JUDAISM

The Talmud

Temurah

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Chapter 1

[1] MISHNA: Everyone substitutes a non-sacred animal for a consecrated animal, both men and women. That is not to say that it is permitted for a person to effect substitution; rather, it means that if one substituted a non-sacred animal for a consecrated animal, the substitution takes effect, and the non-sacred animal becomes consecrated, and the consecrated animal remains sacred. And the one who substituted the non-sacred animal incurs the forty [sofeg et ha’arba’im] lashes.

[2] GEMARA: The Gemara notes an apparent contradiction in the mishna: This mishna itself is difficult: You say that everyone substitutes a non-sacred animal for a consecrated one, which indicates that substitution may be performed ab initio. And then you teach: That is not to say that it is permitted for a person to effect substitution; rather, it means only that if one unlawfully substituted a non-sacred animal for a consecrated animal, the substitution takes effect, indicating that it is effective only after the fact.

[3] The Gemara responds: And can you understand the phrase: Everyone substitutes, as indicating that substitution may be performed ab initio? If so, before the mishna poses a difficulty for you, the verse should pose a difficulty for you, as it is written: “He shall not alter it, nor substitute it” (Leviticus 27:10). The verse clearly states that it is prohibited to perform substitution.

[4] Rather, Rav Yehuda says: This is what the mishna is teaching: Everyone can apply the status of a consecrated animal to a non-sacred animal by the act of substitution, both men and women. But that is not to say that it is permitted for a person to effect substitution, as, if one did effect substitution, the substitution takes effect only after the fact, and he incurs the forty lashes.

[5] § The mishna teaches: Everyone substitutes a non-sacred animal for a consecrated animal. The Gemara asks: What does the comprehensive term: Everyone, serve to include? The Gemara answers: It serves to include an inheritor, and accordingly, this mishna is not in accordance with the opinion of Rabbi Yehuda.

[6] As we learned in a baraita: An inheritor who inherited a consecrated animal places his hands on the head of the offering when he sacrifices it as would the original owner, and likewise an inheritor is able to substitute a non-sacred animal for the consecrated one that he inherited. This is the statement of Rabbi Meir. Rabbi Yehuda says: An inheritor does not place his hands on the head of the offering when he sacrifices it, and an inheritor does not substitute a non-sacred animal for a consecrated one that he inherited. These acts may be performed only by the one who initially consecrated the animal. The mishna indicates that an inheritor is able to effect substitution, contrary to the opinion of Rabbi Yehuda.

[7] The Gemara asks: What is the reasoning of Rabbi Yehuda? The Gemara explains: He derives the halakhot of the animal’s initial consecration from the end of the consecration, i.e., the sacrifice of the consecrated animal, as follows: Just as with regard to the end of a consecrated animal, an inheritor

does not place his hands on the head of the offering before slaughter, so too, with regard to the initial consecration, an inheritor does not effect substitution to consecrate the animal.

[8] The Gemara asks: And from where do we derive the halakha of placing hands itself? The Gemara answers: The term “his offering” is written three times in the passage discussing a peace offering, in connection with the placing of hands (Leviticus 3:2, 8, 12). One instance teaches that the requirement of placing hands applies to his offering but not the offering of a gentile. And one instance teaches that it applies to his offering but not the offering of another, as only the owner places his hands on the offering. And one instance teaches that it applies to his offering but not the offering of his father, as an inheritor does not place his hands on an offering he inherited.

[9] The Gemara asks: But according to Rabbi Meir, who said that an inheritor places his hands on the head of the offering when he sacrifices it, isn’t the term “his offering” written in the verse? How does he interpret the third instance of that term? The Gemara explains: He requires that term to include all joint owners [ba’alei ḥoverin] in the halakha of placing hands, to teach that they all must place their hands on the offering’s head.

[10] The Gemara notes: And as for Rabbi Yehuda, he does not accept that joint owners are included in the requirement of placing hands. What is the reason for this? The reason is that their offering is not specific to one person and is therefore not included in the term “his offering.” And if you wish, say instead that actually, he accepts that one instance of “his offering” serves to include joint owners, and he derives both the halakha of the offering of a gentile and that of the offering of another from one verse, so that one instance of the term “his offering” remains for him to include joint owners in the requirement of placing hands on the head of an offering, and the third instance serves to teach that an inheritor does not place hands on the offering of his father.

[11] The Gemara asks: And what is the reasoning of Rabbi Meir, who said that an inheritor can effect substitution? The Gemara answers: Rabbi Meir could say to you that the repetition of the verb in the verse: “And if he shall at all substitute [hamer yamir] animal for animal” (Leviticus 27:10), serves to include the inheritor.

[12] And he derives the halakhot of the end of a consecrated animal from the initial consecration of the animal, as follows: Just as with regard to the initial state of consecration of the animal, an inheritor can effect substitution, so too, with regard to the end of the consecrated animal, an inheritor places his hands on its head.

[13] The Gemara asks: According to Rabbi Yehuda, who holds that an inheritor is not able to effect substitution, what does he do with this repetitive language in the verse: “And if he shall at all substitute”? How does he interpret it? The Gemara answers: It serves to include a woman as able to effect substitution and to incur the penalty of forty lashes for doing so. And this is as it is taught in a baraita: Since the verses concerning the entire matter of substitution speak only in the masculine, as it is stated: “He shall not exchange it, nor substitute it” (Leviticus 27:10), from where is it derived that a woman is included? The verse states: “And if he shall at all substitute,” to include a woman.

[14] The Gemara asks: And according to Rabbi Meir, who derives a different halakha from that verse, from where does he derive that a woman is included? The Gemara answers: He derives it from the addition of the conjunction “and” in the verse: “And if he shall at all substitute.” And Rabbi Yehuda does not interpret the term “and if” as having any special significance.

15 The Gemara analyzes this dispute. And according to both the opinion of Rabbi Meir and the opinion of Rabbi Yehuda, the reason why a woman is included is that the verse explicitly includes a woman, either by adding a conjunction or by repetition of the verb. The Gemara asks: Should one infer that if the verse did not include a woman, I would say that when a woman performs an act of substitution she is not flogged? But didn't Rav Yehuda say that Rav says, and so too the school of Rabbi Yishmael taught, that when the verse states: "When a man or woman shall commit any sin that people commit" (Numbers 5:6), the verse equates a woman with a man with regard to all punishments of the Torah? Why, then, is there a need for the verse to include women in the prohibition against substitution?

16 The Gemara answers: It was necessary for the verse to include women specifically, lest you say that this statement that equates women with men in general refers only to a punishment that applies equally to an individual and to the public. But here, since it is a punishment that does not apply equally to all, as we learned in a mishna (13a): The public and partners do not render an animal a substitute, one could claim that a woman as well, when she performs an act of substitution, is not flogged. The verse therefore teaches us that she is in fact liable.

17 § Rami bar Ḥama raises a dilemma: With regard to a minor, what is the halakha? Is he able to effect substitution or not? The Gemara clarifies: What are the circumstances where this question arises? If we say that it is referring to a minor who has yet to reach the age of responsibility for his vows, i.e., twelve years and one day, you should not raise the dilemma, as since he cannot consecrate an animal by means of a vow, can he effect substitution? Rather, when he raises this dilemma, it is with regard to a minor who has reached the age of responsibility for his vows.

18 The Gemara explains the dilemma: Do we say that a minor can effect substitution, since the Master said with regard to consecration: The verse states: "When a man shall clearly utter a vow" (Leviticus 27:2). What is the meaning when the verse states the unusual formulation: Shall clearly utter [yafli] a vow, instead of the more conventional term: Shall take a vow [yiddor]? This serves to include a discriminating minor [mufla] on the brink of adulthood, teaching that his consecration takes effect. Perhaps, from the fact that he can consecrate an animal, he can also effect substitution. Or perhaps, since no minor is subject to punishments, he cannot apply sanctity to an animal by an act of substitution, which would incur a punishment.

19 And even if you say that a minor can perform substitution, as he will come to an age when he is subject to punishments, what is the halakha as to whether a gentile can effect substitution? Do you say that he can do so from the fact that his consecration takes effect, as it is taught in a baraita: The verse states: "Any man [ish ish]…that brings his offering." What is the meaning when the verse states repetitively "ish ish"? This serves to include gentiles, teaching that they can take vows to bring vow offerings and gift offerings as a Jew can. Since the consecration of a gentile takes effect, perhaps he can effect substitution as well. Or perhaps, since he will not come to a time when he is subject to punishments, therefore when he performs an act of substitution, the animal is not consecrated.

20 Rava says: Come and hear, as it is taught in a baraita (Tosefta, Zevaḥim 5:6): With regard to animals consecrated by gentiles, one may not derive benefit from them ab initio, but if one derived benefit from them, he is not liable for misuse of consecrated property after the fact. And if one consumes them one is not liable for committing a transgression with regard to the prohibitions of piggul if they were sacrificed with the intent to consume them beyond their designated time, of notar

if he consumed them beyond their designated time, and of consuming ritually impure offerings if he was impure. Gentiles cannot render a non-sacred animal a substitute for one they consecrate. And one does not bring libations for the offerings of a gentile as independent offerings, but his offering requires libations. This is the statement of Rabbi Shimon.

[21] Rabbi Yosei said: With regard to all of them I see fit to be stringent. In what case is this statement, that Rabbi Shimon exempts animals consecrated by gentiles from liability for misuse, said? It is said with regard to animals consecrated for the altar, i.e., offerings; but with regard to animals consecrated for Temple maintenance, one who derives benefit from them is liable for misuse of consecrated property. Rava notes: In any event, the baraita teaches that gentiles cannot render an animal a substitute for his offering.

[22] The Gemara responds: And Rami bar Ḥama can say: I do not raise a dilemma in a case where a gentile consecrated an animal as an offering for a gentile such as himself to achieve atonement. In this case the baraita rules explicitly that he cannot effect substitution. When I raise the dilemma, it is in a case where a gentile consecrated an animal as an offering and a Jew achieves atonement with it. In this situation, do we follow the one who consecrated it, in which case the gentile cannot effect substitution, or do we follow the one achieving atonement, in which case he can?

[23] The Gemara suggests: Solve this dilemma by invoking a statement of Rabbi Abbahu, as Rabbi Abbahu said that Rabbi Yoḥanan says: If one consecrates an animal as an offering to be brought by another, and the animal develops a blemish disqualifying it for sacrifice, if the one who consecrated it desires to redeem it, he adds one-fifth to its value, just as he would were it his own offering. By contrast, if the one achieving atonement with the offering desires to redeem it, he does not need to add one-fifth. But the one achieving atonement with the offering can render another animal a substitute for it as if he had consecrated it. And if one separates teruma, the portion of produce designated for a priest, from his own produce

[24] for the purpose of exempting the produce of another, the benefit of discretion as to which priest or Levite will receive it is his. Apparently, the halakhot of substitution follow the one achieving atonement.

[25] Rami bar Ḥama could say to this: There, in Rabbi Yoḥanan’s statement, the offering comes on behalf of the Jew who consecrated it. Due to that reason, we follow the one atoning, and during both the initial consecration of the offering and its ultimate sacrifice the animal is in the possession of a Jew, who is able to effect substitution. But here, where a gentile consecrated the animal, this is how he raises the dilemma: Do we require that from the initial consecration of the offering until the ultimate act of sacrifice it must be in the possession of one who is able to effect substitution or not? The Gemara concludes: The dilemma shall stand [teiku] unresolved.

[26] § The Master said in the baraita cited on the previous amud: With regard to animals consecrated by gentiles, one may not derive benefit ab initio, but if one benefited from them after the fact, he is not liable for misusing consecrated property. The Gemara explains: The halakha that one may not benefit from them ab initio is by rabbinic law. And that halakha that if one benefited from them after the fact he is not liable for misusing consecrated property is by Torah law.

[27] What is the reason that one is not liable for misuse? As it is written with regard to misuse of consecrated property: “If anyone commit a trespass, and sin through error, in the holy items of the Lord” (Leviticus 5:15). And we derive a verbal analogy from the use of the word “sin” in this verse

and the word “sin” used in the context of teruma: “They shall therefore keep My charge, lest they bear sin for it” (Leviticus 22:9). And with regard to teruma it is written explicitly: “Even of all the hallowed items of the children of Israel” (Numbers 18:8), from which one can infer: But not of gentiles. The halakhot of misuse as well, therefore, do not apply to animals consecrated by gentiles.

[28] The baraita continues: And if one consumes them, i.e., animals consecrated by gentiles, one is not liable for committing a transgression, with regard to the prohibitions of piggul, notar, or consuming offerings while ritually impure. The source for this is a verse, as it is written with regard to ritual impurity: “Speak to Aaron and to his sons, that they separate themselves from the holy items of the children of Israel, which they hallow unto Me, and that they profane not My holy name” (Leviticus 22:2). This verse explicitly mentions items consecrated by the children of Israel, to emphasize that the halakha of distancing oneself from consecrated items while in a state of ritual impurity does not include items consecrated by gentiles.

[29] And one derives the exemption from notar by drawing a verbal analogy between the word “profane” used in the context of notar and the word “profane” used in the context of ritual impurity. As it is written in the verse cited above with regard to ritual impurity: “That they separate themselves from the holy items of the children of Israel, which they hallow unto Me, and that they profane not My holy name.” And it is written with regard to notar: “But every one that eats it shall bear his iniquity, because he has profaned the holy item of the Lord” (Leviticus 19:8). Since the prohibition against consuming consecrated items while impure does not apply to the offerings of gentiles, neither does the prohibition of notar.

[30] And the tanna of the baraita derives the gentiles’ exemption from piggul by verbal analogy between the word “iniquity” used in the context of piggul and the word “iniquity” used in the context of notar, as it is written with regard to piggul: “And the soul that eats of it shall bear his iniquity” (Leviticus 7:18), and it is written with regard to notar: “But everyone that eats it shall bear his iniquity, because he has profaned the holy item of the Lord” (Leviticus 19:8). And based on these two verbal analogies, one concludes that with regard to all of them, i.e., piggul, notar, and ritually impure offerings, the prohibition against consumption applies only to offerings of the children of Israel, but not to those of gentiles.

[31] The baraita continues: And a gentile cannot render a non-sacred animal a substitute for one he has consecrated. The Gemara cites the source for this halakha: As it is written with regard to substitutions: “He shall not exchange it, nor substitute it” (Leviticus 27:10), and it is written at the beginning of the matter: “Speak to the children of Israel, and say to them: When a man shall clearly utter a vow of persons to the Lord, according to your valuation” (Leviticus 27:2). Since the passage specifically addresses the children of Israel, the halakhot of substitution apply only to them, not to gentiles.

[32] The Gemara presents another version of the source for this halakha: The baraita states: And a gentile cannot render a non-sacred animal a substitute for one he has consecrated. What is the reason? The reason is that the substitution of consecrated animals is juxtaposed with the animal tithe (see Leviticus 27:32), and the animal tithe is juxtaposed with the grain tithe. And with regard to the grain tithe it is written: “For the tithe of the children of Israel, which they set apart as a gift to the Lord, I have given to the Levites for an inheritance” (Numbers 18:24), indicating that the halakhot of

the grain tithe apply only to the children of Israel, but not to gentiles. From the juxtapositions, one derives that the same holds for substitution.

[33] The baraita continues: And one does not bring libations for a gentile as an independent offering, but his offering requires libations. This is the statement of Rabbi Shimon. The Gemara explains: From where are these matters derived? They are derived from a verse, as the Sages taught in a baraita: The verse states with regard to libations: “All that are homeborn shall do these after this manner, in presenting an offering made by fire, of a sweet savor to the Lord” (Numbers 15:13). One who is homeborn, i.e., a Jew, brings libations, but a gentile does not bring libations. One might have thought that a gentile’s burnt offering should not require libations; therefore, the verse states: “So shall it be done for each bull, or for each ram, or for each of the lambs, or of the goats” (Numbers 15:10–11). This teaches that every burnt offering, even that of a gentile, requires libations.

[34] The baraita continues: Rabbi Yosei said: I see the logic of the opinion that in all of these cases it is correct to be stringent about the offerings of gentiles. The Gemara explains: What is the reason? With regard to the offering of a gentile, it is written: “Whosoever he be of the house of Israel, or of the strangers in Israel, that brings his offering, whether it be any of their vows, or any of their gift offerings, which are brought to the Lord for a burnt offering” (Leviticus 22:18). The verse equates the offerings of gentiles, “the strangers in Israel,” with those of Jews, and indicates that the consecrated status of the former is identical to that of the latter.

[35] The baraita continues: In what case is this statement said? It is said with regard to animals consecrated for the altar, but with regard to animals consecrated for Temple maintenance, one who benefits from them is liable for misusing consecrated property. The Gemara explains: What is the reason? The reason is that when we learn that items consecrated by gentiles are not subject to liability for misuse by the verbal analogy between the word sin and another instance of the word sin from the context of teruma, this applies only to consecrated property that is similar to teruma, which is consecrated with inherent sanctity. But with regard to an item that has the sanctity of the Temple maintenance, whose sanctity inheres in its value, as it will ultimately be sold and the proceeds used for Temple maintenance, the analogy does not apply.

[36] § The mishna teaches that one who effects substitution receives lashes. Rav Yehuda says that Rav says: With regard to any prohibition in the Torah, if one performed an action to transgress it, he is liable to receive lashes. But if he did not perform an action to transgress it, he is exempt from receiving lashes.

