egg-bulk to transmit impurity in accordance with the more lenient of the two, i.e., second-degree ritual impurity. All the ritually impure foods join together to constitute the requisite measure to disqualify the body [hageviyya] of one who eats half of a half-loaf-bulk [peras] of the impure foods from partaking of teruma.

⁶⁹ Likewise, all foods join together to constitute the requisite measure of food sufficient for two meals, to establish a joining of Shabbat boundaries; and to form the requisite measure of an egg-bulk, to render an item impure with the ritual impurity of food; and to form the measure of a dried fig-bulk, which establishes liability for carrying out food on Shabbat; and to form the volume of a large date, which establishes liability for eating on Yom Kippur. All the liquids join together to constitute the requisite measure to disqualify the body of one who drinks a quarter-log of ritually impure liquid from partaking of teruma; and to constitute the measure of a cheekful, which establishes liability for drinking on Yom Kippur.

⁷⁰ GEMARA: It is taught in a baraita that Rabbi Shimon says: What is the reason that food with first-degree ritual impurity joins together with food that has second-degree ritual impurity? The reason is that it is possible for the food with second-degree impurity to render another food impure with first-degree impurity. The Gemara asks: But can a food with second-degree impurity render another food impure with first-degree impurity? That is not possible. If food impure with second-degree impurity touches other food, it renders that food impure with third-degree impurity, not first-degree impurity.

⁷¹ Rava said that this is what Rabbi Shimon is saying: What caused that food to become impure with second-degree impurity? Is it not that it was touched by food with first-degree impurity? Since they share a common source, they join together. Rav Ashi similarly said: Food impure with first-degree impurity and food impure with second-degree impurity, with regard to food impure with third-degree impurity, are considered like members of one house, i.e., they both lead to third-degree impurity, either directly or indirectly, and for this reason they join together.

⁷² MISHNA: The fruit of a tree during the first three years after its planting [orla] (see Leviticus 19:23), and diverse kinds, i.e., grain sown in a vineyard (see Deuteronomy 22:9) join together to constitute the requisite measure to prohibit a mixture that they are mixed into. This applies when the volume of the permitted produce is less than two hundred times the prohibited produce. Rabbi Shimon says: They do not join together.

⁷³ GEMARA: The Gemara asks: And according to Rabbi Shimon, do the two half-measures need to join together, in order for one who eats them to be liable? But isn't it taught in a baraita that Rabbi Shimon says: One who eats any measure of a prohibited food is liable to receive lashes, as the Sages stated the measure of an olive-bulk only with regard to the requirement to bring an offering? The Gemara answers: The wording of the mishna is not precise and must be emended, to teach that Rabbi Shimon says: They do not need to join together, as one is flogged even for less than the minimum measure.

⁷⁴ MISHNA: A garment must be at least three by three handbreadths in order to become a primary source of ritual impurity, by means of ritual impurity imparted by the treading of a zav. A sack made from goats' hair must be at least four by four handbreadths, while an animal hide must be five by five, and a mat six by six. The garment and the sack, the sack and the hide, and the hide and the mat all join together to constitute the requisite measure to become ritually impure in accordance with the material of the greater measure.

⁷⁵ Rabbi Shimon said: What is the reason that they join together, despite the fact that their requisite measures are not equal? Because all the component materials are fit to become ritually impure through the ritual impurity imparted to a seat upon which a zav sits, as they can each be used to patch a saddle or saddlecloth. Since the measure of all these materials is equal in the case of a zav, they join together for other forms of ritual impurity as well.

⁷⁶ GEMARA: A Sage taught in a baraita: In a case where one cut from each of the materials listed in the mishna, i.e., the garment, the sack, the hide, and the mat, a piece of less than three by three handbreadths, and sewed them together, thereby fashioning a garment from them; if he formed the garment for lying upon it, then the minimum measure for it to become a primary source of ritual impurity is three handbreadths. If he intended it for sitting, the minimum measure is one handbreadth. If he intended to use it for holding, it becomes impure in any measure.

⁷⁷ The Gemara asks: What is the reason for the halakha in the case where one intended to use it for holding? Why is this cloth classified as a garment? Reish Lakish says that Rabbi Yannai says: It is considered a garment because it stands to be used as protection for the hands when weaving [lenavla], so that the weaver does not cut his fingers when straightening the threads. It was taught in a baraita: It is considered a garment since it is suited for fig cutters to place the material on their hands, to prevent them from getting dirty.

Chapter 5

¹ MISHNA: One who derives benefit equal to the value of one peruta from a consecrated item, even though he did not damage it, is liable for its misuse; this is the statement of Rabbi Akiva. And the Rabbis say: With regard to any consecrated item that has the potential to be damaged, one is not liable for misuse until he causes it one peruta of damage; and with regard to an item that does not have the potential to be damaged, once he derives benefit from it he is liable for misuse.

² The mishna elaborates: How so? If a woman placed a consecrated gold chain [ketala] around her neck, or a gold ring on her hand, i.e., her finger, or if one drank from a consecrated gold cup, since they are not damaged through use, once he derives benefit equal to the value of one peruta from

them, he is liable for misuse. If one wore a consecrated robe, covered himself with a consecrated garment, or chopped wood with a consecrated ax, he is not liable for misuse until he causes them one peruta of damage.

³ One who derives benefit from a sin offering while it is alive is not liable for misuse until he causes it one peruta of damage. When it is dead, once he derives benefit equal to the value of one peruta from it, he is liable for misuse.

⁴ GEMARA: The Sages taught in a baraita: Rabbi Akiva concedes to the Rabbis in the case of an item that has the potential to be damaged through its use that one is liable for misuse only if he causes one peruta of damage. The Gemara asks: Since this is apparently exactly the same as the opinion of the Rabbis, with regard to what do Rabbi Akiva and the Rabbis disagree?

⁵ Rava said: With regard to outer garments such as coats, which are exposed to the weather and other elements, and garments worn touching the skin, which can be damaged by perspiration, Rabbi Akiva and the Rabbis agree that one is liable for misuse only when the garments are damaged at least by the value of one peruta. They disagree in the case of a middle garment, i.e., that which is neither an outer garment nor one that is worn against the body. And they also disagree in the case of a garment made of malmala, very thin fabric; since this garment is expensive, one who wears it would be very careful not to let it be damaged, and consequently it is not subject to measurable depreciation each time it is worn. In these cases, Rabbi Akiva holds that one is liable for misuse if he derives benefit equal to the value of one peruta even though the garments were not depreciated by one peruta, whereas the Rabbis maintain that as there is cumulative depreciation, one is liable for misuse only when he causes one peruta of damage.

⁶ § The Sages taught in a baraita: With regard to misuse of consecrated property, the verse states: “If anyone commits a misuse, and sins through error, in the sacred items of the Lord” (Leviticus 5:15). It is derived from the general term “anyone” that this halakha applies whether the guilty person is a common individual, and whether he is the king, and whether he is the anointed High Priest. Although in other contexts they have obligations to bring different offerings, these individuals have a uniform liability with regard to the sin of misuse.

⁷ The baraita further interprets the verse: “If anyone commits a misuse [ma’al], and sins” (Leviticus 5:15). The term ma’al means nothing other than deviation from the norm. And similarly, the verse states with regard to a woman suspected of adultery: “If any man’s wife goes aside, and acts unfaithfully [ma’al] against him” (Numbers 5:12). And it states with regard to idol worship: “And they broke faith [vayimalu] with the God of

⁸ their fathers, and went astray after the gods of the peoples of the land, whom God destroyed before them” (I Chronicles 5:25). Likewise, one who misuses consecrated property deviates from the purpose for which the particular item was meant to be used.

⁹ The baraita continues: One might have thought that the comparison between misuse and idol worship teaches that one is liable for misuse even if he damaged the consecrated item but did not derive benefit from it, as that is the halakha with regard to idol worship, where one changes worship of God to idol worship without deriving benefit. Or, in light of the comparison between misuse and suspected adultery, it might have been thought that one would be liable for misuse if he derived benefit from the consecrated item but did not damage it, just as the adulteress derives benefit from the illicit act of intercourse without suffering any physical damage.

¹⁰ And perhaps one should be liable for misuse of an item attached to the ground. And in the case of an agent who committed misuse while he performed his assigned agency, it might be thought that the agent himself, rather than the one who appointed him, should be liable for the misuse.

¹¹ The halakha in these cases is derived from the fact that the verse states: “If anyone commits a misuse, and sins through error, in the sacred items of the Lord” (Leviticus 5:15). The word “sin” is stated with regard to teruma, in the verse: “And you shall bear no sin by reason of it, as you have set apart from it its best” (Numbers 18:32); and “sin” is also stated with regard to misuse of consecrated property. Several halakhot are derived from this verbal analogy.

¹² The baraita elaborates: Just as with regard to the word “sin” stated with regard to teruma, when someone sins by partaking of forbidden teruma, it is a circumstance in which one damages and derives benefit, and the one who damaged the teruma is the same person who derived benefit; and with regard to teruma, one is liable only if he derives benefit from the same item that he damages; and he is liable in the case of teruma only if his damage and his benefit occur simultaneously; and the status of teruma applies only to an item detached from the ground; and the status of teruma takes effect in the case of an agent who performed his assigned agency in designating an item teruma, the same applies to misuse.

¹³ The baraita further explains: So too, the word “sin” stated with regard to misuse applies specifically when the individual both damages and derives benefit from consecrated items; and when the one who damaged also derived benefit from it himself; and he derives benefit from the same item that he damages; and his damage and his deriving benefit occur simultaneously; and misuse applies only to an item detached from the ground; and misuse is committed by the one appointing the agent in the case of an agent who performed his assigned agency.

¹⁴ The baraita continues: From the verbal analogy I have derived only that one is liable for misuse if he eats consecrated items when he is not permitted to do so, similar to the case of teruma. But with regard to one who derives benefit from an item that does not have the potential to be damaged, from where do I derive that this also constitutes misuse?

¹⁵ Similarly, if one eats from a consecrated item and gives to another person to eat, where there is his consumption and another’s consumption; or if he derives benefit and gives to another to derive benefit, where there is his deriving benefit and another’s deriving benefit; and likewise his deriving benefit and another’s consumption; and his consumption and another’s deriving benefit; the halakha is that in all these cases, benefit and consumption combine with one another, even over a long period of time on the same day, to amount to the value of one peruta that effects liability for misuse. From where is this halakha derived?

¹⁶ The verse states: “If anyone commits a misuse.” This general and inclusive clause teaches that one is liable for misusing one peruta worth of consecrated property in any case, i.e., even if he gave it to another and one of them ate while the other derived benefit, and even if it took some time on that day to use the value of one peruta.

¹⁷ The baraita further states: If there is a comparison between teruma and misuse, one can claim as follows: Just as in the case of the word “sin” that is stated with regard to teruma, the Torah does not combine two distinct acts of consumption as one prohibited act, so too, perhaps with regard to the word “sin” that is stated with regard to misuse, the Torah does not combine two acts of consumption as one. From where is it derived that if one ate half of the minimum amount of an olive-bulk today

and ate another half tomorrow, even if much time has passed, the distinct acts of misuse combine and are considered one act, which means that the one who did so is liable for misuse? The verse states: “If anyone commits a misuse.” The inclusive language of the verse teaches that he is liable in any case.

¹⁸ The baraita continues: If there is a comparison between teruma and misuse, one can claim as follows: Just as in the case of the word “sin” that is stated with regard to teruma, the damage to the teruma and the individual’s deriving benefit from the teruma occur simultaneously, the same should apply to misuse of consecrated items. From where is it derived that one is liable for misuse for his consumption and another’s consumption, when each person alone has eaten less than the value of one peruta, and even if the two acts of consumption are separated in time from now until three years later; from where is it derived that the instances of misuse combine? The verse states: “If anyone commits a misuse.” The inclusive language of the verse teaches that he is liable in any case.

¹⁹ The baraita continues: If it is derived from the verbal analogy that there are several halakhot common to both teruma and committing misuse, one can claim as follows: Just as in the case of the word “sin” that is stated with regard to teruma,

²⁰ a non-priest who partakes of teruma is not liable until the teruma leaves from the domain of the sacred to the domain of the non-sacred, as one who partakes of teruma becomes its owner, the same should apply to misuse.