[37] The Gemara asks: But is it an established principle that one who transgresses a prohibition that does not involve an action is exempt? But there is the prohibition of substitution, which is a prohibition that does not involve an action, and one is flogged for transgressing it, as we learned in the mishna: That is not to say that it is permitted for a person to effect substitution; rather, it means that if one substituted a non-sacred animal for a consecrated animal, the substitution takes effect, and the one who substituted the non-sacred animal incurs the forty lashes.

[38] The Gemara answers: Rav could have said to you: In accordance with whose opinion is this mishna written? It is in accordance with that opinion of Rabbi Yehuda, who said: With regard to a prohibition that does not involve an action, one is flogged for transgressing it. The Rabbis, however, disagree.

[39] The Gemara counters: But can you establish the mishna as being in accordance with the opinion of Rabbi Yehuda? But we established the first clause of the mishna as not being in accordance with the opinion of Rabbi Yehuda, as it teaches: Everyone substitutes a non-sacred animal for a consecrated animal, and the Gemara added (2a): What does the expansive term everyone serve to include? It serves to include an inheritor, and accordingly, this mishna is not in accordance with the opinion of Rabbi Yehuda, who holds that an inheritor cannot effect substitution.

[40] The Gemara answers: The tanna of this mishna holds in accordance with the opinion of Rabbi Yehuda with regard to one matter, that one is flogged for transgressing a prohibition that does not involve an action, and disagrees with him with regard to one other matter, as Rabbi Yehuda holds that an inheritor does not place his hands on the head of the offering when he sacrifices it, and an inheritor is not able to substitute a non-sacred animal for a consecrated one that he inherited; and the tanna of our mishna holds that an inheritor places his hands on the head of the offering when he sacrifices it, and an inheritor is able to substitute a non-sacred animal for a consecrated one that he inherited.

[41] Rav Idi bar Avin says that Rav Amram says that Rabbi Yitzḥak says that Rabbi Yoḥanan says in the name of Rabbi Yosei HaGelili: With regard to every prohibition in the Torah, if one performed an action to transgress it, he is flogged. But if he did not perform an action to transgress it, he is exempt from lashes, except for one who takes an oath, and one who effects substitution, and one who curses another using the name of God. For these three transgressions, even though he did not perform an action, he is liable to receive lashes. They said in the name of Rabbi Yosei, son of Rabbi Ḥanina: Also one who separates teruma prior to designating the first fruits is flogged, even though teruma can be separated by intention alone, without an action.

[42] The Gemara discusses the sources for these exceptions. From where do we derive that one who takes an oath using the name of God is flogged? Rabbi Yoḥanan says in the name of Rabbi Meir that the verse states: “For the Lord will not hold him guiltless that takes His name in vain” (Exodus 20:7). One can infer: The higher, i.e., heavenly, court

[43] does not hold him guiltless, as repentance alone will not atone for the sin, but the lower, i.e., earthly, court flogs him, thereby allowing him to atone, and absolves him of guilt.

[44] Rav Pappa said to Abaye: But why not say that the verse means he cannot be absolved of guilt at all? Abaye said to him: If so, let the verse write only: “Will not hold him guiltless,” and be silent. Why do I need the verse to specify: “For the Lord will not hold him guiltless”? This serves to teach that it is the higher court that will not hold him guiltless, but the lower court flogs him and absolves him of guilt.

[45] § The Gemara continues: We found a source for the halakha that one who takes an oath in vain using the name of God is flogged. From where do we derive that the same holds for a false oath? The Gemara answers: Rabbi Yoḥanan himself says the derivation: The verse states with regard to an oath taken in vain: “You shall not take the name of the Lord your God in vain; for the Lord will not hold him guiltless that takes His name in vain” (Exodus 20:7). It says: “In vain…in vain,” twice in this verse. If the second instance of the term is not necessary for the matter of an oath taken in vain, which is derived from the first instance, apply it to the matter of a false oath, to teach that one who takes such an oath is flogged.

[46] Rabbi Abbahu objects to this explanation of Rabbi Yoḥanan: What are the circumstances of the false oath under discussion? If we say that the one taking the oath said: I take an oath that I will not eat a certain item, and he then ate that item; there he performed an action to violate his oath by eating the item, and the prohibition would then involve an action. And if it was rather a case where he said: I take an oath that I will eat a certain item, and he did not eat that item; is that individual flogged? But wasn't it stated: If one says: I take an oath that I will eat this loaf today, and the day passed and he had not eaten it, Rabbi Yoḥanan and Rabbi Shimon ben Lakish both say: He is not flogged.

[47] Rabbi Yoḥanan says that he is not flogged, as it is a prohibition that does not involve an action, and one is not flogged for any prohibition that does not involve an action. And Reish Lakish says that he is not flogged, as there was only an uncertain forewarning for the transgressor. One must be warned immediately before the transgression to be held liable, but here there was no single moment of transgression, and one is not flogged for any transgression that follows an uncertain forewarning. If Rabbi Yoḥanan holds he is not flogged, to what case is he referring when he states that one is flogged for a false oath even though no action is involved?

[48] Rather, Rabbi Abbahu says: Let the case be where one says: I take an oath that I ate a certain item, and in fact he did not eat it; or he said: I take an oath that I did not eat a certain item, and in fact he did eat it. In these cases, he transgresses the prohibition by speech alone, without an action.

[49] The Gemara asks: And what is different about an oath concerning the past, that the verse includes one who takes an oath of: I ate, or: I did not eat, as liable to be flogged, more than one who takes an oath of: I will eat, and then did not eat? In both cases, there is no action performed. Rava says: The Torah explicitly includes a case of a false oath that is similar to a case of an oath taken in vain: Just as an oath taken in vain refers to the past, so too, the false oath for which one is flogged must pertain to the past.

[50] Rabbi Yirmeya raised an objection to Rabbi Abbahu from a mishna (Shevuot 27b): If one says: I take an oath that I will not eat this loaf; I take an oath that I will not eat it; I take an oath that I will not eat it, and he then ate it, he is liable for only one violation. And this is the oath of an utterance for which one is liable to receive lashes for its intentional violation, and to bring a sliding-scale offering for its unwitting violation. Rabbi Yirmeya asks: When the mishna uses the limiting term: This is the oath, what does it serve to exclude? Is it not to exclude a case where one said: I take an oath that I ate a certain item, when in fact he did not eat it, or: I take an oath that I did not eat a certain item, when he did eat it, to teach that he is not flogged in those cases? This would contradict the explanation of Rabbi Abbahu.

[51] The Gemara answers: No, in both cases one is flogged for violating the prohibition intentionally. Rather, the phrase means: This is the oath for which one brings an offering for its unwitting violation, but in a case where one unwittingly said: I ate a certain item, when he in fact did not eat it, or: I did not eat a certain item, when he did eat it, he does not bring an offering. And whose opinion does this mishna represent? It is the opinion of Rabbi Yishmael, who said: One is liable to bring an offering only for an oath that refers to the future, but one is flogged even for an oath that pertains to the past.

[52] The Gemara counters: But say the latter clause of the mishna (Shevuot 29a): If one takes an oath that a stone is gold or some similar absurdity, this is the oath taken in vain, for which one is liable to receive lashes if he utters it intentionally and for which one is exempt from bringing an offering if he utters it unwittingly. What does the limiting term: This is the oath, used by the mishna serve to

exclude? Does it not serve to exclude a case where one said: I ate a certain item, when he in fact did not eat it, or: I did not eat a certain item, when he did eat it, to teach that he is not flogged in those cases?

[53] The Gemara answers: No, in both cases one is flogged for violating the prohibition intentionally. Rather, the phrase means: This is the oath for which one is exempt from bringing an offering if he utters it unwittingly, but in a case where one said: I ate a certain item, when he in fact did not eat it, or: I did not eat a certain item, when he did eat it, he brings an offering. And whose opinion does this represent? It is the opinion of Rabbi Akiva, who said: One brings an offering even for the violation of an oath that refers to the past.

[54] The Gemara protests: But didn't you say earlier that the first clause represents the opinion of Rabbi Yishmael, that one does not bring an offering for a false oath pertaining to the past? Rather, from the fact that the latter clause represents the opinion of Rabbi Akiva, it follows that the first clause must represent the opinion of Rabbi Akiva as well. And one must therefore suggest an alternative explanation of the first clause. The phrase: This is the oath, employed there does not, as previously claimed, serve to exclude a case where one said: I ate a certain item, or: I did not eat a certain item. Rather, it serves to exclude a case where one said: I will eat a certain item, and he did not subsequently eat it.

[55] The Gemara asks: And what is different about an oath pertaining to the future, that the mishna should exclude it specifically? The Gemara responds: Since this clause of the mishna deals with an oath that pertains to the future, it stands to reason that it would exclude an oath pertaining to the future. If it deals with an oath that pertains to the future, why would it exclude an oath pertaining to the past? In summary, the entire mishna is in accordance with the opinion of Rabbi Akiva. The first clause excludes from the punishment of lashes the passive violation of an oath pertaining to the future, and the latter clause includes in the obligation to bring an offering a false oath pertaining to the past if he uttered it unwittingly. Neither clause contradicts the explanation of Rabbi Abbahu.

[56] § In listing those who incur the punishment of lashes even though they did not perform an action in their transgression, Rabbi Yosei HaGelili was cited above as including: And one who effects substitution. The Gemara adds: Rabbi Yoḥanan said to the tanna who would recite the baraitot in his academy: Do not teach: And one who effects substitution, in this regard, because one who effects substitution performs an action of consecration by his speech.

[57] § Rabbi Yosei HaGelili also lists one who curses another using the name of God as liable to be flogged. The Gemara asks: From where do we derive this? Rabbi Elazar says that Rabbi Oshaya says: The verse states: "If you will not observe to perform all the words of this law that are written in this book, that you may fear this glorious and awesome name, the Lord your God" (Deuteronomy 28:58). This refers to one who curses using the name of God. And it is written immediately thereafter: "Then the Lord will make your plagues wondrous [vehifla]" (Deuteronomy 28:59). With regard to this term hafla'a, I do not know what its meaning is. When it says: "And the judge shall cause him to lie down [vehippilo] and to be beaten before him" (Deuteronomy 25:2), you must say that the term hafla'a is referring to lashes.

[58] The Gemara asks: Why not say that even one who utters a true oath is flogged, as this too could be considered exhibiting insufficient fear of God's name? The Gemara answers: It is written explicitly

that a bailee may take an oath in court, as the verse states: “The oath of the Lord shall be between them both, to see whether he has not damaged his neighbor’s goods” (Exodus 22:10).

59 The Gemara counters: Why not say that this statement in the verse means only that a bailee is able to appease the other, i.e., the owner, and exempt himself from payment for the damaged goods, but he should nevertheless be flogged? The Gemara answers: You cannot say this, as it is written: “You shall fear the Lord your God, and Him you shall serve, and by His name you shall swear” (Deuteronomy 6:13). This verse clearly indicates that it is permitted to take a truthful oath using the name of God.

60 The Gemara asks: Isn’t that verse required as a source for the halakha of Rav? As Rav Giddel said that Rav said: From where is it derived that it is permitted for one to take an oath obligating himself to fulfill the mitzvot? It is derived from a verse, as it is stated: “I have sworn, and have confirmed it, to observe Your righteous ordinances” (Psalms 119:106). The Gemara counters that there is another source: Isn’t another verse written: “You shall fear the Lord your God; Him you shall serve; and to Him you shall cleave, and by His name you shall swear” (Deuteronomy 10:20). This second verse teaches that it is permitted for one to take a truthful oath.

61 The Gemara resumes the discussion of one who curses another: Rather, the term vehifla in Deuteronomy 28:59 comes to teach what? It comes to teach that one who curses another using the name of God is flogged. The Gemara asks: But why not say that that verse refers to one who pronounces the name of Heaven in vain? The Gemara answers: Even if it does, is cursing another using the name of God any less of a sin than pronouncing the name of Heaven in vain? If one is flogged for the latter, certainly one is flogged for the former.

62 The Gemara clarifies its question: This is what is difficult for us: One can say that for one who pronounces the name of Heaven in vain, it is sufficient for him to receive lashes to atone for his act, but in the case of one who curses another using the name of God, since he has performed two improper acts, first that he pronounces the name of Heaven in vain, and second that he inflicts pain on another, it should not be sufficient for him to receive lashes to atone for his act.

63 The Gemara responds: You cannot say that Deuteronomy 28:59 is referring to one who pronounces the name of Heaven in vain, as it is written: “You shall not curse the deaf” (Leviticus 19:14), which prohibits all curses, even those using God’s name. Granted, if you say that Deuteronomy 28:59 is referring to cursing another, one can say that the separate warning of punishment for this prohibition is from here, as it is written: “You shall not curse the deaf.” One verse articulates the prohibition, and the other indicates liability for punishment. But if you say that Deuteronomy 28:59 is referring to pronouncing the name of Heaven in vain, from where is the warning of this prohibition? A prohibition requires two verses to include liability for punishment.

64 The Gemara counters: Why not, i.e., what is the difficulty? But isn’t it written: “You shall fear the Lord your God, and Him you shall serve” (Deuteronomy 6:13)? Fearing God certainly includes not pronouncing His name in vain, and this verse can therefore serve as the warning. The Gemara answers: That verse is a warning stated as a positive mitzva. In order to qualify as a warning, the verse must prohibit, not command.

65 § It was stated (3a): They said in the name of Rabbi Yosei, son of Rabbi Ḥanina: Also one who separates teruma prior to the separation of the first fruits is liable to be flogged. The Gemara explains: What is the reason for the prohibition mentioned by Rabbi Yosei, son of Rabbi Ḥanina? The

verse states: “You shall not delay to offer of the fullness of your harvest and the outflow of your presses” (Exodus 22:28). When the verse states: The fullness of the harvest, these are the first fruits; and when the verse states: “And the outflow of your presses,” this is teruma. And the verse says: “You shall not delay,” i.e., do not delay the separation of the first fruits by separating teruma beforehand.

66 It was stated: If one separated teruma prior to the separation of the first fruits, Rabbi Elazar and Rabbi Yosei, son of Rabbi Ḥanina, disagreed. One said that he is flogged, and one said that he is not flogged. The Gemara suggests: It may be concluded that it is Rabbi Yosei, son of Rabbi Ḥanina, who said that he is flogged, from the fact that Rabbi Yosei, son of Rabbi Ḥanina, said earlier: Also one who separates teruma prior to the separation of the first fruits is flogged.

67 The Gemara suggests: On the contrary, it may be concluded that it is Rabbi Elazar who said that he is flogged, as we learned in a mishna (Demai 7:6): If two baskets of untithed produce were before someone, and he said: The tithe of this basket is in that basket, then the produce of the first basket is thereby tithed. And when he separates sufficient tithe from the second basket to exempt both baskets, the produce of the second basket will be considered tithed as well.

68 If he said: The tithe of this basket is in that basket, and the tithe of that basket is in this basket, the produce of the first basket is tithed, as stated, but the produce of the second basket is not tithed. Since the produce of the first basket had just been tithed, it could not be used to tithe the second, since the tithe may be separated only from untithed produce. If he said: Their tithes should be separated as tithe, each basket in the other, he has declared the assignation of tithe concurrently, and the produce of both baskets is thereby tithed.

69 And it was stated with regard to the first clause of that mishna that Rabbi Elazar said: He is flogged, because he separated the second tithe of the produce of the first basket prior to the separation of the first tithe of the other basket. One must always separate tithes in order, the first tithe before the second tithe. If Rabbi Elazar holds that one is flogged for separating tithes in the wrong order, he presumably also holds that one is flogged for separating teruma before first fruits. The Gemara affirms: It may be concluded that Rabbi Elazar is the one who said he is flogged.

70 The Gemara asks: But if that is so, it follows that it is Rabbi Yosei, son of Rabbi Ḥanina, who said that he is not flogged. Shall we say then that the statement of Rabbi Yosei, son of Rabbi Ḥanina, here poses a difficulty to the earlier statement of Rabbi Yosei, son of Rabbi Ḥanina, that one who separates teruma before separating first fruits is flogged?

71 The Gemara answers: No, when Rabbi Yosei, son of Rabbi Ḥanina, stated simply: Even one who separates teruma prior to the separation of the first fruits,

72 he was referring not to liability for lashes, but to the exemption from lashes stated in the name of Rabbi Yoḥanan (3a). And this is what he is saying: One is not flogged for transgressing a prohibition that does not involve an action…They said in the name of Rabbi Yosei, son of Rabbi Ḥanina, that also one who separates teruma prior to the separation of the first fruits is not flogged, since he performs no action.

73 The Gemara asks: And what is different about one who effects substitution, that he is flogged despite not having performed an action? Is it because he has performed an action with his speech, by consecrating the animal? If so, one who separates teruma prior to the separation of the first fruits

should be flogged as well, because he has performed an action with his speech, by consecrating the produce.

74 Rabbi Avin said: It is different there, in the case of one who tithes produce in the wrong order, as it is a prohibition whose violation can be rectified by fulfilling a positive mitzva. As a rule, if the Torah specifies a positive mitzva to be performed after transgressing a prohibition to rectify it, that prohibition does not carry a punishment of lashes. This is the case here, as it is written: “Out of all of your tithes you shall set apart all of that which is due to the Lord” (Numbers 18:29), which teaches that one who separated tithes in the incorrect order or who separated teruma before separating the first fruits, must still separate the earlier tithes even after the later tithes, or the first fruits even after the teruma.

75 § Rav Dimi was sitting and saying this halakha, that one who separates teruma prior to separating the first fruits is not flogged because it is a prohibition whose violation can be rectified. Abaye said to him: And is it correct that one is not flogged for transgressing any prohibition whose violation can be rectified by fulfilling a positive mitzva?

76 But there is the case of one who effects substitution, which is a prohibition whose violation can be rectified by fulfilling a positive mitzva, as the verse states: “He shall not exchange it, nor substitute it, a good for a bad, or a bad for a good; and if he shall at all change animal for animal, then both it and that for which it is changed shall be holy” (Leviticus 27:10). And even so, one who effects substitution is flogged, as we learned in the mishna (2a): That is not to say that it is permitted for a person to effect substitution; rather, it means that if one substituted a non-sacred animal for a consecrated animal, the substitution takes effect and the one who substituted the non-sacred animal incurs the punishment of the forty lashes.

77 Rav Dimi answered: There are two prohibitions specified in the verse as transgressed by one who effects substitution: “He shall not exchange it,” and: “Nor substitute it.” But there is only one positive mitzva: “Both it and that for which it is changed shall be holy.” And one positive mitzva does not come and uproot two prohibitions. Therefore, although generally, one who transgresses a prohibition that can be rectified is not flogged, one who effects substitution is flogged.

78 The Gemara counters: But there is the case of the rapist who forces himself upon a virgin, who is obligated to marry the victim if she wishes and is then prohibited from divorcing her. As here the verse states one prohibition: “He may not send her away all his days,” and one positive mitzva: “And she shall be his wife” (Deuteronomy 22:29). This teaches that he can rectify the transgression of divorcing her by remarrying her. And yet, the one positive mitzva does not come and uproot the prohibition, as it is taught in a baraita: With regard to a rapist who married and then divorced his victim, if he is an Israelite, who is permitted to marry a divorcée, he remarries her and he is not flogged. But if he is a priest, who is prohibited from marrying a divorcée, he is flogged and he does not remarry her.

79 The Gemara answers: You say that a case that concerns priests challenges the principle that a rectifiable transgression does not make one liable for flogging. But in the case of priests there is another reason why they are flogged, as the Merciful One increased the severity of their transgressions, for they have greater holiness. By contrast, one who transgresses a prohibition unrelated to the priesthood will not be flogged if its violation can be rectified by fulfilling a positive mitzva.

[80] § Which prohibitions carry the punishment of lashes is subject to a dispute between tanna’im, as it is taught in a baraita: The verse states concerning the Paschal offering: “And you shall let nothing of it remain until the morning, but that which remains of it until the morning you shall burn with fire” (Exodus 12:10). The verse comes to place a positive mitzva after the prohibition in order to say that one is not flogged for transgressing it. This is the statement of Rabbi Yehuda.

[81] Rabbi Ya’akov says: He is not exempt from lashes for that reason, but rather because it is a prohibition that does not involve an action, and one is not flogged for transgressing any prohibition that does not involve an action. The Gemara comments: By inference, it may be concluded that Rabbi Yehuda holds that one is flogged for transgressing a prohibition that does not involve an action.

[82] The Gemara asks: And according to Rabbi Ya’akov, who holds that the exemption from lashes stems from the prohibition’s not involving an action, for what purpose does the clause “but that which remains of it until the morning you shall burn with fire” come?

[83] The Gemara answers: He requires it for that which we learned in a mishna (Pesaḥim 83a): The bones of the Paschal offering that contain edible marrow but cannot be eaten because it is prohibited to break the bones of the Paschal offering, and the sinews, and the leftover meat must all be burned on the sixteenth of Nisan, immediately after the first day of the Festival. If the sixteenth occurs on Shabbat, they must be burned on the seventeenth, because the mitzva to burn them does not override Shabbat or the Festival. Therefore, they are burned on the first weekday.

[84] And Ḥizkiyya says, and so it is taught in the school of Ḥizkiyya: What is the reason for this? The verse states: “And you shall let nothing of it remain until the morning, but that which remains of it until the morning you shall burn with fire.” By using the word “morning” twice, the verse comes to provide a second morning for the offering’s burning if the first morning falls on Shabbat or a Festival.

[85] § Abaye said: With regard to any matter that the Merciful One states in the Torah not to perform, if one performed it, his action is effective, but the violator is flogged. As, if it enters your mind that it is not effective, why would he be flogged for accomplishing nothing? Rava said: If one performed it, it is not effective at all. And this is the reason that he is flogged: Because he transgressed the statement of the Merciful One.

[86] The Gemara raises an objection from a baraita: With regard to a rapist who married and then divorced his victim, if he is an Israelite, who is permitted to marry a divorcée, he remarries her and he is not flogged. And if you say, like Rava, that since one violates the statement of the Merciful One, he is flogged, this one should be flogged as well for divorcing his victim. But according to the opinion of Abaye, it stands to reason that he should not be flogged, since his remarriage nullifies the effects of the divorce. This should be a conclusive refutation of the opinion of Rava.

[87] The Gemara answers that Rava could say to you: It is different there, as the verse states: “He may not send her away all his days” (Deuteronomy 22:29). This teaches that for all his days, he remains under the obligation to arise and remarry her. Once he remarries her, it turns out that he did not divorce her for all of his days and therefore did not violate the prohibition. This is why he is not flogged.

[88] The Gemara asks: And according to the opinion of Abaye, what is derived from the phrase “all his days”? The Gemara answers: If the Merciful One did not state “all his days,” I would say that he has violated a prohibition by divorcing her, and that if he desires he may choose to remarry her, and if he so desires he may choose not to remarry her. The phrase “all his days” teaches us that he is obligated to remarry her.

[89] The Gemara records another version of the discussion, in which it raises an objection from the baraita: With regard to a rapist who married and then divorced his victim, if he is an Israelite, he remarries her and he is not flogged. But if he is a priest, he is flogged and he does not remarry her. The baraita teaches that if he is an Israelite he remarries her and he is not flogged, indicating that he must take her back because his divorce was not effective. This is apparently a conclusive refutation of the opinion of Abaye, who holds that transgressions are legally effective.

[90] The Gemara answers that it is different there, as the Merciful One states: “He may not send her away all his days” (Deuteronomy 22:29), which teaches that for all his days, he remains under the obligation to arise and remarry her. Therefore, it is only in this specific case that the divorce is not effective.

[91] The Gemara comments: And as for Rava, he could say to you that if the Merciful One had not stated “all his days,” I would say that the Israelite should be flogged and should still remarry her, for it is solely a prohibition that he has violated, as it is written: He may not send her away. Therefore, the verse writes “all his days,” to render the case of a rapist a prohibition whose violation can be rectified by fulfilling a positive mitzva, for which one is not flogged.

[92] The Gemara objects: But there is the case of one who separates teruma from poor-quality produce for superior-quality produce, i.e., he separated teruma from the inferior produce in order to fulfill the obligation of separating teruma from other produce that is high-quality. This is prohibited, as the Merciful One states: “Out of all that is given you, you shall set apart all of that which is due to the Lord, of all the best thereof” (Numbers 18:29).

[93] And the Sages interpret this verse as follows: “Of all the best thereof,” yes, but one should not separate poor-quality produce. And yet we learned in a mishna (Terumot 2:4): One may not separate teruma from poor-quality produce for superior-quality produce, and if one did separate teruma in that manner, his teruma is valid teruma. Apparently, his action is effective, which is apparently a conclusive refutation of the opinion of Rava.

[94] The Gemara explains that Rava could say to you: It is different there, in accordance with the statement of Rabbi Ile’a. As Rabbi Ile’a said: From where is it derived with regard to one who separates teruma from poor-quality produce for superior-quality produce that his teruma is valid teruma? As it is stated with regard to teruma: “And you shall bear no sin by reason of it, seeing that you have set apart from it the best thereof” (Numbers 18:32). The verse defines separation from inferior produce as a transgression but teaches that it is nevertheless effective, because if it is not consecrated as teruma, why would one bear a sin for accomplishing nothing? From here it is derived with regard to one who separates teruma from poor-quality produce for superior-quality produce that his teruma is valid teruma.

[95] The Gemara asks: And according to the opinion of Abaye, that all transgressions are legally effective, what does the phrase “And you shall bear no sin by reason of it” teach? The Gemara answers: If the Merciful One had not stated: “And you shall bear no sin by reason of it,” I would say

that this is what the Merciful One said: Perform the mitzva in the optimal manner by separating teruma from superior-quality produce, but if one did not perform the mitzva in that manner, he is not called a sinner. The verse teaches us that one who fails to perform this mitzva in the optimal manner sins.

96 The Gemara objects: But isn't there the case of one who separates teruma from one type of produce to exempt another type of produce, as the Merciful One states: "All the best of the oil, and all the best of the wine, and of the grain, the first part of them which they give to the Lord" (Numbers 18:12)? This teaches that one is obligated to give the best of one type of produce and the best of another type of produce, each individually. And we learned in a mishna (Terumot 2:4): One may not separate teruma from one type of produce for another type, and if one did separate teruma in that manner, his teruma is not valid teruma. Apparently, the transgression is not effective. This is apparently a conclusive refutation of the opinion of Abaye.

97 The Gemara answers that Abaye could say to you: It is different there, as the verse repeats this prohibition and states: "The first part of them," indicating that one must give a first part for this type of produce and a first part for that type of produce. If the verse had not taught so explicitly in this case, one would have assumed that the transgression is effective. And Rabbi Ile'a likewise says that the phrase in the verse "the first part of them" is the exception that proves the rule.

98 The Gemara asks: And according to the opinion of Rava, that transgressions are not effective, what does the term "the first part of them" teach? The Gemara answers: If the Merciful One had not stated: "The first part of them," I would say that the prohibition applies only to wine and olive oil, with regard to which it is written: "Best…best," teaching that one may not separate teruma from this type for that type.

99 But as for wine and grain, or one type of grain and another type of grain, with regard to which the term "best" is written only once, when one separates teruma from this grain or wine for that grain or wine, he is not held liable for transgressing Torah law, and he is not flogged. Therefore, the Merciful One writes: "The first part of them," to teach that one must give the best of this and the best of that.

100 The Gemara records another version of the last point: But as for wine and grain, with regard to which the term "best" is written only once, one may separate teruma from this for that ab initio. Therefore, the Merciful One writes: "The first part of them," to teach that even in the case of wine and grain, one may not separate teruma from one for the other.

101 The Gemara objects: But there is the case of dedications of property to the priests, with regard to which the Merciful One states: "No devoted item, that a man may devote unto the Lord of all that he has, whether of man or animal, or of the field of his possession, shall be sold or redeemed; every devoted item is most holy unto the Lord" (Leviticus 27:28). And we learned in a mishna (Arakhin 28b): Items dedicated to priests are not redeemed; rather, one gives them to the priest. Apparently, if one transgresses the prohibition and redeems a dedicated item, his action is not effective. This seems to be a conclusive refutation of the opinion of Abaye.

102 The Gemara explains that Abaye could say to you: It is different there, as the Merciful One states: "Is most holy," to teach that it shall be as it is. Once it is dedicated, its status cannot be changed by means of redemption. But in other matters the transgression is effective.

[103] And according to the opinion of Rava, this term: “Is most holy,” serves to exclude the case of a firstborn offering from the prohibition of sale. As it is taught in a baraita: It is stated with regard to a firstborn offering: “But the firstling of an ox, or the firstling of a sheep, or the firstling of a goat, you shall not redeem; they are holy” (Numbers 18:17). But if it develops a blemish it may still be sold. By contrast, it is stated with regard to the animal tithe offering: “It shall not be redeemed” (Leviticus 27:33), and the animal tithe may not be sold, not when alive and not when slaughtered, not when unblemished and not when blemished.

[104] The Gemara objects: But isn’t there the case of substitution, with regard to which the Merciful One states: “He shall not exchange it, nor substitute it” (Leviticus 27:10), and it is taught in the mishna (2a): That is not to say that it is permitted for a person to effect substitution; rather, it means that if one substituted a non-sacred animal for a consecrated animal, the substitution takes effect, and the one who substituted the non-sacred animal incurs the forty lashes. Apparently, his action is effective, and this seems to be a conclusive refutation of the opinion of Rava.

[105] The Gemara explains that Rava could say to you: It is different there, as that same verse states: “And if he shall at all substitute animal for animal, then both it and that for which it is substituted shall be holy,” which teaches that his action is effective in this context specifically.

[106] And according to the opinion of Abaye, that transgressions are effective in general, that clause is still necessary, because if the Merciful One had not stated: “Both it and that for which it is substituted shall be holy,” I would say that this initially consecrated animal will leave its consecrated state, and that non-sacred animal will enter into sanctity instead. Therefore, the verse teaches us that the first animal retains its sanctity as well.

[107] The Gemara objects: But isn’t there the case of a firstborn offering, with regard to which the Merciful One states: “But the firstling of an ox, or the firstling of a sheep, or the firstling of a goat, you shall not redeem; they are holy” (Numbers 18:17)? And we learned in a mishna (21a): All sacrificial animals that became blemished are subject to redemption through sale, and their substitutes are also subject to redemption through sale, except for the firstborn and the animal tithe offerings. Apparently, if one attempts to redeem a firstborn offering, his action is not effective, and this seems to be a conclusive refutation of the opinion of Abaye.

[108] The Gemara explains that Abaye could say to you: It is different there, as that same verse states: “They are holy,” thereby teaching that they shall always be as they are, even if one attempts to redeem them.

[109] The Gemara asks: And according to Rava, who maintains that transgressions are not effective, why does he need the term “They are holy”? The Gemara answers: This term teaches that if one substituted another animal for a firstborn offering or for an animal tithe offering, they, the originally consecrated animals, are sacrificed, but their substitutes, although they have sanctity, are not sacrificed.

[110] The Gemara asks: And according to Abaye, from where does he derive this conclusion that the substitutes are not sacrificed? The Gemara answers: The verse states concerning firstborn offerings: “Whether it be ox or sheep, it is the Lord’s” (Leviticus 27:26). One can infer from this wording that it is sacrificed to the Lord but its substitute is not sacrificed.

[111] The Gemara asks: And what does Rava derive from that verse? The Gemara responds: Yes, it is indeed so that he, like Abaye, derives from that verse, not from Numbers 18:17 as originally suggested, the halakha that the substitute of a firstborn is not sacrificed. Rather, why do I need the term “They are holy” which appears in that verse? It teaches with regard to a firstborn offering or an animal tithe offering whose blood was mixed with the blood of any other offering brought upon the altar that the blood is nevertheless sacrificed on the altar as it would have been individually.

[112] The Gemara asks: And Abaye, from where does he derive this conclusion, that such blood is sacrificed? The Gemara answers: He derives it from the verse concerning the High Priest’s service on Yom Kippur: “And he shall take of the blood of the bull, and of the blood of the goat, and put it upon the corners of the altar” (Leviticus 16:18). One might ask: But isn’t there more blood of the bull than of the goat? Why is the blood of the goat not nullified? From here it is derived that offerings brought upon the altar do not nullify one another, as it is taught in a baraita that the phrase in the verse “And he shall take of the blood of the bull, and of the blood of the goat” serves to teach that they must be mixed. This is the statement of Rabbi Yoshiya. Accordingly, Abaye derives that mixtures of blood may be sacrificed.

[113] And as for Rava, he holds that there, the High Priest would take from this blood of the bull by itself and from that blood of the goat by itself, rather than mixing them together. And in this matter, he holds in accordance with the opinion of Rabbi Yonatan, who disagrees with Rabbi Yoshiya.

[114] The Gemara continues its analysis of the dispute between Abaye and Rava. But isn’t there the case of an animal tithe offering, with regard to which the Merciful One states: “It shall not be redeemed” (Leviticus 27:33)? And we learned in a mishna (21a): All sacrificial animals that became blemished are subject to redemption through sale, and their substitutes are also subject to redemption through sale, except for the firstborn and the animal tithe offering. Apparently, if one attempts to redeem an animal tithe offering, his act is not effective, and this seems to be a conclusive refutation of the opinion of Abaye.

[115] The Gemara explains that Abaye could say to you: It is different there, as one derives that halakha from the halakha of a firstborn offering, by verbal analogy between the term “avara” that is stated with regard to an animal tithe offering: “Whatsoever passes [ya’avor] under the rod” (Leviticus 27:32), and the term “avara” that is stated with regard to a firstborn offering: “You shall set apart [veha’avarta] to the Lord all that opens the womb” (Exodus 13:12). It was already derived above that a firstborn offering cannot be redeemed. But in general, transgressions are effective.

[116] The Gemara objects: But isn’t there the case of one who separated teruma prior to the separation of the first fruits, with regard to which the Merciful One states: “You shall not delay to offer of the fullness of your harvest and the outflow of your presses” (Exodus 22:28)? The verse was expounded earlier (4b) as teaching that one must separate first fruits before separating teruma. And we learned in a mishna (Terumot 3:6): If one separates teruma prior to the separation of the first fruits, although he has transgressed a prohibition, what he did is done, and produce has the status of teruma. This appears to refute the opinion of Rava.

[117] The Gemara explains that Rava could say to you: It is different there, as the verse states: “From all that is given you, you shall set apart that which is the Lord’s teruma” (Numbers 18:29), thereby teaching that the separation of teruma is effective in any case. But in general, transgressions are not effective.