²¹ But in fact one is also liable for misuse if he moves an item from the domain of the sacred to the domain of the sacred for another purpose, such as if he spent funds from the Temple treasury and acquired bird nests, i.e., pairs of birds, pigeons or doves, for zavim (see Leviticus 15:13–15), or the bird nests for zavot (see Leviticus 15:28–30), or the bird nests for women after childbirth (see Leviticus 12:6–8). Although the individual is using the money of the Temple treasury for a sacred purpose, nevertheless, since these obligatory offerings should be purchased with private funds, he commits misuse by deriving personal benefit from sacred funds.

²² And similarly, with regard to one who contributed his shekel, or brought his sin offering or his guilt offering from consecrated property, once he spends the funds he has committed misuse. This is the statement of Rabbi Shimon. Rabbi Yehuda says: He is not liable until the priest sprinkles the blood of the offerings, through which he achieves atonement, at which point he has derived his benefit from the consecrated property. The baraita returns to its question: From where is it derived that such use is also categorized as misuse? The verse states: “If anyone commits a misuse.” The inclusive language of the verse teaches that he is liable in any case.

²³ The Gemara analyzes the beginning of the baraita. The Master said above: The verse states: “If anyone commits a misuse” (Leviticus 5:15). All people are included in this halakha, whether the guilty person is the common individual, and whether he is the king, and whether he is the anointed High Priest. The Gemara asks: What else might one have thought? It is obvious that the king and the High Priest are included, as it is written: “Anyone.”

²⁴ The Gemara explains that the statement of the baraita is necessary, lest you say that these individuals are excluded from the halakha of misuse because the Merciful One states with regard to the anointing oil: “Or whosoever puts any of it upon a stranger, he shall be cut off from his people” (Exodus 30:33). And with regard to the anointing oil, this distinguished person, i.e., the High Priest

or the king, is not considered a “stranger,” as he is anointed with it. Therefore, the baraita teaches us that even a High Priest and a king are included in the prohibition of misuse.

²⁵ § The Gemara summarizes the derivations with regard to the halakha of misuse. The Merciful One compared the halakha of misuse to the case of a sota, and to idol worship, and to teruma, in order to teach several basic principles. Misuse is compared to a sota, in the verse: “If any man’s wife goes aside, and acts unfaithfully against him” (Numbers 5:12), as here one is liable for committing adultery even though the adulteress did not damage her body through her actions. With regard to consecrated property as well, even without causing damage, as in the case in which a woman placed a consecrated gold ring on her hand, i.e., her finger, she has thereby become liable for misuse.

²⁶ When the Merciful One compared misuse to idol worship, in the verse: “And they broke faith with the God of their fathers” (I Chronicles 5:25), this teaches that one is not liable for idol worship until there is a change effected by his act, as the idolater changes his worship of God for worship of idols. With regard to consecrated property as well, if the item is susceptible to damage, a person does not become liable for misuse until the act of misuse changes the item from being available for use for sacred purposes to being available for use only for non-sacred purposes, as in a case where he chops non-sacred wood with a consecrated ax and concurrently damages the ax, as the consecrated property is thereby damaged.

²⁷ Finally, the Merciful One compared misuse to the partaking of teruma by a non-priest, through the verbal analogy of the words “sin” and “sin” (see 18b). What is the halakha with regard to teruma? The verse states: “And if a man eats of the sacred item through error, then he shall add its fifth part upon it” (Leviticus 22:14). This excludes one who causes damage to the teruma without partaking of it, e.g., by spilling it on the ground. Such a person is exempt from the payment of the additional one-fifth. With regard to consecrated property as well, in the case of any consecrated edible item, or some other item, when one damages it without deriving benefit from the damaging act, he is exempt with regard to misuse.

²⁸ § The mishna teaches: How is one liable for misuse of an item that is not subject to damage? For example, if a woman placed a consecrated gold chain around her neck. Rav Kahana said to Rav Zevid: And is it correct that gold is not subject to damage? But where did the gold of the daughter-in-law of the wealthy man Nun go? When Nun married off his son, he gave the bride many golden items of jewelry, which deteriorated over time. Evidently, gold is also subject to damage.

²⁹ Rav Zevid said to Rav Kahana: Perhaps the gold of Nun’s daughter-in-law suffered the fate of the gold that your daughters-in-law cast aside. Like your daughters-in-law, Nun’s daughter-in-law treated her gold carelessly, which is why it deteriorated. And furthermore, granted that gold does not have the status of an item that is damaged immediately [le’altar] when someone derives benefit from it, but even so, does gold never sustain damage? Even gold deteriorates slowly and suffers measurable damage over long periods of time.

³⁰ § The mishna further teaches: One who derives benefit from a sin offering or from other items of the most sacred order, as in the case of one who detaches its wool while the animal is alive, is not liable for misuse unless he causes damage of the value of one peruta. The Gemara asks: Now, if the ruling of the mishna is stated with regard to an unblemished domesticated animal, which is fit for sacrifice, this case is the same as that of a consecrated gold cup, which is not subject to damage. Since the animal remains fit as an offering even after wool has been detached from it, why is it

subject to misuse only if it is damaged? Rav Pappa said: We are dealing with a blemished animal. Since it is unfit for sacrifice, it will be sold by the Temple treasury, and therefore the removal of wool reduces its sale price. Consequently, it is subject to misuse only if such use causes it damage.

³¹ MISHNA: If one derived benefit equal to half of a peruta from a consecrated item and caused it half of a peruta of damage, or if he derived benefit equal to the value of one peruta from a consecrated item that has the potential to be damaged and caused damage of the value of one peruta to another consecrated item but derived no benefit from it, he is exempt. The reason is that one is not liable for misuse until he derives benefit of the value of one peruta from a consecrated item and causes damage of the value of one peruta to one, i.e., the same item.