[118] And according to the opinion of Abaye that transgressions are generally effective, that verse is required to teach another halakha, as Rav Pappa said to Abaye (Beitza 13b): Rabbi Shimon ben Lakish stated that if the first tithe was separated while the grain was still on the stalks, that amount is exempt from teruma, even though the amount of teruma the priest receives is thereby reduced. If that is so, then even if the Levite preceded the priest by taking the first tithe after the grain had been threshed and arranged in a pile, we should exempt that grain from the obligation of teruma as well.

[119] Abaye said to Rav Pappa: With regard to your claim, the verse states: "From all that is given you, you shall set apart." This verse teaches that the Levites must designate a portion of all the gifts they receive and give it to the priests, even if they received them before teruma had been separated.

[120] Rav Pappa asked: What did you see that leads you to include the first tithe taken from the pile in the category: "All that is given," and to exclude that which is taken from the stalks? Abaye answered: I include a tithe taken from the pile, as it has been processed to the point where it is included in the category of grain, since it is written: "The first fruits of your grain…you shall give him" (Deuteronomy 18:4); and I exclude a tithe taken from the stalks, as it is not included in the category of grain and is not yet obligated in teruma.

[121] The Gemara objects: But isn't there the case of a widow betrothed to a High Priest, with regard to which the Merciful One stated: "A widow, or one divorced, or a profaned woman, or a harlot, these shall he not take; but a virgin of his own people shall he take to wife. And he shall not profane his seed among his people" (Leviticus 21:14–15)? And we learned in a mishna (Kiddushin 66b): Any case where there is a valid betrothal and yet there is a transgression, the offspring follows the flawed lineage. For example, if a widow, who may not marry a High Priest, nevertheless did so, the offspring may not marry a priest. Still, the marriage is in force, contrary to the opinion of Rava.

[122] The Gemara explains that Rava could say: It is different there, as the verse states: "And he shall not profane [lo yeḥallel] his seed." The verse states only that the offspring is profaned, not that he has the status of a mamzer, which would hold for one born of a union between two people with regard to whom marriage cannot take effect. Rava infers from the verse that the betrothal of a High Priest and a widow specifically does take effect. But in general, transgressions are not effective.

[123] And according to the opinion of Abaye, that transgressions are generally effective, what is derived from that phrase? Abaye can say: If it merely means to teach that the betrothal takes effect, let the verse state simply: Lo yaḥel, which would have the same meaning. What is indicated by the use of the longer form: Lo yeḥallel? This teaches that there are two profanations: One for him, i.e., that the offspring is profaned, and one for her, i.e., that the mother is disqualified from marrying even a common priest.

[124] The Gemara objects: But isn't there the case of one who consecrated blemished animals for sacrifice on the altar, with regard to which the Merciful One states: "But whatsoever has a blemish, that you shall not bring; for it shall not be acceptable for you" (Leviticus 22:20)? And we learned in a baraita: If one consecrates blemished animals for sacrifice on the altar, even though he has transgressed a prohibition, what he did is done, and the consecration takes effect. This is apparently a conclusive refutation of the opinion of Rava.

[125] The Gemara explains that Rava could say to you: It is different there, as the verse states with regard to blemished animals: "But for a vow it shall not be accepted" (Leviticus 22:23). Since the verse specifies only that it is its sacrifice which does not effect acceptance, one may consequently

infer that if one consecrates them, they are still consecrated. But in general, transgressions are not effective.

[126] And according to the opinion of Abaye, that transgressions are generally effective, what does this phrase teach? Abaye can say that if the Merciful One had not stated: “But for a vow it shall not be accepted,” I would say that one who consecrated it is considered like one who transgressed a mitzva but the offering is still fit to be sacrificed. The verse therefore teaches us that it may not be sacrificed as an offering.

[127] The Gemara objects: But there is the case of one who consecrates unblemished animals for Temple maintenance, with regard to which the Merciful One states:

[128] “Either a bull or a lamb that has anything too long or too short, that may you offer for a gift; but for a vow it shall not be accepted” (Leviticus 22:23). This verse teaches that only blemished animals may be consecrated for Temple maintenance. And we learned in a baraita: With regard to one who consecrates unblemished animals for Temple maintenance, even though he has transgressed a prohibition, what he did is done. This is apparently a conclusive refutation of the opinion of Rava.

[129] The Gemara explains that Rava could say to you: From the same place that it was derived earlier that blemished animals are included, i.e., that their consecration for sacrifice on the altar is effective after the fact, it is likewise derived that unblemished animals are included, that their consecration for Temple maintenance is effective. But in general, transgressions are not effective.

[130] The Gemara objects: But there is the case of robbery, with regard to which the Merciful One states: “You shall not oppress you neighbor, and you shall not rob him” (Leviticus 19:13), and we learned in a mishna (Bava Kamma 93b): One who robs another of wood and fashions it into vessels, or one who robs another of wool and fashions it into garments, pays the victim according to the value of the goods at the time of the robbery, but he need not return the vessels or garments, since by changing the stolen items he acquired them. If he can acquire the stolen item, this is apparently a conclusive refutation of the opinion of Rava.

[131] The Gemara explains that Rava could say to you: It is different there, as the verse states: “He shall restore the stolen item that he took by robbery” (Leviticus 5:23). This teaches that he must return the original item only if it is still like that which he took by robbery and has not been altered. But in general, transgressions are not effective.

[132] And according to the opinion of Abaye, this phrase: “That he took by robbery,” is necessary to teach that one who takes a false oath denying he robbed another, who must then pay an additional fifth of the value of the stolen item when he returns it, need add a fifth only for denying his own act of robbery, but for denying his deceased father’s act of robbery when sued by the victim as the robber’s heir, he need not add an additional fifth.

[133] The Gemara objects: But there is the case of collateral, with regard to which the Merciful One states: “When you lend your neighbor any manner of loan, you shall not go into his house to fetch his pledge” (Deuteronomy 24:10), teaching that a creditor may not seize collateral if the debtor delays payment. And we learned in a mishna (Bava Metzia 113a): If the creditor nevertheless seized two items as collateral, he returns a mattress by night, as the debtor requires it for sleeping, and a plow, which is needed for his daytime work, by day. The creditor may keep possession of seized collateral when it is not being used, which is apparently a conclusive refutation of the opinion of Rava.

[134] The Gemara explains that Rava could say to you: It is different there, as the verse states: “And if he be a poor man, you shall not sleep with his pledge; you shall restore [hashev tashiv] to him the pledge” (Deuteronomy 24:12–13). The repetition of the verb teaches that the creditor must return the collateral many times, e.g., he must return a plow each morning and take it back each night, and return a mattress each night and take it back each morning, but he does not have to return the collateral permanently. But in general, transgressions are not effective.

[135] The Gemara notes: And according to the opinion of Abaye, that transgressions are generally effective, the repetition of the verb may be explained as follows: If the Merciful One had not stated: “Hashev tashiv,” I would say that a creditor who seizes collateral from the home of the debtor has performed a prohibition, but having done so, if he desires, he may return the collateral, and if he desires, he may not return it. The verse therefore teaches us that he must return the items the debtor needs.

[136] The Gemara objects: But there is the case of produce in the corner of the field, which is given to the poor [pe’a], with regard to which the Merciful One stated: And when you reap the harvest of your land, you shall not wholly reap the corner of your field” (Leviticus 23:22), but one must leave a corner of the field for the poor. And we learned in a baraita (Tosefta, Pe’a 1:5): The optimal way to fulfill the mitzva of pe’a is for the owner to separate it from the standing grain, i.e., grain that has not been harvested. If he did not separate it from the standing grain, he separates it from the sheaves of grain that have already been harvested. If he did not separate it from the sheaves, he separates it from the pile of grain, as long as he has not yet smoothed the pile.

[137] The baraita continues: Once he smooths the pile of grain, it becomes obligated in tithes. Therefore, he must first tithe the grain and then give a portion of the produce to the poor as pe’a, so that the poor need not tithe what they receive. Additionally, the Sages said in the name of Rabbi Yishmael: If he did not separate pe’a during any of these stages, and he milled the grain and kneaded it into dough, he separates pe’a even from the dough and gives it to the poor. Even if the owner harvested the grain, the pe’a is still not considered his, which is apparently a conclusive refutation of the opinion of Abaye.

[138] The Gemara explains that Abaye could say to you: It is different there, as the verse states: “You shall leave them for the poor and for the stranger” (Leviticus 19:10), and subsequently, it again states: “You shall leave them for the poor and for the stranger” (Leviticus 23:22). The superfluous phrase teaches that the owner must give pe’a in any event, even if he harvests the grain and kneads it into dough. But in general, transgressions are effective.

[139] And Rava, who maintains that in general transgressions are not effective, could say to you that the extra verse teaches that there is another type of leaving over one’s grain that is like this. And what is that? It is the case of one who renounces ownership of his vineyard.

[140] As it is taught in a baraita: If one renounced ownership of his vineyard, thereby exempting it from tithes and gifts to the poor, and he rose early in the morning, retook possession of it, and harvested it, he is still obligated in the mitzva of individual fallen grapes left for the poor [peret], and in the mitzva of incompletely formed clusters of grapes left for the poor [olelot], and in the mitzva of forgotten clusters of grapes left for the poor, and in the mitzva of pe’a, but he remains exempt from the mitzva to tithe his produce. His obligation to give the gifts to the poor even though the vineyard

was at some point ownerless is derived from the repeated phrase: “You shall leave them for the poor.”

141 § Rav Aḥa, son of Rava, said to Rav Ashi: And now that we have given all of these answers, explaining that Abaye and Rava concede to one another in all the above cases, with regard to what cases do Abaye and Rava disagree?

142 Rav Ashi answered: They disagree with regard to fixed [ketzutza] interest, and their dispute is like that of Rabbi Elazar and Rabbi Yoḥanan. As Rabbi Elazar said: If a debtor paid fixed interest and petitions the court to have it returned to him, since the Torah prohibits the charging of interest, it is repossessed from the creditor by the judges of the court.

143 If a debtor paid a hint of interest and petitions the court to have it returned to him, it is not repossessed from the creditor by the judges of the court. And Rabbi Yoḥanan says: Even fixed interest is not repossessed by the judges. Abaye holds that transgressions are effective, and the interest now belongs to the creditor and cannot be repossessed, in accordance with the opinion of Rabbi Yoḥanan. Therefore, the judges do not appropriate it. Rava holds that transgressions are not effective, and the creditor is in unlawful possession of the interest. Therefore, the judges repossess it, in accordance with the opinion of Rabbi Elazar.

144 Rav Aḥa said to Rav Ashi: There, in the dispute concerning fixed interest, do Rabbi Elazar and Rabbi Yoḥanan disagree with regard to logical reasoning, i.e., the principle of whether transgressions are effective? Not so; rather, they disagree there with regard to the interpretation of the verses, as Rabbi Yitzḥak said: What is the reasoning of Rabbi Yoḥanan? The verse states: “[He] has given forth upon interest, and has taken increase; shall he then live? He shall not live; he has done all these abominations; he shall be put to death; his blood shall be upon him” (Ezekiel 18:13). Apparently, a usurer is subject to divine punishment for his life, but the interest is not subject to returning. This is the source for the opinion of Rabbi Yoḥanan.

145 Rav Aḥa bar Adda said that the source for the opinion of Rabbi Yoḥanan is from here: “Take no interest of him or increase, but fear your God, that your brother may live with you. You shall not give him your money upon interest, nor give him your provisions for increase; I am the Lord” (Leviticus 25:36–38). In effect, God is saying: I have made a usurer subject to punishment for insufficient fear of Me, but the interest is not subject to returning.

146 Rava said that the source for the opinion of Rabbi Yoḥanan is from here: “Has lent at advance interest, or exacted accrued interest; shall he live? He shall not live! He has done all these abominations; he shall be put to death; his blood shall be upon him” (Ezekiel 18:13). And an earlier verse states: “If he fathers a son that is a robber, a shedder of blood” (Ezekiel 18:10). Usurers are thereby juxtaposed to shedders of blood, i.e., murderers: Just as the sins of shedders of blood cannot be undone, so too, the sins of usurers cannot be undone.

147 And Rav Naḥman bar Yitzḥak said: What is the reasoning of Rabbi Elazar? As the verse states: “Take no interest of him or increase; but fear your God, that your brother may live with you” (Leviticus 25:36). The verse teaches that one must return the interest to the debtor so that he will be able to live together with you.

148 The Gemara asks: But if this matter is not a consequence of the dispute of Abaye and Rava, with regard to what case do Abaye and Rava disagree? The Gemara answers: There is perhaps no practical

dispute between them, and they disagree only with regard to the theoretical question of whether deviation from what is stated in the Torah is effective. According to the opinion of Abaye, if there is no verse teaching otherwise, a transgression is presumed to be effective. According to the opinion of Rava, it is presumed to be not effective. They, therefore, disagree as to which halakhot reflect the rule and which are exceptions.

149 § The Gemara presents an alternative version of the answer to this question: In accordance with the answers we answered above, Abaye and Rava disagree with regard to fixed interest. According to the opinion of Abaye that transgressions are effective, the creditor does not need to return the interest, as he has acquired it. But according to the opinion of Rava that transgressions are not effective, the creditor must return the interest, as it still belongs to the debtor.

150 The Gemara objects: But Abaye also holds that we repossess fixed interest by the authority of the judges, as Abaye said: In the event that this one, who was collecting a debt from another, demanded that he pay four dinars as interest, and the debtor gave to the creditor, in his store, a cloak that was worth five dinars in place of the four dinars of interest, the halakha is that when we repossess the interest from the creditor, we repossess only four dinars from him. And as for that additional one dinar, one presumes the debtor gave it to him as a gift. And Rava said: We repossess all five dinars from him. What is the reason? All of it came into his possession by virtue of a payment of interest. In any event, it is clear that Abaye holds that fixed interest is repossessed by the court.

151 The Gemara concludes as earlier: Rather, there may be no practical dispute between them, as when Abaye and Rava disagree, it is only with regard to the theoretical question of whether deviation from what is stated in the Torah is effective.

152 § The Gemara returns to the topic of blemished animals. The Sages taught in a baraita: Why must the verse state: “But whatever has a blemish, you shall not offer; for it shall not be acceptable for you” (Leviticus 22:20)? If it serves to teach that you may not slaughter a blemished animal as a sacrifice even if it has been consecrated, that is already stated below, later on in the passage, as the Gemara will soon explain. Rather, why must the verse state that you may not offer a blemished animal? This serves to teach that you may not consecrate it. From here, the Sages stated (Tosefta 1:10): One who consecrates blemished animals for sacrifice on the altar violates five separate categories of prohibition.

153 He is liable for violating the prohibitions: You may not offer a blemished animal as an offering, i.e., you may not consecrate it; you may not slaughter it; and for the prohibition: You may not sprinkle its blood; and for the prohibition: You may not burn all of it on the altar; and for the prohibition: You may not burn part of it. The Sages said in the name of Rabbi Yosei, son of Rabbi Yehuda: One also violates a prohibition against the collection of the blood.

154 The Gemara interjects: The Master said above: If one suggests that the prohibition in Leviticus 22:20 teaches that you may not slaughter a blemished animal as an offering, that is already stated below, later on in the passage. The Gemara asks: Where is it stated? The Gemara answers: As it is taught in a baraita: Why must the verse state: “Blind, or broken, or maimed, or having a cyst, or scabbed, or scurvy, you shall not offer” (Leviticus 22:22)? If this serves to teach that you may not consecrate them, that is already stated above, in verse 20. Rather, why must the verse state that you may not offer these animals? This serves to teach that you may not slaughter them if they have been consecrated.

155 The baraita continues: The verse states: “Nor make an offering by fire of them upon the altar unto the Lord” (Leviticus 22:22). These words teach that one may not burn a blemished animal in the fires of the altar. I have derived only that it is prohibited to burn all of the animal. From where is it derived that it is prohibited to burn some portions of the animal? The verse states: “Of them,” which prohibits the burning of even part of them.

156 From where is it derived that sprinkling the blood of a blemished animal is prohibited? The verse states: “Upon the altar,” thereby indicating that one may not sacrifice any part of it, even its blood, on the altar. The verse continues: “Unto the Lord,” which serves to include the scapegoat of Yom Kippur in this prohibition, that it may not be blemished even though it is not sacrificed on the altar.

157 The Gemara interjects: And does the term: “Unto the Lord,” serve to include the scapegoat? But isn’t it taught in a baraita: The Torah condemns one who slaughters an offering outside the Temple “and has not brought it unto the door of the Tent of Meeting, to present it as an offering unto the Lord” (Leviticus 17:4)? If the verse had stated only “offering,” I would derive that one is liable even for slaughtering animals consecrated for Temple maintenance outside the Temple, for they are also called an offering, as it is stated: “And we have brought the Lord’s offering, what every man has found: Articles of gold” (Numbers 31:50).

158 Therefore, the verse states: “And has not brought it to the entrance of the Tent of Meeting” (Leviticus 17:4). This teaches that one is liable only for sacrificing an animal fit to be sacrificed within the entrance of the Tent of Meeting or the Temple due to the prohibition of slaughtering offerings outside the Temple. But one is not liable for sacrificing an animal not fit to be sacrificed within the entrance of the Tent of Meeting due to the prohibition of slaughtering offerings outside the Temple.

159 I might exclude these animals consecrated for Temple maintenance, but not exclude the red heifer of purification, whose ashes are used to purge the impurity imparted by a corpse, and the scapegoat, despite the fact that neither are sacrificed on the altar, as they are unblemished and therefore fit to come to the entrance of the Tent of Meeting. Therefore, the verse states: “Unto the Lord,” to teach that one is liable only for those animals that are exclusively the Lord’s as offerings. These, the red heifer of purification and the scapegoat, are excluded, as they are not exclusively the Lord’s as offerings, but rather they serve unique ritual functions. In any event, the term “unto the Lord” is interpreted as excluding, rather than including, the scapegoat.

160 Rava said: There, in the baraita discussing offerings slaughtered outside the Temple, the halakha is derived from the context of the verse. The verse states: “And has not brought it to the entrance of the Tent of Meeting” (Leviticus 17:4), which serves to include any unblemished animal. Therefore, the following term: “Unto the Lord,” serves to exclude certain exceptions to the rule. Here, where the verse states “fire” (Leviticus 22:22), which serves to exclude animals not burned on the altar from the prohibition, the term: “Unto the Lord,” serves to include exceptions to that principle.

161 The Gemara objects: The baraita indicates that the reason why a blemished animal may not be brought as the scapegoat is that the verse writes: “Unto the Lord.” One may infer that had the verse not included the scapegoat by employing the term: “Unto the Lord,” I would say that it is permitted to sacrifice a blemished scapegoat. Now, of the two goats of the Yom Kippur service, one is selected as the scapegoat and one as an offering by lottery. As a rule, the lottery can establish the animals in their respective roles only if each is fit for either role. Given that a blemished animal cannot be

sacrificed as an offering, it cannot be designated as the scapegoat either. The term “unto the Lord” therefore seems unnecessary.

[162] Rav Yosef said: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Ḥanan the Egyptian, who said that if the scapegoat dies before being sent to the wilderness, even if the other goat has already been slaughtered and its blood collected in the cup, the slaughtered goat is nevertheless a fit offering, and the priest brings another goat and pairs it with the slaughtered goat to serve as the scapegoat. This new scapegoat is thereby designated without a lottery, and one might therefore suppose it can be blemished. The term “unto the Lord” is therefore needed to teach that it must be unblemished.

[163] The Gemara challenges: Granted that you learn from the statement of Ḥanan the Egyptian that he holds that there is no deferral of the second goat once it has already been slaughtered. But do you learn from him that the new scapegoat need not be designated by a lottery? Perhaps the priest brings two potential scapegoats and performs a lottery to decide between them. Therefore, the question again arises: What need is there for the term “unto the Lord”?

[164] Rather, Rav Yosef said: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Shimon, as it is taught in a baraita: If one of the two goats dies, the priest brings another goat without another lottery; this is the statement of Rabbi Shimon. It is this scapegoat that, absent the term “unto the Lord,” could have been blemished.

[165] Rava said: No, the term in the verse is necessary for a case where the scapegoat became blemished on that day of Yom Kippur, after it had been designated, and then the priest desacralized it by transferring its sanctity onto another blemished goat.

[166] Since it might enter your mind to say that granted, if one does this initially, before the lottery, we do not know if this blemished animal will be designated as the one sacrificed to the Lord or sent to the wilderness. Therefore, the one who consecrated the blemished animal is flogged. But here, since it is already clear that the other animal is to be sacrificed to the Lord, and the one he consecrates will be sent to the wilderness, perhaps he is not flogged for consecrating it. The verse therefore teaches us that this is also a violation of the prohibition and he is flogged.

[167] § The Master said above: The Sages said in the name of Rabbi Yosei, son of Rabbi Yehuda: One who sacrifices a blemished animal violates a prohibition against the collection of the blood as well. The Gemara asks: What is the reasoning of Rabbi Yosei, son of Rabbi Yehuda? The Gemara answers: The verse states: “That which has its testicles bruised, or crushed, or torn, or cut, you shall not offer unto the Lord” (Leviticus 22:24). The phrase “You shall not offer unto the Lord” is apparently superfluous, as the Torah already stated earlier: “But whatever has a blemish, you shall not offer” (Leviticus 22:20). Rather, this extra phrase is referring to the collection of the blood, for which Rabbi Yosei, son of Rabbi Yehuda, said that one is liable.

[168] The Gemara asks: And according to the first tanna, who holds that one is not liable for collection of the blood per se, why do I need this phrase: “You shall not offer,” stated with regard to damaged testicles? The Gemara answers: He requires it to teach that one is liable for sprinkling the blood. The Gemara challenges: But he derives this from the phrase: “Upon the altar” (Leviticus 22:22), which indicates that one may not sacrifice any part of such an animal on the altar, even its blood. The Gemara answers: With regard to that phrase, the first tanna holds that it is simply the normal manner of the verse that it speaks like this. It does not teach any additional halakha.

169 The Gemara challenges: But also according to Rabbi Yosei, son of Rabbi Yehuda, one may claim that this is the normal manner of the verse. Why does he derive a halakha from this phrase? The Gemara answers: Yes, it is indeed so. He does not derive liability for sprinkling of the blood from the phrase “upon the altar.” Rather, from where does he derive the prohibition against collection of the blood? He derives it from this verse: “Neither from the hand of a foreigner shall you offer the bread of your God of any of these, because their corruption is in them; there is a blemish in them; they shall not be accepted for you” (Leviticus 22:25). This verse is referring to the collection of the blood when sacrificing a blemished animal, for which Rabbi Yosei, son of Rabbi Yehuda, said that one is liable.

170 The Gemara asks: And according to the first tanna, who holds that one is not liable for collection of the blood, why do I need this phrase: Neither from the hand of a foreigner shall you offer? The Gemara answers: He requires it to teach this halakha: It may enter your mind to say that since the descendants of Noah are commanded only with regard to the sacrifice of an animal lacking limbs but they are permitted to sacrifice animals with minor blemishes, perhaps there is no difference if this is performed on their altar outside the Temple or if it is done on our altar in the Temple. Accordingly, one might claim that a gentile may sacrifice a blemished animal in the Temple in Jerusalem. The verse therefore teaches us that they may not sacrifice a blemished animal in such a manner.

171 The Gemara presents an alternative version of the discussion. Rabbi Yosei, son of Rabbi Yehuda, says: One violates a prohibition for the collection of the blood as well. The Gemara asks: What is the reasoning of Rabbi Yosei, son of Rabbi Yehuda? The Gemara answers: As it is written: “That which has its testicles bruised, or crushed, or torn, or cut, you shall not offer unto the Lord” (Leviticus 22:24). This verse is referring to the collection of the blood. And he derives the prohibition against sprinkling the blood from the phrase: “Upon the altar” (Leviticus 22:22).

172 The Gemara objects: And according to the Rabbis as well, who hold that one is not liable for collection of the blood, let them derive liability for sprinkling the blood from the phrase “upon the altar.” The Gemara explains that it is indeed so, that they derive it from that phrase. But for what purpose comes the phrase “You shall not offer” with regard to bruised testicles? We learn from this phrase the prohibition of the sacrifice of a blemished animal even on a private altar, where offerings were sacrificed before the construction of the Temple.

173 The Gemara asks: But according to Rabbi Yosei, son of Rabbi Yehuda, how can he then derive the prohibition against collection of the blood of a blemished animal from the phrase “You shall not offer”? After all, he requires this phrase to render prohibited sacrifice on a private altar. The Gemara answers: Yes, it is indeed so. Rather, where does he find another instance of the term “shall offer” for prohibiting collection of the blood? From the following verse: “Neither from the hand of a foreigner shall you offer the bread of your God of any of these, because their corruption is in them; there is a blemish in them; they shall not be accepted for you” (Leviticus 22:25). This verse is referring to the collection of the blood.

174 And the Rabbis maintain that this verse is necessary for a different halakha, as it may enter your mind to say that since the descendants of Noah are commanded only with regard to sacrificing an animal lacking a limb on their private altar but are permitted to sacrifice animals with minor blemishes, perhaps we should accept blemished offerings from them in the Temple as well. Therefore, the verse teaches us by the use of the phrase “of any of these” that we do not accept them.

[175] § The baraita cited earlier stated that one who consecrates a blemished animal violates several prohibitions, but it did not differentiate between animals born with blemishes and those that acquired them during their lives. Reish Lakish objects to this: Perhaps we learned the prohibition only with regard to an unblemished animal that became blemished, and only one who consecrates such an animal transgresses the prohibition. As, if he consecrated an animal that was blemished from the outset, it is akin to consecrating a mere date palm, and his presumed intention is to consecrate its value, with the proceeds from its sale being used to purchase an offering. This would be permitted.

[176] Rav Ḥiyya bar Yosef said to Reish Lakish: The blemishes mentioned in the phrase in the verse that states: “Either a bull or a lamb that has anything too long or too short” (Leviticus 22:23), are written in the passage that prohibits the sacrifice of blemished animals, and animals such as these are blemished from the outset.

[177] Reish Lakish said to Rav Ḥiyya bar Yosef: Perhaps in the case of animals born with blemishes, we learned the prohibition only with regard to substitution, as we learned in a mishna (16b): There is greater stringency with regard to a substitute than there is with regard to the initial consecration of an offering, as, if one substituted a non-sacred animal with a permanent blemish for a consecrated unblemished animal, the blemished animal is imbued with sanctity. But initial consecration of an animal with such a blemish is effective only with regard to its value, so perhaps one who does so is exempt from punishment.

[178] Rabbi Yoḥanan said to Reish Lakish: Didn’t you hear that which Rabbi Yannai says, that when the Sages sat in a group, their opinions were counted and they concluded: One who consecrates blemished animals for sacrifice on the altar violates five separate categories of prohibition. But if the baraita is also referring to a case of substitution, there are six categories, as there is also the prohibition of performing substitution. Reish Lakish responded: Rather, what can you say? Is the baraita speaking of one who consecrated an animal that is blemished from the outset? Why then is he flogged? It is akin to one who consecrates a mere date palm.

[179] Rabbi Yoḥanan said to Reish Lakish: There is a difference between the cases. When one consecrates a date palm, the matter is not disgraceful, as it is a type of wood that one may burn on the altar. Therefore, he is not flogged. By contrast, when one consecrates an animal that is blemished from the outset, the matter is disgraceful. Since he forsook unblemished animals and consecrated blemished animals, he is liable to be flogged.

[180] The Gemara presents an alternative version of the previous point. Rabbi Yoḥanan said to Reish Lakish: Nevertheless, the matter of consecrating an animal blemished from the outset is disgraceful. For in the case of a date palm, as there is no item of its type that can be sacrificed as an offering, he is not flogged for consecrating it. This is to the exclusion of a blemished animal; since there are items of its type that can be sacrificed as offerings, i.e., unblemished animals, he is flogged for consecrating it.

[181] Rava said: Now that it has been said that the reason that one who consecrates a blemished animal is flogged is due to the fact that the matter is disgraceful, then even one who consecrates it to be sold and its money used for purchasing libations should be flogged as well, as consecrating a blemished animal is in and of itself a disgraceful act.

[182] The Gemara notes: It is taught in a baraita in accordance with the opinion of Rava:

183 A vow offering differs from a gift offering in that if it dies prematurely, one is liable to replace the former but not the latter. The verse states: “Either a bull or a lamb that has anything too long or too short, you may offer it for a gift, and for a vow it shall not be accepted” (Leviticus 22:23). The phrase “You may offer it for a gift” is referring to a blemished animal consecrated for Temple maintenance. And I have derived only that one may consecrate it in the manner of a gift; from where is it derived that one may consecrate it in the manner of a vow as well? The verse states: “You may offer it for a gift and for a vow.”

184 One might have thought that one can consecrate blemished animals even as offerings to be sacrificed on the altar. Therefore, the verse states: “And for a vow it shall not be accepted.” This is referring to offerings sacrificed on the altar, for which acceptance is a relevant term. And I have derived only that one may not consecrate such an animal as a vow offering. From where is it derived that one may not do so as a gift offering? The verse states: “A gift…and for a vow it shall not be accepted.” Rabbi Yehuda HaNasi says: In employing the phrase “It shall not be accepted,” the verse is speaking of consecration that depends upon the acceptance of the animal’s body, i.e., consecration as an offering. Nevertheless, they may be consecrated for Temple maintenance.

185 The Gemara asks: The opinion of Rabbi Yehuda HaNasi is identical to the opinion of the first tanna. What is their dispute? The Gemara suggests: What, is it not that they disagree with regard to this, that the first tanna holds that even if one consecrates it to be sold and its money is used for purchasing libations, he is flogged as well; and Rabbi Yehuda HaNasi holds that in a case where there is acceptance of the animal’s body, the one who consecrated it is indeed flogged, but if one consecrates it to be sold and its money is used for purchasing libations, he is not flogged. Learn from the baraita that the first tanna holds that consecration toward libations is equivalent to consecration as an offering, as Rava suggested above.

186 § The Gemara analyzes the wording of Leviticus 22:23: But why do I need the word “it,” in the phrase: “You may offer it”? What does this serve to exclude? It is required for that which is taught in a baraita: When the verse states: “You may offer it for a gift,” this teaches that you may offer this blemished animal as a gift for Temple maintenance, but you may not offer an unblemished animal as a gift for Temple maintenance. From here the Sages said: One who consecrates unblemished animals for Temple maintenance transgresses a positive mitzva.

187 And from where is it derived that he has transgressed a prohibition as well? As it is stated at the beginning of that passage: “And the Lord spoke to Moses, saying [lemor]” (Leviticus 22:1). This teaches that every mitzva stated in the passage is considered a prohibition. This is the statement of Rabbi Yehuda.

188 The Gemara relates that Rabbi Yehuda HaNasi said to bar Kappara: From where may it be inferred that every mitzva stated in the passage is considered a prohibition? Bar Kappara said to him that this is as it is written: As the verse states: “Lemor,” the term can be read as though it states: No [lo], an expression of prohibition, is stated [ne’emar] with regard to the subsequent matters. In the school of Rabbi Yehuda HaNasi they say: The term should be understood to mean that God said to Moses: No [lo] shall you say [emor] to them these matters.

189 § A baraita above (6b) stated that one who sacrifices a blemished animal on the altar transgresses the prohibition “You may not burn all of it,” and if he sacrificed part of it, he transgresses the prohibition “You may not burn part of it.” With regard to this it was stated: In the case of one who

brings up the limbs of blemished animals onto the altar, Rava says that he violates both the prohibition of “You may not burn all of it;” and the prohibition of “You may not burn part of it,” and he receives two sets of lashes. Abaye says: One is not flogged twice for violating a general prohibition. Since one verse serves as the source for both prohibitions, one is not flogged twice for its violation.

190 The Gemara raises an objection from the Tosefta (1:10): One who consecrates blemished animals for sacrifice on the altar violates five separate categories of prohibition. The aforementioned baraita enumerated these and included both the prohibition “You may not burn all of it” and the prohibition “You may not burn part of it,” indicating that one is flogged for transgressing each of these prohibitions. This is apparently a conclusive refutation of the opinion of Abaye.

191 Abaye said: The baraita is teaching the halakha with regard to different men, one of whom burned an entire animal on the altar, and one of whom burned only part of it. One person cannot be liable for both prohibitions. The Gemara challenges: If it is teaching the halakha of different men, why does it say: Violates, in the third person singular? It should have stated: Violate, in the plural. Rather, it is obvious that the baraita is referring to one man, and this is apparently a conclusive refutation of the opinion of Abaye.

192 Abaye said: From the list of five prohibitions, remove that of burning part of the offering, and insert the collection of the blood, which means that there is only one prohibition for burning the offering, and the number of prohibitions still remains at five. The Gemara raises a difficulty: With regard to the collection of the blood, Rabbi Yosei, son of Rabbi Yehuda, is of the opinion that one transgresses that prohibition, but the first tanna is not of that opinion. How, then, can Abaye contradict the first tanna? The Gemara concludes: It is difficult.

193 The Gemara presents an alternative version of the previous point: But from the fact that the latter clause of the baraita is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, it may be inferred that the first clause is in accordance with the opinion of the Rabbis. The Gemara concludes: The refutation of the opinion of Abaye is indeed a conclusive refutation.

194 MISHNA: The priests substitute for their own offerings and Israelites substitute for their own offerings. The priests substitute neither for a sin offering, nor for a guilt offering, nor for a firstborn offering that they received from an Israelite, as those animals are not their property, and one does not substitute an animal that is not his. Rabbi Yoḥanan ben Nuri said: For what reason can priests not substitute for a firstborn offering that they received from an Israelite? Does it not belong to them? Rabbi Akiva said to him: A sin offering and a guilt offering are a gift to the priest, and the firstborn offering is likewise a gift to the priest. Just as in the cases of a sin offering and a guilt offering, priests that receive one of them from an Israelite cannot substitute for it, so too with regard to a firstborn offering, priests that receive it from an Israelite cannot substitute for it.

195 Rabbi Yoḥanan ben Nuri said: What is this comparison for him? If a priest does not substitute for a sin offering and a guilt offering, which priests do not acquire during the animals’ lifetimes, will you say the same with regard to a firstborn, which priests do acquire during the animal’s lifetime? Rabbi Akiva said to him: But isn’t it already stated: “Then both it and its substitute shall be sacred” (Leviticus 27:10), which juxtaposes the consecration of the consecrated animal with that of its non-sacred substitute? Where is the consecrated animal imbued with sanctity? It is in the house of the owner. So too, the substitute animal is consecrated in the house of the owner. Therefore, the priest

cannot substitute for the firstborn that he received because he is not the owner that initially consecrated it.