³² One is liable for misuse after misuse in consecrated items only in the case of an animal and in the case of service vessels. How so? If one rode upon a sacrificial animal, and another person came and rode upon that animal, and yet another came and rode upon it as well, all of them are liable for misuse of the animal. In the case of service vessels, if one drank from a gold cup, and another came and drank from that cup, and yet another individual came and drank from it, all of them are liable for misuse of the cup. If one removed wool from a sin offering, and another came and removed wool from that animal, and yet another person came and removed wool from it, all of them are liable for misuse of the animal. Rabbi Yehuda HaNasi says: With regard to any consecrated item that is not subject to redemption, there is liability for misuse after misuse with regard to it.

³³ GEMARA: According to the mishna, one can be liable for misuse after misuse only in the case of an animal or service vessels. The Gemara inquires: Whose opinion is expressed in the mishna? It is the opinion of Rabbi Neḥemya, as it is taught in a baraita (Tosefta 2:6): One is liable for misuse after misuse only in the case of an animal alone. Since an animal designated for sacrifice is not awaiting redemption or sale, its sanctity is not compromised when someone misuses it. It is therefore susceptible to repeated misuse. But with regard to service vessels, as according to the first tanna of the baraita they may be redeemed, their sanctity is compromised after they are misused even once, and they are no longer subject to misuse. Rabbi Neḥemya says: One is liable for misuse both in the case of an animal and in the case of service vessels.

³⁴ The Gemara asks: What is the reason of the first tanna in the baraita, who rules that service vessels are not susceptible to repeated misuse? The Gemara answers that he holds that the halakha of misuse is written with regard to the case of an animal. As it is written: “If anyone commits a misuse, and sins through error, in the sacred items of the Lord, then he shall bring his guilt offering to the Lord...and the priest shall make atonement for him with the ram of the guilt offering, and he shall be forgiven” (Leviticus 5:15–16). It is derived from here that the liability for repeated misuse applies only to an animal.

³⁵ And Rabbi Neḥemya could have said to you, in response, the following fortiori inference: If a service vessel brings other materials placed in them to their state of sanctity, thereby rendering those materials susceptible to misuse after misuse, all the more so is it not clear that the vessel itself should be susceptible to misuse after misuse.

³⁶ § The mishna teaches that Rabbi Yehuda HaNasi says: With regard to any consecrated item that is not subject to redemption, there is liability for misuse after misuse. The Gemara raises a difficulty: This opinion is the same as that of the first tanna. Why is this ruling presented as a dissenting opinion? Rava said: There is a difference between them in the case of donated wood. The first tanna

maintains that wood does not have the status of an item consecrated as an offering; rather, it has the status of an item consecrated for Temple maintenance, and is therefore not subject to repeated misuse. By contrast, Rabbi Yehuda HaNasi holds that wood has the status of items consecrated as an offering, which is not subject to damage and is therefore subject to repeated misuse.

³⁷ As the Sages taught in a baraita: With regard to one who says, in the form of a vow: It is incumbent upon me to bring wood to the Temple, he must not bring fewer than two logs for the arrangement on the altar. Rabbi Yehuda HaNasi says: Wood is considered an offering, as it is placed upon the altar, and therefore it requires salt, and it requires waving, like a meal offering.

³⁸ Rava says: According to the statement of Rabbi Yehuda HaNasi, wood donated in this manner requires more wood as an accompaniment, so that the donated sacrificial wood is sacrificed in the same manner as other donated offerings. And Rav Pappa further says: According to the statement of Rabbi Yehuda HaNasi, wood donated in this manner requires the removal of a handful. Similar to the rite of a meal offering, a portion of the wood must be removed and burned first.

³⁹ Rav Pappa said that there is another difference between the opinion of the first tanna and that of Rabbi Yehuda HaNasi. If there were unblemished animals consecrated for the altar, and they became blemished and were disqualified from being sacrificed as offerings, and someone transgressed and slaughtered them before they were redeemed, in this case there is a difference between the opinion of the first tanna and that of Rabbi Yehuda HaNasi.

⁴⁰ And indeed, it is taught in a baraita that Rabbi Yehuda HaNasi and the Rabbis engage in a dispute in that case: If there were unblemished animals consecrated for the altar, and they became blemished, and someone transgressed and slaughtered them, Rabbi Yehuda HaNasi says: The consecrated animals may no longer be redeemed, as it is written: “He shall stand the animal before the priest. And the priest shall value it” (Leviticus 27:11–12). A dead animal cannot be stood before the priest, and therefore the animal carcasses must be buried.

⁴¹ But the Rabbis say: The animals should be redeemed. Since Rabbi Yehuda HaNasi maintains the animals may not be redeemed, this indicates that they have inherent sanctity, and therefore they are subject to repeated misuse. By contrast, the first tanna, like the Rabbis, holds that their sanctity is a function of their value, and consequently they are not subject to repeated misuse.

⁴² MISHNA: In a case where one took for his use a consecrated stone or a beam, that person is not liable for its misuse.

⁴³ If he gave the stone or the beam to another, he is liable for its misuse and the other person is not liable for its misuse. If he built the stone or the beam into his house, he is not liable for its misuse until he resides beneath it and derives benefit equal to the value of one peruta from it.

⁴⁴ If one took for his use a consecrated peruta, that person is not liable for its misuse. If he gave the peruta to another, he is liable for its misuse and the other person is not liable for its misuse. If he gave the peruta to a bathhouse attendant [levallan], although he did not bathe, he is liable for misuse of the peruta. The reason is that at the moment he receives the peruta, the attendant in effect says to the owner of the peruta: The bathhouse is open before you, enter and bathe. The benefit derived from that availability is worth one peruta.

⁴⁵ One’s consumption of half of a peruta of consecrated food and another’s consumption of half of a peruta of consecrated food that the first person fed him; and likewise one’s benefit of half of a peruta

derived from a consecrated item and another's benefit of half of a peruta derived from a consecrated item that the first person provided him; and similarly one's consumption and another's benefit derived or one's benefit derived and another's consumption, all these join together to constitute the requisite measure of one peruta for liability for misuse, and that is the halakha even if much time has passed between these various acts of consumption and deriving of benefit.

⁴⁶ GEMARA: The mishna teaches that if one takes a stone or a beam belonging to the Temple treasury, he is not liable for misuse, but if he gives it to another he is liable for misuse. The Gemara asks: What is different with regard to him retaining possession of the item, and what is different with regard to him giving it to another, that he is rendered liable when he gives it to another? Shmuel said: We are dealing with a treasurer [begizbar] of the Temple, to whom the consecrated property is given. Since all the consecrated property is meant to be in his possession and charge, he is not guilty of misuse, provided that he does not transfer it to another.