196 GEMARA: We learned in a mishna elsewhere (Ma’aser Sheni 1:2): With regard to a firstborn offering, one may sell it if it is unblemished only while it is still alive, as after it is slaughtered outside the Temple one may not derive benefit from it, and if it was offered in the Temple, one may not sell sacrificial meat. And if it is blemished, one may sell it while it is alive or after it has been slaughtered. And a priest can betroth a woman with it, as it is his property. Rav Naḥman says that Rabba bar Avuh says: They taught this halakha only with regard to the present, when there is no Temple, since the priest has the ability to acquire the firstborn offering. But when the Temple is standing, since the unblemished firstborn animal stands for sacrifice, one may not sell it unblemished while it is alive.

197 Rava raised an objection to Rav Naḥman: The mishna teaches that one may sell an unblemished firstborn offering while it is alive. One can infer that while it is alive, yes, one may sell it, but once it has been slaughtered, one may not sell it. When is this the halakha? If we say that this mishna is speaking in the present, is there an unblemished, slaughtered, firstborn offering? Offerings are not slaughtered in the present day. Rather, it is obvious that the mishna is speaking of the time when the Temple is standing. And yet, the mishna still teaches that one may sell an unblemished firstborn offering while it is alive, which contradicts the statement of Rav Naḥman.

198 Rav Naḥman responds: No; actually the mishna is referring to the halakha in the present. I disagree with the above inference. Does the mishna explicitly teach: One may sell an unblemished firstborn offering while it is alive, yes, but once it has been slaughtered, no? The mishna does not mean to rule out selling a slaughtered animal; rather, it is coming to teach us the matter itself, that even in the present, one may sell it unblemished while it is alive.

199 § Rava raised an objection to the statement of Rav Naḥman from a baraita: With regard to a firstborn offering, it is stated: “But the firstling of an ox, or the firstling of a sheep, or the firstling of a goat, you shall not redeem; they are holy: And you shall sprinkle their blood against the altar” (Numbers 18:17). But it may be sold to another priest for consumption after its sacrifice. What era are we dealing with in this baraita? If we say it is in the present, say the latter clause of the verse: “And you shall sprinkle their blood against the altar.” Is there an altar in the present? Rather, it is obvious that it is referring to the time when the Temple is standing.

200 And what sort of animal are we dealing with here? If we say that it is referring to a blemished animal, say the latter clause of the verse: “And you shall sprinkle their blood against the altar, and burn their fat.” Is a blemished animal fit for sacrifice? Rather, is it not referring to an unblemished animal? And the baraita teaches that it may be sold. Evidently, the priest has the right of acquisition to an unblemished firstborn offering even when the Temple is standing and the animal must be sacrificed.

201 Rav Naḥman responds: Are the two clauses of the verse comparable? The first clause is stated with regard to a blemished animal, and it is teaching that it may be sold, and the latter clause is stated with regard to an unblemished animal, and it teaches that it is sacrificed as an offering. Unblemished animals may not be sold when the Temple is standing.

202 § Rav Mesharshiyya raises an objection from a mishna (Yevamot 99a): In the case of a priestess’s offspring who was comingled with her maidservant’s offspring, when the comingled children have

grown up, they free each other, and therefore whichever one was a slave will be emancipated. And even beforehand, they both may partake of teruma, as both a priest and the slave of a priest may partake of teruma. And they receive one share of teruma in the granary, because the slave of a priest receives no share. And their firstborn animals must graze until they become unfit for sacrifice by virtue of a blemish, and then they may be eaten with their blemish.

[203] What era are we dealing with in this mishna? If we say it is in the present, what is different about our firstborn offerings, i.e., those of Israelites, and what is different about their firstborn offerings, those of priests? Ours also require that they have blemishes before they may be eaten. Why is the halakha stated specifically with regard to priests? Rather, is it not speaking of the time when the Temple is standing? Granted, if you say that the priest has the right of acquisition to an unblemished firstborn offering when the Temple is standing, it is well. But if you say that a priest does not have the right of acquisition, let the Temple treasurer [gizbar] come and take the firstborn offerings for sacrifice. Why are they left in the offspring's possession until they develop blemishes?

[204] The Gemara answers: Actually, the mishna is speaking of the present. And as for that which is difficult for you: What is different about our firstborn offerings and what is different about their firstborn offerings, there is in fact a difference, as we must give ours to a priest once they are blemished. Although it is permitted for Israelites to eat blemished firstborn offerings, they are still required to give them to priests. By contrast, they, the offspring mentioned in the mishna, are different, since there is part of a priest in each of them due to the uncertainty of their parentage. And this is sufficient to dislodge the claims of all other priests to the animal.

[205] The Gemara presents an alternative version of the previous discussion: If the mishna is referring to the present, why specifically discuss the firstborn offerings of these cases of uncertain parentage? Even our firstborn offerings should be left to graze until they are blemished. Rather, it is obvious that the mishna is referring to the time when the Temple is standing. And if the mishna is speaking of a blemished animal, does it make sense to say: They should graze until they become unfit for sacrifice? They are already unfit. Rather, it is obvious that the mishna is referring to unblemished animals, and it is only in a case such as this, when the owners might not be priests, that they definitely may not sell the animal. One can infer that a priest may sell an unblemished firstborn offering when the Temple is standing.

[206] The Gemara explains: Actually, the mishna is referring to the present. What is difficult for you, the fact that even our firstborn offerings should graze until they are blemished? We Israelites are unable to deny the priest who claims the firstborn offering, as there is no member of the priesthood, however uncertain, here among the owners of the animal. By contrast, in these cases of uncertain parentage described in the mishna, they can deny the priest, as both of them can say to the priest: I am a priest, and I am a priest. Since the burden of proof rests upon the claimant, both may keep their animals until they are blemished.

[207] § The Gemara raises an objection from a baraita (Tosefta, Sanhedrin 4:5): A verse discussing an idolatrous city states: "You shall smite the inhabitants of that city with the edge of the sword, destroying it utterly, and all that is therein and its animals, with the edge of the sword. And you shall gather all its spoil into the midst of the broad place thereof, and shall burn with fire the city, and all the spoil thereof" (Deuteronomy 13:16–17). Rabbi Shimon says: The term "its animals" serves to exclude firstborn kosher animals and the animal tithe that are in the city, as they are sacred. The term

“its spoil” serves to exclude money used to redeem the second tithe that is found in the city, as it too is sacred.

[208] What era are we dealing with in this baraita? If we say it is in the present, can there be an idolatrous city in the present day? But didn’t we learn in a mishna (Sanhedrin 2a): A city may be designated as an idolatrous city only in accordance with the ruling of a court of seventy-one judges, i.e., the Great Sanhedrin? Rather, it is obvious that the mishna is referring to the period when the Temple is standing.

[209] And to what type of animal is the baraita referring? If you say that it is referring to a blemished firstborn animal, which belongs to its owners, this is included in the term “its animals,” which one is commanded to destroy. Rather, it is obvious that the baraita is referring to an unblemished firstborn offering. And granted, if you say that the priest has the right of acquisition to an unblemished firstborn offering when the Temple is standing, it is well, as although it belongs to an individual, the Torah nevertheless exempts it from destruction. But if you say that a priest does not have the right of acquisition, why do I need to derive its exemption from the term “its animals”? One should derive its exemption from the term “its spoil,” from which one can infer: But not the spoils of Heaven.

[210] The Gemara answers: Actually, the baraita is speaking of a blemished animal. And as for that which is difficult for you, that this is considered “its animals,” one can answer that this term includes only that which is eaten in the manner of its animals, without additional restrictions. This excludes even a blemished firstborn offering and animal tithe offering, which is not included in the category of “its animals.”

[211] And which restrictions apply to the consumption of blemished firstborn animals? The restrictions are as we learned in a mishna (Bekhorot 31a): All disqualified consecrated animals are redeemed and then sold in the butchers’ market [ba’itliz], where they fetch a higher price, in order to benefit the Temple treasury. And they are slaughtered in the butchers’ market, and their meat is weighed and sold by the litra, as is done with non-sacred meat, with the exception of a firstborn offering and animal tithe offering, as their benefit is accrued to their owners. The money will benefit their owners rather than the Temple treasury, and private individuals may not disgrace disqualified offerings by treating them as one would non-sacred meat.

[212] § The Gemara raises an objection from a baraita: If one takes an oath falsely denying possession of another’s property, he must pay the value of that property and an additional one-fifth to the owner. The passage stating this halakha begins: “If anyone sin, and commit a trespass against the Lord, and deal falsely with his neighbor in a matter of deposit, or of pledge, or of robbery” (Leviticus 5:21). By stating: “And commit a trespass against the Lord,” the verse serves to include one who denies possession of offerings of lesser sanctity belonging to another, as they are the property of their owner, who has the right to consume their meat after the sacrifice. This is the statement of Rabbi Yosei HaGelili.

[213] Ben Azzai says: The verse serves to include only one who denies possession of a peace offering of another, not other offerings of lesser sanctity. Abba Yosei ben Dosai says: Ben Azzai stated his halakha only with regard to a firstborn offering, that it is considered the property of the owner, i.e., the priest, but not with regard to other offerings of lesser sanctity.

[214] What era are we dealing with in this baraita? If we say it is in the present, doesn’t the baraita teach the halakha of a firstborn offering as similar to the halakha of a peace offering? Peace offerings

are not a relevant category in the present day. Rather, it is obvious that the baraita is referring to the period when the Temple is standing.

215 And what type of animal are we dealing with? If we say that the baraita is referring specifically to a blemished animal, doesn't it teach the halakha of a firstborn offering as similar to the halakha of a peace offering? Peace offerings are the property of their owners even when they are unblemished. Rather, is it not referring even to an unblemished firstborn animal? And the baraita teaches that this animal is the property of its owner. Learn from it that the priest has the right of acquisition to an unblemished firstborn offering when the Temple is standing.

216 Abaye says: No, actually, the baraita is referring to an unblemished animal when the Temple is standing, but it is speaking of a firstborn offering outside of Eretz Yisrael, and it is in accordance with the opinion of Rabbi Shimon, who said: If unblemished firstborn offerings came from outside of Eretz Yisrael, they may be sacrificed on the altar. This language indicates that there is no obligation to sacrifice such an animal, as people did not generally bring their firstborn offerings from outside Eretz Yisrael. Therefore, a priest is able to acquire it even when it is unblemished. Firstborn offerings from Eretz Yisrael, by contrast, cannot be acquired by the priests.

217 § The Gemara raises an objection from the mishna: Rabbi Yoḥanan ben Nuri said to him: What is this comparison for me? If a priest does not substitute for a sin offering and a guilt offering, which priests do not acquire during the animals' lifetimes, will you say the same with regard to a firstborn, which priests acquire during the animal's lifetime? What are we dealing with in the mishna? If we say that it is referring to a blemished animal, isn't the mishna saying that the firstborn offering is similar to a sin offering and a guilt offering, which the priests acquire only unblemished? Rather, is it not referring to unblemished animals? And it nevertheless teaches: Which priests acquire during the animal's lifetime.

218 Ravina said: This mishna too is referring to a firstborn offering outside of Eretz Yisrael, and it is in accordance with the opinion of Rabbi Shimon, who said: If unblemished firstborn offerings came from outside of Eretz Yisrael, they may be sacrificed on the altar. The priests do not acquire firstborn offerings from Eretz Yisrael.

219 The Gemara suggests: Let us say that acquisition of the firstborn offerings by the priests is the subject of a dispute between tanna'im. The baraita states: In the case of a firstborn offering, when it is in the house of its owner, who did not yet give it to a priest, its owner can render another animal a substitute for it. Once it is in the house of the priest, its owner cannot render a substitute for it. Rabbi Shimon ben Elazar says: Once it has entered the possession of the priest, its owner cannot render a substitute for it.

220 Apparently, the opinion of Rabbi Shimon ben Elazar is identical to that of the first tanna. What is their dispute? What, is it not correct that this is what the first tanna is saying: Once it is in the house, i.e., possession, of the priest, the priest can render a substitute for it, but the owner cannot render a substitute for it, as the priest has acquired it; while Rabbi Shimon ben Elazar holds that once it enters the possession of the priest, neither of them can render a substitute with it. Apparently, the first tanna holds that the priest has the right of acquisition to an unblemished firstborn offering when the Temple is standing.

221 The Gemara explains: The opinion of the first tanna is not difficult; one can say that the dispute in the baraita concerns a firstborn offering outside of Eretz Yisrael, while those from Eretz Yisrael are

not acquired by the priests. And this opinion of the first tanna accords with the opinion of Rabbi Yoḥanan ben Nuri in the mishna above, and that opinion of Rabbi Shimon ben Elazar accords with the opinion of Rabbi Akiva in that mishna.

222 § The Gemara earlier (7b) cited a mishna (Ma’aser Sheni 1:2) which states that a firstborn offering may be sold unblemished only while it is alive. Rav Ḥisda says: The Sages taught this halakha only with regard to a priest selling to a priest, but with regard to a priest selling it to an Israelite, it is prohibited even when the animal is alive. What is the reason? Since an Israelite can consume a firstborn animal only if it is blemished, there is a concern that perhaps the Israelite will go and inflict a blemish on the firstborn offering and bring it to a halakhic authority to attain permission to eat it, and he will say to him: A priest gave me this firstborn offering when it was already blemished.

223 The Gemara asks: And may a halakhic authority permit the animal in a case such as this? But didn’t Rav say: A halakhic authority may not look at a firstborn offering brought by an Israelite to determine if it has the type of permanent blemish allowing it to be slaughtered unless a priest is with him, out of concern that the Israelite will keep the blemished animal for himself without performing the mitzva of giving it to a priest? If so, one can demand that the priest who sold him the animal must be present, and this should prevent the Israelite from lying about the blemish.

224 Rav Huna, son of Rabbi Yehoshua, said: This is the reason why it is prohibited for a priest to sell an unblemished firstborn offering to an Israelite: Because this looks like a priest who assists at the threshing floor in order to receive teruma from an Israelite. Unblemished firstborn offerings have a low purchase price, as the owner must wait for it to become blemished before eating it. It might appear that the priest sold the animal to an Israelite at a discount in order to receive future firstborns from him.

225 The Gemara relates: Mar Zutra arrived at the home of Rav Ashi. Those present said to him: Let the Master taste some food. They brought meat before him. The one who placed the meat before him said: Let the Master eat, as this meat is particularly healthful, because it is a firstborn. Mar Zutra asked: From where did you receive this firstborn animal? They said to him: It is an animal that so-and-so the priest sold to us.

226 Mar Zutra said to them: Do you not hold like that which Rav Huna, son of Rabbi Yehoshua, said, that Israelites may not receive an unblemished firstborn offering from a priest because it looks like a priest who assists at the threshing floor? They said to Mar Zutra: We hold that this is not a concern, as we purchased it for its fair market value, and did not receive it at a discount. Therefore, there is no appearance of impropriety.

227 Mar Zutra said to them: But do you not hold like that which we learned in a mishna (Bekhorot 26b): Until when is an Israelite obligated to tend to a firstborn animal before giving it to the priest? In the case of a small animal, a sheep or goat, thirty days, and in the case of a large animal, one of a herd of cattle, fifty days. And if the priest said to the owner: Give it to me within its period, the owner may not give it to him. And Rav Sheshet says: What is the reason for this? Because it looks like a priest who assists at the threshing floor, as the priest is assisting the Israelite by assuming the responsibility of tending to the firstborn.

228 They said to Mar Zutra: There the circumstances of the matter prove that the priest accepted responsibility to care for the animal in return for some benefit, and it has the appearance of

impropriety. Here, we purchased it for its fair market value, and there is no appearance of impropriety.

229 The Gemara presents an alternative version of this final response. They said to Mar Zutra: There the Israelite does not give payment to the priest for accepting responsibility to care for the animal. Here, the Israelite gives payment to the priest, as we purchased the animal. And what would you say to this claim? Would you say that perhaps the priest lowered the price of the animal for us, as the priest thinks that when we have another firstborn offering we will give it to him, and therefore it has the appearance of impropriety? This is not a concern, as he thinks:

230 A zucchini now is better than the possibility of a gourd later. There is no reason to give up an animal now for the hope of receiving another later.

231 MISHNA: It is written: “He shall neither exchange it, nor substitute it, good for bad, or bad for good; and if he substitutes an animal for an animal, then both it and its substitute shall be sacred” (Leviticus 27:10). The mishna enumerates the consecrated and non-sacred animals this verse applies to. One substitutes for consecrated animals from the flock of sheep or goats, and the sanctity takes effect upon animals from the herd of cattle, and one substitutes from the herd and the sanctity takes effect upon animals from the flock. And one substitutes from the sheep and the sanctity takes effect upon the goats, and from the goats upon the sheep; and from the males upon the females, and from the females upon the males; and from the unblemished animals upon the blemished animals, and from the blemished animals upon the unblemished animals.

232 The source for this is as it is stated: “He shall neither exchange it, nor substitute it, good for bad, or bad for good” (Leviticus 27:10). And which is the case of good for bad where the substitution takes effect? It is a case where one substitutes for blemished animals whose consecration preceded their blemish. But if an animal was consecrated after it was blemished, substitution for it does not take effect.

233 GEMARA: From where are these matters derived? They are derived from a verse, as the Sages taught in a baraita: The verse states: “And if he substitutes an animal for an animal, then both it and its substitute shall be sacred” (Leviticus 27:10). When the verse states: “An animal for an animal,” from here it is derived that one substitutes for consecrated animals from the flock and the sanctity takes effect upon animals from the herd, and one likewise substitutes from the herd upon animals from the flock; and one substitutes from the sheep and the sanctity takes effect upon the goats, and from the goats upon the sheep; and from the males upon the females and from the females upon the males; and from the blemished animals upon the unblemished animals and from the unblemished animals upon the blemished animals.

234 One might have thought that this is the halakha even for animals whose blemish preceded their consecration. Therefore, the verse states: “He shall neither exchange it, nor substitute it, good for bad, or bad for good” (Leviticus 27:10), and which is the case of good for bad where the substitution takes effect? It is a case of blemished animals whose consecration preceded their blemish. If an animal was consecrated after it was blemished, substitution for it does not take effect.

235 The Gemara discusses the second half of the baraita: What is the biblical derivation that leads to this conclusion? Abaye said that the verse should have stated: He shall neither exchange it, nor substitute it, good for bad, or bad for it. Why do I need another instance of the term “for good”? Learn from this repetition that if the animal is good, i.e., unblemished, from its beginning, before it

was consecrated, one can render a substitute for it, but if it is bad from its beginning, one cannot render a substitute for it.

236 Rava said: Both instances of the word “good” in the verse are superfluous. If so, let the verse write: He shall neither exchange it, nor substitute it for bad, or bad for it. Why do I need the verse to write both instances of the word “good”? One instance of the word “good” teaches that even if one substitutes a good animal for a good animal, when he effects substitution he is flogged. And the other instance teaches that if the animal is good from its beginning one can render a substitute for it, but if it is bad from its beginning one cannot render a substitute for it.

237 And Abaye said: The first derivation of Rava is unnecessary, as that halakha is already derived by an a fortiori inference, as follows: Just as one who substitutes a good animal for a bad blemished one, where he seeks to improve the standing of the consecrated animal by making it fit for sacrifice, is nevertheless flogged, is it not all the more so the case that one who substitutes a good animal for a good animal, which are equivalent to each other, should be flogged?

238 And Rava would respond that an a fortiori inference is not sufficient, as one does not administer punishment based on an a fortiori inference. Punishment with lashes can be based only on the explicit wording of a verse. And Abaye could say to you that this is not a mere logical derivation, but it is included in the language of the verse, as, is substituting a good, unblemished, animal less of an act of substitution than substituting a bad one? The prohibition stated in the verse clearly applies in either case.

239 § The Sages taught in a baraita that when the verse states: “He shall neither exchange it,” this is referring to substituting one’s animal for that of others. The phrase “nor substitute it” is referring to substituting one’s non-sacred animal for his own sacred one. The Gemara objects: But let the verse write simply: “He shall not exchange it,” and there will be no need to write: “Nor substitute it,” as the prohibition against substituting for one’s own animal can be inferred a fortiori from the prohibition against substituting for another’s animal.

240 The Gemara explains: If the verse had written the prohibition in that manner, I would say that one is flogged only if he stated: This consecrated animal should leave its consecrated status and this non-sacred animal should enter in its stead. But if one effects substitution by simply stating: This is a substitute for that, as he has consecrated both of the animals, I would say that he is not flogged. The additional phrase in the verse teaches us that he is flogged in this case as well.

241 The Gemara explains: What are the circumstances of substituting his animal for that of others? If we say that the consecrated animal is his and the non-sacred animal belongs to others, is he able to consecrate an animal in this manner? The Merciful One states in the Torah: “When a man shall consecrate his house to be sacred unto the Lord” (Leviticus 27:14), which teaches that just as his house is in his possession, so too, any item one desires to consecrate must be in his possession. One cannot consecrate another’s animal. But rather, if we say that the consecrated animal belongs to others, and the non-sacred animal is his, can one effect substitution for an item that is not his?

242 The Gemara explains: Actually, the baraita is referring to a consecrated animal of others and his non-sacred animal, and it is a case where the owner of the consecrated animal said that whoever wants to effect substitution for his animal can come and effect substitution. In this case, one can effect substitution even for a consecrated item that is not his.

243 MISHNA: One substitutes one non-sacred animal for two consecrated animals and two non-sacred animals for one consecrated animal, and one substitutes one non-sacred animal for one hundred consecrated animals and one hundred non-sacred animals for one consecrated animal. Rabbi Shimon says: One substitutes only one non-sacred animal for one consecrated animal, as it is stated: “Then both it and its substitute shall be sacred” (Leviticus 27:10). Just as “it” indicates one specific animal, so too, its substitute can be only one specific animal.

244 GEMARA: With regard to the dispute between the first tanna and Rabbi Shimon, the Gemara explains: From where are these matters derived? As the Sages taught in a baraita: The verse states: “An animal for an animal” (Leviticus 27:10). From here it is derived that one substitutes one non-sacred animal for two consecrated animals and two non-sacred animals for one consecrated animal, and one non-sacred animal for one hundred consecrated animals and one hundred non-sacred animals for one consecrated animal. Rabbi Shimon says: One substitutes only one non-sacred animal for one consecrated animal, as it is stated: “An animal [behema] for an animal,” and it is not stated: An animal for animals [bivehemot], nor: Animals for an animal.

245 The first tanna said to Rabbi Shimon: We have found that a group of animals is called by the singular term behema, as it is stated: “And many animals [uvhema rabba]” (Jonah 4:11). The Gemara notes: And Rabbi Shimon could respond that many animals are indeed called “behema rabba,” but they are not called “behema” without further specification.

246 The Gemara asks: And is the reason of Rabbi Shimon really due to the verse’s phrase “an animal for an animal”? But isn’t the reason of Rabbi Shimon, as explained in the mishna, due to the word “it” in the verse? Just as “it” indicates one specific animal, so too, its substitute can be only one specific animal.

247 The Gemara answers: Initially, Rabbi Shimon stated his opinion to the Sages by drawing support from the phrase: “Then both it and its substitute.” But when he saw that the Rabbis taught their opinion drawing support from the phrase “an animal for an animal,” he said to them: You can learn the reason for my opinion from there too.

248 Reish Lakish says: Although he holds that one cannot substitute two animals for one, Rabbi Shimon concedes that one can effect substitution once and then effect substitution again for the same consecrated animal. What is the reason for this? The reason is that one can ask: Where has the initial consecration of the consecrated animal gone? Even after one effects substitution, it remains consecrated as it was before. And Rabbi Yoḥanan says: Rabbi Shimon maintains that just as one cannot substitute two animals for one, so too, one cannot effect substitution and then effect substitution again using the same consecrated animal.

249 The Gemara comments: It is taught in a baraita in accordance with the opinion of Rabbi Yoḥanan, and it is taught in a baraita in accordance with the opinion of Reish Lakish. It is taught in a baraita in accordance with the opinion of Rabbi Yoḥanan: Just as one cannot substitute one animal for two, so too, one cannot effect substitution and then effect substitution again. It is taught in a baraita in accordance with the opinion of Reish Lakish: One might have thought that just as Rabbi Shimon said that one cannot substitute two animals for one, so too, one cannot effect substitution and then effect substitution again. Therefore, the verse states: “Then both it and its substitute” (Leviticus 27:10), which teaches that one can effect substitution with even one hundred non-sacred animals.

[250] Rabbi Avin raises a dilemma: According to the statement of the one who says that one cannot effect substitution once and then effect substitution again, if one designated an animal as a guilt offering with which to atone and effected substitution for it,

[251] and the original guilt offering became blemished, and he desacralized it by transferring its sanctity onto another animal, which was then lost, and the owner achieved atonement by bringing another, third, animal as a guilt offering, and then the second animal was found and was consigned to be sacrificed as a burnt offering, as is the case for any guilt offering whose owner has achieved atonement by means of another offering, what is the halakha as to whether he can effect substitution for the second animal? Since this animal's sanctity stems from that of the original blemished animal, and he had already effected a substitute for that original animal, perhaps he cannot now substitute for the second animal, as this would constitute repeat substitution.

[252] Abaye said: What is the dilemma he is raising? If his essential dilemma concerns the fact that there are two bodies, i.e., two different animals, then the dilemma would stand even if the original animal and the replacement were of one type of sanctity. If so, let the dilemma be raised even in a case where he did not achieve atonement by another guilt offering, and the second animal remained a guilt offering, rather than being consigned to be sacrificed as a burnt offering.

[253] And if the dilemma is due to the fact that there are two types of sanctity, it would stand even if it was only one body. If so, let the dilemma be raised even where the animal did not become blemished but was simply lost and found after the owner atoned by means of another animal, and it was thereby consigned to be sacrificed as a burnt offering. Why did Rabbi Avin present such a complex case?

[254] The Gemara explains: Rabbi Avin raises one dilemma as a result of the anticipated solution to another dilemma: If you say that in the case of two bodies and one type of sanctity it is not possible to effect substitution on the second animal, perhaps that is because this sanctity already had been substituted one time. If so, what is the halakha in the case of two bodies and two types of sanctity? Is the offering changed enough to enable another substitution for it? The Gemara concludes: The dilemma shall stand unresolved.

[255] The Gemara presents an alternative version of the previous dilemma. Rabbi Avin raises a dilemma: According to the opinion of Rabbi Yoḥanan, who said that Rabbi Shimon holds that one cannot effect substitution and then effect substitution again for the same animal, if one designated an animal as a guilt offering with which to achieve atonement and substituted for it, and the initial guilt offering became blemished and he desacralized it by transferring its sanctity onto another animal, what is the halakha as to whether he can then effect substitution for this last animal? On the one hand, it is a different animal; on the other hand, it possesses the same sanctity.

[256] Rabbi Avin raises another dilemma: If the first animal was lost and the owner achieved atonement by bringing another as a guilt offering, and the first animal was found and was consigned to be sacrificed as a burnt offering, what is the halakha as to whether he can then effect substitution for it? On the one hand, it is the same animal; on the other hand, it possesses a different type of sanctity.

[257] Abaye said: Which of these two is the essential dilemma he is raising? If his dilemma concerns a case of another type of sanctity in the same body, he should not raise the dilemma in the case where the initial guilt offering became blemished and he desacralized it by transferring its sanctity onto another animal. And if his dilemma concerns a case of another body with the same sanctity, he

should not raise the dilemma in the case where the owner achieved atonement by bringing another animal as a guilt offering.

258 The Gemara explains: Rabbi Avin raises one dilemma as a result of the anticipated solution to another dilemma, as follows: If the initial guilt offering became blemished and he desacralized it by transferring its sanctity onto another animal, what is the halakha as to whether he can then effect substitution for the second animal? Do we say that it is with the first guilt offering that he cannot effect substitution again, but with another body, even though it is sanctified with the same type of sanctity, he can effect substitution again? Or perhaps we say that with regard to any animal with the same type of sanctity, he cannot effect substitution again?

259 And if you say that with regard to this other body, since it maintains the same type of sanctity as the original animal one cannot effect substitution again, but what then of a case where the first animal was lost and the owner achieved atonement by bringing another animal as a guilt offering, and this first animal was then found and was consigned to be sacrificed as a burnt offering? What is the halakha as to whether he can effect substitution again for the same animal, since now its sanctity has changed?

260 The Gemara elaborates: Do we say that when Rabbi Yoḥanan states that the owner cannot effect substitution and then effect substitution again, this statement applies to the same body with the same type of sanctity, but as for the same body with another type of sanctity, he can effect substitution again? Or perhaps we say that even concerning another type of sanctity, since it is the same body, he cannot effect substitution again with it. The Gemara concludes: The dilemma shall stand unresolved.

261 § The Gemara cites a similar discussion. Rabbi Yehoshua ben Levi says: One who redeems an animal that was originally consecrated as an offering and developed a blemish must pay an amount equivalent to its value and add an additional one-fifth of its value. But one who redeems an animal that was consecrated second, i.e., in place of a desacralized blemished offering, and then developed a blemish itself, must pay an amount equivalent to its value but does not add an additional one-fifth of its value.

262 Rav Pappa said: What is the reasoning of Rabbi Yehoshua ben Levi? The verse states: “And if he that consecrated it will redeem his house, then he shall add the fifth part of the money of your valuation unto it, and it shall be his” (Leviticus 27:15), from which Rabbi Yehoshua ben Levi infers that the requirement to pay an additional one-fifth applies to one who consecrates an item directly, but not to the one who applies the sanctity of another item to it.

263 Rabbi Avin raises a dilemma concerning a similar matter: If one designated an animal as a guilt offering by which to achieve atonement and it became blemished, and he added one-fifth to its value and desacralized it, and he then used the consecrated money to purchase another guilt offering, which was then lost, and the owner achieved atonement by bringing another, third, animal as a guilt offering, and the second animal was found and consigned to be sacrificed as a burnt offering, and then it developed a blemish, what is the halakha as to whether the owner must add one-fifth to its value when he redeems it?

264 Abaye said: What is the dilemma he is raising? If he is raising a dilemma with regard to two bodies, i.e., two different animals, the problem should stand even if both are of one type of sanctity. If so, let the dilemma be raised even in a case where he did not achieve atonement through another guilt offering, and the second animal was never consigned to be sacrificed as a burnt offering.

[265] And if he is raising a dilemma with regard to two types of sanctity, it should apply even in the case of one body. If so, let the dilemma be raised even in a case where the original animal did not become blemished but was simply lost and found after the owner atoned by means of another offering and thereby consigned the original animal to be sacrificed as a burnt offering.

[266] The Gemara explains that Rabbi Avin raises one dilemma as a result of the anticipated solution to another dilemma, as follows: If you say that in a case of two bodies and one type of sanctity the owner does not add one-fifth, perhaps that is because one-fifth was already added once to redeem an animal with that type of sanctity. If so, what is the halakha in the case of two bodies and two types of sanctity? Perhaps, since the second animal possesses a different sanctity, it is considered to possess its own original sanctity, rather than derivative sanctity, and therefore one who redeems it adds one-fifth. The Gemara concludes: The dilemma shall stand unresolved.

[267] The Gemara presents an alternative version of the previous dilemma. Rabbi Avin raises a dilemma: If one designated an animal as a guilt offering with which to achieve atonement, and it became blemished and he desacralized it by transferring its sanctity onto another animal, and he added one-fifth of its value, and the second animal was lost and the owner achieved atonement by bringing another, third, animal as a guilt offering, and the second animal was found and was consigned to be sacrificed as a burnt offering, and then it developed a blemish, what is the halakha as to whether the owner must add one-fifth to its value when he redeems it?

[268] Abaye said: Which of these two is the essential dilemma he is raising? If he raises a dilemma with regard to the case of another type of sanctity in the same body, he should not raise the dilemma about a case where the initial guilt offering became blemished and he transferred its sanctity to another animal. And if his essential dilemma concerns the case of another body with the same type of sanctity, he could pose his dilemma with regard to a case where the second animal was not lost and found and consigned to be a burnt offering.

[269] The Gemara explains that Rabbi Avin raises one dilemma as a result of the anticipated solution to another dilemma. If the initial guilt offering became blemished and he desacralized it by transferring its sanctity onto another, second, animal, what is the halakha as to whether the owner must add one-fifth to its value when he redeems it? Do we say that with regard to a second redemption of the first guilt offering he does not add one-fifth, since it is the same body and the same sanctity, but here, when it is another body, even though it maintains the same type of sanctity as the initial animal, he adds one-fifth, as it is considered to be directly consecrated?

[270] Or perhaps we say that if one redeems any animal that possesses the same sanctity as the original he does not add an additional one-fifth.

[271] And if you say that with regard to this other body, since it maintains the same type of sanctity as the initial animal, one does not add one-fifth when redeeming it, but what of a case where the first animal was lost and the owner achieved atonement by bringing another, and this first animal was found and was consigned to be sacrificed as a burnt offering? What is the halakha? Do we say that when one does not add an additional one-fifth, that is only with regard to the same body with the same type of sanctity, but in the case of another type of sanctity the exemption does not apply? Or perhaps we say that since it is the same body, one does not add one-fifth. The Gemara concludes: The dilemma shall stand unresolved.

[272] Rami bar Ḥama raises a dilemma: If one person consecrates his animal to be used as an offering by another, does the one who consecrates it add one-fifth when he redeems it, or does the one atoning by means of the offering add one-fifth? Who is considered the owner of the offering? Rava said that the verse states: “And if he that consecrated it will redeem his house, then he shall add the fifth part of the money” (Leviticus 27:15). It may be inferred from here that only the one who consecrates the item adds one-fifth, but not the one for whom the offering atones.

[273] Rami bar Ḥama raises a dilemma: If one person consecrates an animal to be used as an offering by another, can the one who consecrates it render another animal a substitute for it, or can the one achieving atonement through it render a substitute for it? Rava said: If it were so, that the one who consecrates it can render a substitute for it, we would find a case where the community or partners can render a substitute for their consecrated animal, for example where they appointed an agent to consecrate an animal for them. The mishna (13a) states that one cannot substitute for consecrated animals belonging to the community or to partners. By contrast, in this case, since only one person consecrated it, he would be able to substitute for it, contrary to the mishna.

[274] And furthermore, Rav Naḥman says that Rav Huna says: The Sages taught in a baraita: The verse states: “This is the law of the nazirite who vows, and of his offering unto the Lord for his naziriteship, besides that for which his means suffice; according to his vow which he vows” (Numbers 6:21). But is the offering of a nazirite judged according to his means? The offerings of a nazirite are fixed by the Torah. How is it possible to understand this clause: “Besides that for which his means suffice”? Rather, the clause “his offering unto the Lord for his naziriteship” is referring to a case where he separated an offering from his own animals, whereas the clause “besides that for which his means suffice” is referring to a case where others separated the offering for him. This teaches that designation by others is effective.