⁴⁷ § The mishna teaches: If he built the stone or the beam into his house, he is not liable for its misuse until he resides beneath it and derives benefit equal to the value of one peruta from it. The Gemara asks: Why do I need the mishna to state that the individual is not liable until he resides beneath it? That is not precise, as once he has changed it, by chiseling it for the purpose of fitting it into the structure, he has already committed misuse. Rav says: In this instance, the individual in question did not change the item in order to build with it. Rather, this is referring to a case where he placed it upon a window. Since mere placement does not constitute a change, there is no misuse until he lives beneath it.

⁴⁸ The Gemara notes: And nevertheless, once he built it and subsequently derived benefit from it, in any event he has committed misuse. Although the halakha is that misuse does not apply to items that are attached to the ground, this does not apply to an item built into a structure. Let us say that this statement supports the opinion of Rav, as Rav said: With regard to one who prostrates himself to a house in an act of idolatry, he renders the house prohibited. The house assumes the status of a worshipped item, from which one may not derive benefit. Notwithstanding the halakha that an item attached to the ground does not become prohibited as an object of idolatry, the house does not assume the status of an item attached to the ground, since it is built of materials that were earlier detached from the ground.

⁴⁹ Rav Aḥa, son of Rav Ika, said: The mishna does not necessarily support the opinion of Rav. It can be claimed that the item is subject to misuse even if one maintains that a detached item which becomes attached gains the status of an attached item, in accordance with the opinion that if someone worships a house, he does not render it prohibited. Nevertheless, in the case of the stone or beam the individual is liable for misuse, due to another principle: With regard to misuse, the Torah prohibited all benefit that appears readily to the eyes, e.g., one who uses consecrated property as building materials. It makes no difference that the item is now attached to the ground.

⁵⁰ The Gemara suggests another proof for Rav's opinion that an item which was previously detached and then becomes attached to the ground retains the status of a detached item. Let us say that a baraita supports the opinion of Rav: With regard to one who resides in a house consecrated to the Temple treasury, once he derives benefit from the house he has committed misuse. Evidently, the built house is considered detached, which is why it is subject to misuse. Reish Lakish said: This baraita does not support the opinion of Rav either. There, the baraita is speaking of a case where he

consecrated the detached building materials and ultimately built the house. Since the items were detached when he consecrated them, the prohibition of misuse applies even if they were subsequently attached to the ground.

⁵¹ In light of Reish Lakish's interpretation, the Gemara objects: But if he built the house and ultimately sanctified it when it was attached to the ground, what is the halakha? Evidently, he has not committed misuse. If so, why does the tanna of the baraita run specifically to teach the subsequent case: With regard to one who resides in a consecrated house of a cave, i.e., a domicile that has always been attached and was not built from detached components, he has not committed misuse, as an attached item is not subject to misuse. Why does the baraita mention this very different case? Let the baraita say simply: With regard to one who resides in a stone house, which he built and ultimately sanctified, he has not committed misuse.

⁵² The Gemara explains: One can say that although the tanna could have taught the case of the built house instead of a cave, he preferred to mention a cave, as this case of the cave is conclusive for him. Under all circumstances, one who lives in a consecrated cave is exempt from misuse, because the cave was always attached to the ground. By contrast, that case of the built house is not conclusive for him, as a consecrated house is not always exempt from misuse. If the house is built from previously consecrated materials, one who lives within it is liable for misuse.

Chapter 6

¹ MISHNA: With regard to an agent who performed his agency properly, if he was tasked to make use of a particular item, and the one who appointed him forgot that it was a consecrated item, the homeowner, who appointed him, is liable for misuse of the consecrated item, as the agent acted on his behalf. Contrary to other cases of agency, where the guiding principle is that there is no agency in the performance of a transgression, and the agent is liable, in this case there is agency, and the homeowner is liable for the action of the agent. But if he did not perform his agency properly, the agent is liable for misuse of the consecrated item, as once the agent deviates from his agency, he ceases to be an agent, and his actions are attributable to him.

² How so? If the homeowner said to the agent: Give meat to the guests, and he gave them liver; or if he said: Give them liver, and he gave them meat, the agent is liable for misuse of the consecrated item, as he deviated from his agency. If the homeowner said to the agent: Give them meat, a piece for this guest and a piece for that guest, and the agent says: Each of you take two pieces, and each of the guests took three pieces, all of them are liable for misuse. The homeowner is liable for their consumption of the first piece of meat, as with regard to that piece his instructions were fulfilled. The agent is liable for the second piece, which he added to the instructions of the homeowner. Finally, the guests are liable for the third piece, which they took at their own initiative beyond the instructions of the agent.

³ GEMARA: The mishna teaches that an agent is considered to have diverged from the instructions of the homeowner if he gives each of the guests liver instead of meat or vice versa. This indicates that meat and liver are considered two different types of items, as giving one in place of the other would normally be done only after consultation with the homeowner. The Gemara asks: Who is the

tanna who taught this halakha, that any case involving an item about which the agent would normally consult whether to give it or to give another item in its stead is considered to involve two separate items with regard to the prohibition of misuse?

⁴ Rav H̥isda said that this is not in accordance with the opinion of Rabbi Akiva. As we learned in a mishna (Nedarim 54a): In the case of one who takes a vow that vegetables are prohibited to him, without specifying which types of vegetable, he is permitted to eat gourds, as people do not typically include gourds in the category of vegetables; but Rabbi Akiva deems it prohibited for him to eat gourds. Rabbi Akiva maintains that as an agent would consult the homeowner before buying gourds instead of vegetables, they are in the same category. He reasons that if they were not both in the same category, the agent would not even bother consulting the homeowner if he would prefer gourds instead. Therefore, Rabbi Akiva maintains that any item about which the agent would ask is included in the same category as the item he specified, and they are not two separate items.

⁵ Abaye said: You may even say that the mishna is in accordance with the opinion of Rabbi Akiva, as doesn't Rabbi Akiva concede that the agent needs to consult the one who appointed him? Since the agent failed to consult him, and he acted on his own when he gave liver instead of meat, he is not considered to have performed his agency. Consequently, he is liable for misuse. In other words, the ruling of the mishna is not due to the fact that meat and liver are considered two different types of items, but because the agent failed to perform his agency. When the Rabbis said this halakha before Rava, he said to them: Naḥmani, i.e., Abaye, is saying well.

⁶ The Gemara asks: Who is the tanna who disagrees with the opinion of Rabbi Akiva in the mishna in tractate Nedarim? The Gemara answers that it is Rabban Shimon ben Gamliel, as it is taught in a baraita: With regard to one who takes a vow that meat is forbidden to him, he is prohibited from eating all types of meat, and is prohibited from eating meat of the head, of the feet, of the windpipe, of the liver, and of the heart, despite the fact that people do not typically eat meat from those parts of the body. And it is prohibited for him to eat meat of birds, as that too is popularly called meat. But it is permitted for him to eat the meat of fish and grasshoppers, as their flesh is not called meat. Rabban Shimon ben Gamliel permits him to eat meat of the head, of the feet, of the windpipe, of the liver, of the heart, of birds, and needless to say also of fish and of grasshoppers.

⁷ And Rabban Shimon ben Gamliel would likewise say: Innards are not considered meat, and one who eats them is not a person, i.e., innards are unfit for human consumption. It can be inferred from here that Rabban Shimon ben Gamliel disagrees with Rabbi Akiva and maintains that although an agent who fails to find meat would consult the one who appointed him and then replace the meat with liver, the liver is not considered meat with regard to vows.

⁸ With regard to the above baraita, the Gemara asks: And according to the opinion of the first tanna, what is different about meat of birds that he considers it in the same category as regular meat? It must be because a person normally says, when he cannot find meat and returns to the one who appointed him: I did not find meat of animals but I brought meat of birds instead. The Gemara asks: If so, then also with regard to fish a person is apt to say: I did not find meat of an animal, but I brought fish instead. Why, then, is fish considered a separate category?

⁹ Rav Pappa said: We are dealing with the day of one's bloodletting, as a person in that condition does not eat fish. Since it was accepted at the time that eating fish after bloodletting is harmful, the

agent would never consider buying fish instead of meat, and would not even consult with the one who appointed him as to whether or not to purchase fish.

¹⁰ The Gemara asks: If so, he would not eat birds either, as Shmuel said: With regard to one who lets blood and eats the meat of a bird, his heart rate accelerates and flies like a bird. Clearly, bird meat is also deleterious for one's health after bloodletting. And furthermore it is taught in a baraita: One does not let blood before eating fish, nor before eating birds, nor before eating salted meat.

¹¹ Rather, Rav Pappa said: We are dealing with a case which occurred on a day that his eyes hurt him, as people do not eat fish on that day, since fish are harmful to the eyes. Therefore, the agent would neither purchase fish nor consult with the homeowner whether to do so.

¹² § The mishna teaches: If the homeowner said to the agent: Give him meat, a piece for each guest, and the agent says: Each of you take two pieces, and each of the guests took three pieces, all of them are liable for misuse. The Gemara suggests: One can learn from the mishna that if an agent adds to his agency he is still considered an agent, and therefore the one who appointed him is also liable, as the agent did not uproot his instructions entirely.

¹³ Rav Sheshet said that this inference is not necessarily correct, because the mishna can be explained as referring specifically to a case where the agent said to the guests: Take one piece of meat in accordance with the intent of the homeowner and one piece in accordance with my intent.

¹⁴ Rav Sheshet adds that it is necessary for the mishna to teach this halakha, lest you say that the agent has uprooted the agency of the homeowner by adding to his instructions, and therefore the homeowner is not liable for the prohibition of misuse even for the first piece of meat. Consequently, the mishna teaches us that the homeowner is also liable.

¹⁵ MISHNA: If the homeowner said to the agent: Bring me this item or this money from the window in the wall or from the chest [hadeluskema], and the agent obeyed and brought it to him from the place that he instructed him, even though the homeowner said: In my heart, my desire was only that he should bring me the item from that other place, and as he brought it from this place he did not fulfill my instructions, nevertheless the homeowner is liable for misuse if the item or money is consecrated, as the agent did in fact fulfill his instructions. But if the homeowner said to the agent: Bring me this item or this money from the window in the wall, and the agent brought it to him from the chest; or if the homeowner said to the agent: Bring me this item or this money from the chest, and the agent brought it to him from the window, the agent is liable for misuse.

¹⁶ In a case where the homeowner sent consecrated money in the hand of a deaf-mute, an imbecile, or a minor, who lack halakhic competence and cannot be commissioned as agents, in order to purchase an item from a storekeeper, if they performed his agency, the homeowner is liable for misuse, as his instructions were fulfilled. If they did not perform his agency but purchased a different item from the storekeeper, the storekeeper is liable for misuse.

¹⁷ If the homeowner sent the money in the hand of a halakhically competent person and the homeowner remembered that the money was consecrated before the agent reached the storekeeper, the storekeeper is liable for misuse when he spends the money for his personal use. The homeowner is exempt from liability for misuse, because once he remembers that the money is consecrated his misuse is no longer unwitting, and one is liable to bring an offering for misuse only for unwitting misuse of consecrated property.

¹⁸ What shall the homeowner do in a case where he remembers that the money is consecrated, in order to prevent the storekeeper from liability for misuse? He takes one peruta or a vessel and says: The consecrated peruta, wherever it may be, is desacralized with this peruta or vessel. The peruta is thereby desacralized, as a consecrated item is desacralized with money and with an item that has the equivalent value of money. The result is that the storekeeper spends non-sacred money.

¹⁹ GEMARA: The mishna teaches that if the agent did as instructed by the homeowner, even if the homeowner claimed that he had another desire, it is the homeowner who is liable for misuse. The Gemara asks: What is the mishna teaching us? The Gemara answers: It is teaching that unspoken matters that remain in the heart are not significant matters. Therefore it is the homeowner who is liable, not the agent, despite the fact that the agent did not do what the homeowner desired.

²⁰ § The mishna teaches: In a case where the homeowner sent consecrated money in the hand of a deaf-mute, an imbecile, or a minor, who lack halakhic competence and cannot be commissioned as agents, in order to purchase an item from a storekeeper, if they performed his agency, the homeowner is liable for misuse, as his instructions were fulfilled. The Gemara raises a difficulty: But they cannot be involved in agency. Since these groups of people lack halakhic competence, they cannot be agents; if so, how can the homeowner be liable for misuse?

²¹ Rabbi Elazar says in explanation: The Sages rendered these individuals halakhically like a vat [kema'atan] of olives with regard to ritual impurity. Since it is beneficial for the homeowner when the moisture of the olives, i.e., liquid that seeps from the olives, leaks into a vat, as explained below, it is considered as though the homeowner had intent for the moisture to be there. Similarly, with regard to these categories of people, since it suits the homeowner when they do what he requested it is considered as though they acted with his intent.

²² As we learned in a mishna (Teharot 9:1): When do the olives become susceptible to ritual impurity? From when they exude moisture. This is referring specifically to the moisture that emerges into the vat, but not the moisture that emerges into the basket. The moisture that comes into the vat softens the olives and is beneficial to the olive oil production, as it renders them easier to press. For this reason it is considered as though the homeowner has intent for the moisture to be there, and that moisture therefore renders the olives it touches susceptible to ritual impurity. By contrast, moisture in the basket serves no purpose, as it trickles out through holes in the basket. Consequently, it is not there with the intent of the homeowner and does not render the olives susceptible to ritual impurity.

²³ Rabbi Yoḥanan says: This case of a deaf-mute, imbecile or minor, is like that which we learned in a baraita with regard to placing food for a joining of Shabbat boundaries, i.e., an eiruv: If one placed the food of the eiruv on a monkey, and the monkey brought it to the place where he wanted the eiruv deposited, or if he placed it on a trained elephant, and the elephant brought it to the proper location, and he told another person to receive it from the animal, it is a valid eiruv. Evidently, the agency is performed by the monkey or elephant, despite the fact that they are unfit to serve as agents. So too, in the case of the deaf-mute, imbecile, or minor, the agency is performed despite the fact that they cannot be involved in agency.

²⁴ § The mishna teaches: If the homeowner sent the money in the hand of a halakhically competent person and the homeowner remembered that the money was consecrated before the agent reached the storekeeper, the storekeeper is liable for misuse when he spends the money for his personal use. This indicates that the storekeeper is liable even though the agent did not remember, but the homeowner

alone remembered. And the Gemara raises a contradiction from a baraita: If the homeowner remembered that the money was consecrated, but the agent did not remember, the agent is liable for misuse. If they both remembered that the money is consecrated, the storekeeper is liable for misuse.

²⁵ Rav Sheshet said in resolution of this contradiction: The mishna is also referring to a case where both the agent and the agent remembered that the money was consecrated, and for this reason the storekeeper alone is liable for misuse.

²⁶ MISHNA: If the homeowner gave the agent one consecrated peruta and said to him: Bring me lamps [nerot] with one-half of it and wicks with one-half of it, and the agent went and brought him wicks with the entire peruta, or lamps with the entire peruta; or in a case where the homeowner said to the agent: Bring me lamps with the entire peruta or wicks with the entire peruta, and the agent went and brought him lamps with one-half of it and wicks with one-half of it, both of them are not liable for misuse of the peruta. In both cases, the homeowner is exempt because his instructions were fulfilled only with regard to half of a peruta, and the agent is exempt as he spent only half of a peruta on his own initiative.

²⁷ But if the homeowner said to the agent: Bring me lamps from such and such place with one-half of the peruta and wicks from such and such place with one-half of the peruta, and the agent went and brought him lamps from the place that he designated for wicks, and wicks from the place that he designated for lamps, the agent is liable for misuse, as he deviated from the homeowner's instructions by the sum of an entire peruta.

²⁸ If the homeowner gave the agent two consecrated perutot, and said to him: Go and bring me an etrog, and he went and brought him an etrog with one peruta and a pomegranate with one peruta, both of them are liable for misuse. The homeowner is liable because his agency was performed with the sum of one peruta, and the agent is liable because he deviated from the homeowner's instructions with one peruta. Rabbi Yehuda says: The homeowner is not liable for misuse, as he can say to the agent: I was seeking a large etrog worth two perutot, and you brought me a small, inferior etrog worth one peruta.

²⁹ If the homeowner gave the agent a consecrated gold dinar, which is worth twenty-five silver dinars, as four silver dinars constitute a sela; and said to the agent: Go and bring me a robe,

³⁰ and the agent went and brought him a robe with three sela and a cloak with three sela, both of them are liable for misuse. The homeowner is liable because his agency was performed with the purchase of the robe for three sela, and the agent is liable because he deviated from the homeowner's instructions by purchasing the cloak. Rabbi Yehuda says: The homeowner is not liable for misuse, as he can say to the agent: I was seeking a large robe worth a gold dinar and you brought me a small, inferior robe worth three sela, i.e., twelve silver dinars.

³¹ GEMARA: The Gemara notes: One can learn from the mishna the resolution to an unresolved dilemma in tractate Ketubot (98b), that in a case of one who said to his agent: Go and sell on my behalf a kor of land, and he went and sold for him a half-kor, the purchaser acquires the half-kor of land that he purchased. Although the agent did not fulfill his agency entirely, the part that he did perform is valid.

³² Some Sages say that one cannot infer this resolution from the mishna. What are the circumstances of the mishna here? It is referring a case where the agent brought him a robe worth six sela, i.e., the

value of the gold dinar that the homeowner gave him, which he acquired for three sela. If so, the homeowner received exactly what he wanted and the agent did not deviate from the agency, except that he also purchased a cloak without being instructed to do so. This is dissimilar to the case of an agent who sells a half-kor of land.

³³ The Gemara raises a difficulty: If that is the case of the mishna, say the latter clause: Rabbi Yehuda says: The homeowner is not liable for misuse, as he can say to the agent: I was seeking a large robe worth a gold dinar, and you brought me a small, inferior robe worth three sela. It is clear from the mishna that the homeowner did not receive exactly what he wanted, but rather an inferior robe.

³⁴ The Gemara explains that Rabbi Yehuda means that the homeowner could have said to the agent: Since you chanced upon a merchant who reduced his prices to such a degree, if you had given the entire dinar as I requested, you could have brought me a much finer robe, worth at least two dinars.

³⁵ The Gemara adds: This too stands to reason, that this is the correct interpretation of the mishna, as it teaches in the latter clause, i.e., it is taught in the Tosefta (2:4): Rabbi Yehuda concedes in a case where the agent purchased only part of the legumes which the one who appointed him requested, that both are liable for misuse of consecrated property. The reason for this ruling is that a small amount of legumes is always sold for one peruta and a larger amount of legumes is invariably sold for a dinar. One can infer from Rabbi Yehuda's statement that in the case of another item, e.g., a robe, purchasing a superior-quality robe for a higher price would bring additional benefit to the homeowner.

³⁶ The Gemara analyzes the baraita: What are the circumstances? If it is referring to a town where they sell legumes by appraisal of an item's value, then with regard to these legumes as well, purchasing a larger quantity should reduce the price, which would mean that if one gave a sela the price of the legumes would become cheaper. Rav Pappa said: The Tosefta is referring to a town where they sell and set the price by containers, and each container is the same price: Each and every container is sold for one peruta. The significance of this fact is that there the matter is fixed, i.e., each container of legumes is sold for the same price, regardless of the quantity of legumes purchased; there is no reduction for buying in bulk.

³⁷ MISHNA: With regard to one who deposits consecrated money with a money changer, if the money is bound, the money changer may not use it. Therefore, if the money changer spent the money, he is liable for its misuse. If the money was unbound he may use it, and therefore if the money changer spent the money, he is not liable for its misuse. By contrast, if one deposited money with a homeowner, whether it is bound or whether it is unbound, the one with whom it was deposited may not use it, and therefore if he spent the money, he is liable for misuse. In this regard, the halakhic status of a storekeeper is like that of a homeowner; this is the statement of Rabbi Meir. Rabbi Yehuda says: The halakhic status of a storekeeper is like that of a money changer.

³⁸ If a consecrated peruta fell into one's purse, in which there were non-sacred perutot, or in a case where one said: One peruta in this purse is consecrated, once he spent the first peruta from the purse for non-sacred purposes, he is liable for its misuse. This is the statement of Rabbi Akiva. And the Rabbis say: He is not liable for misuse until he spends all the perutot in the entire purse, as only then is it certain that he spent the consecrated peruta.

³⁹ And Rabbi Akiva concedes to the Rabbis in a case where one says: One peruta from the coins in this purse is consecrated, that he may continue spending the perutot in the purse for non-sacred

purposes and becomes liable for misuse only once he spends all the perutot in the entire purse. His formulation indicates that his desire was that the final remaining peruta in the purse would be consecrated, and therefore one is liable for misuse only when he spends that peruta.

⁴⁰ GEMARA: The mishna teaches that Rabbi Akiva concedes to the Rabbis in a case where one says: One peruta from the coins in this purse is consecrated, that he may continue spending the perutot in the purse for non-sacred purposes and that he becomes liable for misuse only once he spends all the perutot in the entire purse. With regard to this case, the Gemara relates that when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Reish Lakish raised a contradiction to Rabbi Yoḥanan: What is different in the first clause, which addresses a situation where one says: One peruta in this purse is consecrated, in which case Rabbi Akiva disagrees with the Rabbis, and what is different in the latter clause, where he agrees with them?

⁴¹ Rabbi Yoḥanan said to Reish Lakish: The latter clause of the mishna is referring to a case where one said: This purse will not be exempt from consecration. In other words, his desire was that he would not spend all of the perutot in the purse without consecrating one to the Temple. Consequently, he is liable for misuse only when he uses the last coin in the purse for non-sacred purposes and leaves none to be consecrated.

⁴² The Gemara further relates that when Ravin came from Eretz Yisrael to Babylonia he said that Reish Lakish raised a contradiction to Rabbi Yoḥanan between the mishna here, discussing purses, and another mishna, discussing bulls. As we learned in a mishna (Menaḥot 108b): With regard to one who says: One of my bulls is consecrated, if he had two bulls, then the larger of them is consecrated. The reason is that there is an assumption that one consecrates generously, and therefore he would have had the larger of the two bulls in mind. If so, in the case of the purses, why does the mishna not rule that his intent was for the best, i.e., the least worn-out, of the perutot? Rabbi Yoḥanan said to him: The latter clause of the mishna is referring to a case where one said: This purse will not be exempt from consecration. In other words, he did not have in mind the best of the perutot, but the last of the coins.

⁴³ Rav Pappa said yet another version of Reish Lakish's question. He raised a contradiction between the mishna here involving purses and another mishna referring to a log measure. As we learned in a mishna (Demai 7:4): In the case of one who purchases wine from among the Samaritans [Kutim] and there is reason to suspect that teruma and tithes were not separated, and he cannot separate them before the start of Shabbat, what should he do?

⁴⁴ The mishna explains that he proceeds as follows. If, for example, there are one hundred log of wine in the barrels, he says: Two log that I will separate in the future are teruma, as the established average measure of teruma is one-fiftieth; ten log are first tithe; and one-tenth of the remainder, which is nine log, are second tithe. And he desacralizes the second tithe that he will separate in the future, transferring its sanctity to money, and he may drink the wine in the barrel immediately, relying on the separation that he will perform later. This is the statement of Rabbi Meir.

⁴⁵ Rabbi Yehuda and Rabbi Yosei and Rabbi Shimon prohibit one from doing so. These three Sages reject the principle of retroactive designation, upon which this method relies, as at the time of the declaration the identity of the particular portions of wine that will be teruma and tithes is unknown. Even according to Rabbi Meir, one can rely on retroactive designation only in a case where he says: That I will separate in the future. In the case of the mishna here, each peruta might be the consecrated

one, and one cannot rely on the last one. Rabbi Yoḥanan said to him: The latter clause of the mishna is referring to a situation where one said: This purse will not be exempt from consecration, in which case he is understood as referring to the last peruta left in the purse.