[275] With regard to what halakha is this baraita stated? If we say that it is with regard to the matter of atonement, and it is teaching that a nazirite can atone even by means of an offering designated for him by others, isn’t it obvious that such an offering can atone for him? Once it is his offering, he can certainly use it. Rather, the ruling of this baraita must be stated with regard to substitution, and this is what it is saying: Even in a case where others separated the offering for him, he alone can render a substitute for it. Conclude from this verse that we follow the one for whom the offering atones, and only he can effect substitution for the offering.

[276] The Gemara responds: The baraita is not referring to substitution, but to the matter of atonement. And that which is difficult for you, that it is obvious that the nazirite can atone by bringing an offering consecrated by another, as they have given it to him as a gift, this is in fact not obvious. Had the Merciful One not included an offering received from another by writing the clause “besides that for which his means suffice,” I would say that it is a Torah edict expressed in the term “his offering,” that a nazirite can atone only with an offering consecrated from his own animals, but not through one received from the animals of others. Therefore, the verse teaches us that he can atone even with an offering received from others.

[277] Having failed to resolve Rami bar Ḥama’s dilemma, the Gemara asks: What halakhic conclusion was reached about this matter? The Gemara answers: Come and hear a proof from that which Rabbi Abbahu said that Rabbi Yoḥanan said: If one consecrates his animal as an offering for someone else’s atonement, and he subsequently redeems the animal, he adds one-fifth to its value as the owner. But

only the one for whom the offering atones can render a substitute for it. This resolves the dilemma of Rami bar Ḥama.

278 Rabbi Yoḥanan’s statement continues: And if one separates teruma from his produce to exempt the produce of others, so that the other’s produce will be permitted in consumption, the benefit of discretion is his. He is entitled to determine which priest receives the teruma. The Gemara explains: What is the reason for this? The verse states: “When you have made an end of tithing all the tithe of your produce in the third year, which is the year of tithing, and have given it to the Levite, to the stranger, to the fatherless, and to the widow” (Deuteronomy 26:12). This indicates that the one actually giving the produce chooses to whom to give it.

279 MISHNA: One does not substitute non-sacred limbs for consecrated fetuses, i.e., if one says that a certain limb of a non-sacred animal is substituted for a fetus in the womb of a consecrated animal, it is not consecrated. And likewise, one does not substitute non-sacred fetuses for consecrated limbs. And one substitutes neither non-sacred limbs nor fetuses for whole consecrated animals nor non-sacred whole animals for consecrated limbs or fetuses.

280 Rabbi Yosei says: One substitutes non-sacred limbs for whole consecrated animals, but not whole animals for consecrated limbs. Rabbi Yosei said: But isn’t it so with regard to sacrificial animals, that if one says: The hind leg of this animal is a burnt offering, the entire animal is a burnt offering? So too, when he says: The non-sacred hind leg of this animal is in exchange for that animal, the entire animal is a substitute in exchange for it.

281 GEMARA: It was stated that Bar Padda says: Fetuses are not imbued with sanctity if one attempts to consecrate them for sacrifice, and Rabbi Yoḥanan said: Fetuses are imbued with sanctity. The Gemara notes: And Rabbi Yoḥanan follows his line of reasoning in this regard, as Rabbi Yoḥanan said: In the case of one who consecrated a pregnant animal as a sin offering, and it later gave birth, if he wishes he may achieve atonement by sacrificing the mother, and the offspring will be left to graze until it develops a blemish that renders it unfit, whereupon it will be sold and the money is used to purchase a gift burnt offering; and if he wishes he may achieve atonement through the animal’s offspring, and the mother will be left to graze until it develops a blemish.

282 The Gemara adds: And both statements of Rabbi Yoḥanan are necessary, despite the fact that both affirm that fetuses may be consecrated. As, if Rabbi Yoḥanan had taught us only this first case, of one who consecrates a fetus by itself, I might say that only there is the fetus imbued with sanctity, as he consecrated

283 the fetus itself. But here, where he consecrated its pregnant mother, not the fetus itself, one might think that this fetus is not consecrated along with its mother.

284 And if Rabbi Yoḥanan had taught us only this last case, of one who consecrates a pregnant animal, I might have said that it is only there that its fetus is sacred, as he consecrated the animal and all that is inside it, including the fetus. But here, where he consecrated the fetus itself, since the object of the consecration is not outside its mother, as it has yet to be born, one might say that it is not consecrated. Therefore, it was necessary for Rabbi Yoḥanan to state both halakhot.

285 § The Gemara cites another version of the discussion: What is Rabbi Yoḥanan teaching us when he says above that one may atone with either the mother or the offspring? He is evidently saying that if he explicitly excluded the fetus from his consecration, it is excluded, and only the mother is

consecrated. And the reason is that a fetus is not considered the thigh of its mother but a separate entity that can possess a different status. But if so, why do I need two halakhot to teach me this, both with regard to one who consecrates a pregnant animal and with regard to one who consecrates the fetus alone?

[286] The Gemara answers: Both halakhot are necessary, as, if it was stated only with regard to that case of one who consecrates a pregnant animal, I would say that the fetus is consecrated because its mother is fit to be consecrated itself, and since sanctity applies to her, it likewise applies to the offspring. But in the other case of one who consecrates a fetus alone, perhaps it is not consecrated. Therefore, Rabbi Yoḥanan teaches us this case as well.

[287] And if it was stated only with regard to this case of one who consecrates a fetus, one might say that the fetus is sanctified because he expressly states that sanctity should apply to the offspring. But with regard to that case of one who consecrates a pregnant animal, where he does not explicitly mention the fetus, perhaps is it not consecrated. Therefore, both statements are necessary.

[288] § Rabbi Zeira sat and stated this halakha of the dispute between bar Padda and Rabbi Yoḥanan with regard to the consecration of fetuses. Rabbi Yirmeya raised an objection to Rabbi Zeira from a mishna (24b): How may one employ artifice to circumvent the obligation to give the firstborn to the priest and use the animal instead to fulfill a different obligation? He may approach an animal that is going to give birth to its firstborn but which is still pregnant, and say: That which is in the womb of this animal, if it is male, is designated as a burnt offering. If he did so, and the animal gave birth to a male, it will be sacrificed as a burnt offering, and it is not consecrated as a firstborn. Evidently, a fetus can be consecrated, contrary to the opinion of bar Padda.

[289] Rabbi Zeira said to Rabbi Yirmeya: Bar Padda can answer that when that mishna is taught, it is referring to one who consecrates the fetus for sanctity that inheres in its value, i.e., that the offspring should be sold and a burnt offering brought with the proceeds. This form of sanctity does apply to a fetus, but inherent sanctity rendering it obligated to be sacrificed itself does not. Rabbi Yirmeya again asked Rabbi Zeira: Is sanctity that inheres in the animal’s value so strong that it removes the firstborn status from an animal?

[290] Rabbi Zeira said to him: Yes, and so we learned in a mishna in tractate Bekhorot (14a): All sacrificial animals in which a permanent blemish preceded their consecration assume not inherent sanctity but sanctity of value, and once they are redeemed they are obligated, i.e., subject to, accounting their offspring a firstborn, and one is obligated to give the gifts of the foreleg, the jaw, and the maw to a priest as for any non-sacred slaughtered animal. One can infer from the mishna that the reason that these animals are obligated is that they have already been redeemed. But before they are redeemed, they are exempt from the obligation of the firstborn and the gifts, despite the fact that only their value is sacred. Evidently, sanctity that inheres in the animal’s value is strong enough to remove firstborn status from an animal.

[291] Rabbi Yirmeya raised another objection to bar Padda’s opinion from a baraita: If one says: That which is in the womb of this animal is a burnt offering, it is permitted for the mother to be shorn but it is prohibited to use it for labor, due to the inevitable weakening and consequent reduction in value of the fetus that is inside it. This indicates that fetuses are imbued with sanctity, contrary to the opinion of bar Padda. Rabbi Zeira said to Rabbi Yirmeya: This baraita is also referring to one who

consecrates the fetus for sanctity that inheres in its value, and bar Padda concedes that this sanctity applies to the fetus.

[292] Rabbi Yirmeya objected: But is sanctity that inheres in the animal's value so strong that it renders the mother prohibited for labor? Rabbi Zeira said to Rabbi Yirmeya: Yes, and so we learned in the mishna cited previously, that blemished animals that were consecrated for their value and redeemed emerge from their sacred status and assume complete non-sacred status and may be shorn and used for labor. Apparently, the reason they may be used for labor is that they were redeemed. One may infer that before they are redeemed, they are prohibited for labor. Evidently, sanctity that inheres in the animal's value renders the mother of the fetus prohibited for labor.

[293] Rabbi Yirmeya raised another objection to bar Padda's opinion from the mishna: One does not substitute non-sacred limbs for consecrated fetuses, and likewise one does not substitute non-sacred fetuses for consecrated limbs, or non-sacred limbs or fetuses for whole consecrated animals, or non-sacred whole animals for consecrated limbs or fetuses. One may infer from the mishna that it is a substitution of fetuses that one cannot effect, as the Torah states with regard to substitution: "And if he substitutes an animal for an animal" (Leviticus 27:10), and a fetus is not classified as an animal. But if one consecrates fetuses directly, not in the manner of substitution, they are consecrated, contrary to the opinion of bar Padda.

[294] Rabbi Zeira said to him: The mishna is referring to the offspring of sacrificial animals that became pregnant after they were consecrated. That case is different, as they are already consecrated through their mothers. It does not indicate that one can consecrate a fetus directly.

[295] Rabbi Yirmeya objected: If the mishna is referring to the offspring of sacrificial animals, and it is teaching that one does not substitute them because fetuses are not considered animals, one can infer that it is only when they are in their mother's womb that one cannot effect substitution with them. But once they are outside their mother's womb, i.e., once they are born, one can effect substitution with them. But this is not the case, as isn't it taught in the next mishna (12a) that the offspring born of a consecrated animal that was not itself consecrated does not render a non-sacred animal exchanged for it a substitute?

[296] Rabbi Zeira answered: In accordance with whose opinion is this first mishna? It is in accordance with the opinion of Rabbi Yehuda, who disagreed with that ruling in the next mishna and said that the offspring renders a non-sacred animal exchanged for it a substitute.

[297] Rabbi Yirmeya objected: If this mishna is in accordance with the opinion of Rabbi Yehuda, one encounters another difficulty. The mishna indicates that it is substitution that one cannot perform with consecrated limbs, as the sanctity of substitution does not extend to the entire animal. Consequently, if one consecrates limbs directly, they are consecrated and the sanctity extends to the whole animal. But doesn't Rabbi Yehuda say that limbs are not consecrated in this manner, that the sanctity extends to the whole animal? Rabbi Zeira said him: What are we dealing with here? With a limb upon which the animal's life depends. Rabbi Yehuda's ruling that limbs cannot be consecrated applies only to non-vital organs, e.g., legs. He concedes that vital organs are consecrated and the consecration extends to the entire animal.

[298] Rabbi Yirmeya raised another objection to bar Padda's opinion: A later mishna (16b) lists stringencies that apply to sacrificial animals but not to substitutes: One consecrates an animal's limbs and fetuses in utero, but one does not substitute non-sacred animals for them. This contradicts bar

Padda’s opinion that one cannot consecrate fetuses. Rabbi Zeira answered: Here too, the mishna is referring to the offspring of sacrificial animals that became pregnant after they were consecrated.

[299] Rabbi Yirmeya objected: If the mishna is referring to the offspring of sacrificial animals, what is the meaning of the term: One consecrates? After all, these offspring are already consecrated through their mothers.

[300] Rabbi Zeira answered that this is what the mishna is saying: One consecrates certain animal’s limbs, and the sanctity extends to the entire animal. And therefore, one substitutes these animals despite the fact that he initially consecrated only the limbs. But one does not substitute the limbs alone of non-sacred animals for consecrated animals or their limbs, since sanctity cannot be transferred to a limb through substitution. And as for fetuses that were consecrated in their mother’s womb through consecration of the mother, one does not substitute for them as long as they are in their mother’s womb. In other words, the clause of this mishna that refers to consecration is not referring to fetuses at all.

[301] Rabbi Yirmeya objected: If the mishna is referring to the offspring of sacrificial animals, and it is teaching that it is only when they are in their mother’s womb that one may not render a substitute for them, one can infer that once they are outside their mother’s womb, one can render a substitute for them. But didn’t we learn in the next mishna that the offspring born of a consecrated animal do not render a non-sacred animal exchanged for them a substitute? Rabbi Zeira answered: In accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Yehuda, who disagrees and maintains that one can substitute for the offspring.

[302] Rabbi Yirmeya objected: If the mishna is in accordance with the opinion of Rabbi Yehuda, one encounters a difficulty. According to Rabbi Yehuda, are limbs consecrated in this manner, in that the sanctity extends to the whole animal? But Rabbi Yehuda does not accept that if one says: The hind leg of this animal is a burnt offering, the entire animal is a burnt offering.

[303] Rabbi Zeira said to him: What are we dealing with here? We are dealing with an item whose removal renders it a tereifa, i.e., will cause it to die within twelve months. Rabbi Yehuda’s ruling that the consecration of a limb does not extend to the entire animal applies only to limbs whose removal would not render the animal a tereifa. He concedes that the consecration of limbs which would render an animal tereifa were they removed does extend to the whole animal. In sum, bar Padda’s opinion that fetuses cannot be consecrated has not been refuted.

[304] § The Gemara suggests. Let us say that the dispute between bar Padda and Rabbi Yoḥanan is parallel to a dispute between tanna’im, as we learned: If one slaughtered a pregnant animal that was consecrated as a sin offering, and he found inside it a female fetus four months old, which is alive, despite the fact that the mother usually carries its young for five months, one baraita teaches: This animal is treated as a sin offering, and therefore it is eaten only by the males of the priesthood, and it is eaten only within the hangings, i.e., within the Temple courtyard, and it is eaten only for one day and night.

[305] And it is taught in another baraita that it is treated as a non-sacred animal, which means it is eaten by any person, not only priests, and such animals may be eaten anywhere outside the Temple courtyard, but they may not be eaten in the Temple courtyard. What, is it not correct that the dispute between bar Padda and Rabbi Yoḥanan is a dispute between tanna’im, as one Sage, the tanna of the first baraita, holds in accordance with the opinion of Rabbi Yoḥanan, that fetuses are imbued with

sanctity, and one Sage, the tanna of the second baraita, holds that fetuses are not imbued with sanctity, as maintained by bar Padda?

306 The Gemara responds: No, the tanna'im of both baraitot agree that sanctity can apply to fetuses if the animal was consecrated while pregnant. Rather, the baraitot are dealing with an animal that was consecrated and then became pregnant, and these tanna'im disagree about this, as one Sage, in the second baraita, holds that with regard to the offspring of sacrificial animals, only when they come into being, at the time of their birth, are they sanctified. Since this fetus was never born, it is not sacred. And one Sage, in the first baraita, holds that the offspring of sacrificial animals are sanctified already in their mother's womb, and therefore all the halakhot of a sin offering apply to the fetus immediately.

307 And if you wish, say instead that there is no contradiction between these two baraitot at all, and it is one tanna who taught both of them, in accordance with the opinion of Rabbi Yoḥanan that fetuses are imbued with sanctity. And the second one of these baraitot is referring to a case where one consecrates an animal as a sin offering and it became pregnant only afterward. Since the fetus did not exist at the moment of consecration, it is not sacred. And the first one of the baraitot is referring to a case where he consecrated the animal when it was already pregnant, and therefore its fetus is imbued with its sanctity.

308 § It is taught in a baraita that Rabbi Eliezer says: An animal crossbred from diverse kinds, and a tereifa, and an animal born by caesarean section, and an animal whose sexual organs are indeterminate [tumtum], and an animal that is a hermaphrodite [ve'androginos] are neither sacred nor do they sanctify another animal. And Shmuel says, in explanation of the baraita: These animals are not sacred as a substitute, i.e., if one of these was non-sacred it cannot be consecrated as a substitute for a sacred animal. And they do not sanctify another animal to render it a substitute; that is, if one of these animals was sacred, no non-sacred animal can be consecrated as a substitute for them.

309 And it is taught in another baraita that Rabbi Meir said: Why is it necessary for Rabbi Eliezer to state that one cannot substitute for these animals? After all, since he has already said that they are not sanctified, how could they sanctify another animal exchanged for them? Rabbi Meir himself responded: You find that these animals can be sacred, but only in specific situations, for example, where one consecrated an animal and subsequently it became a tereifa, or where one consecrated an animal's offspring and it was then born by caesarean section. One can infer from Rabbi Meir's statement that evidently an offspring can be sanctified while in the womb, contrary to the opinion of bar Padda.

310 The Sages say in response: In the case of an unblemished animal in the womb of an unblemished mother, even bar Padda concedes that it can be consecrated. Bar Padda and Rabbi Yoḥanan disagree only with regard to an unblemished animal in the womb of a blemished mother. Bar Padda maintains that since its mother cannot be consecrated with inherent sanctity, its offspring is not consecrated either. And Rabbi Yoḥanan maintains: These are considered as two separate animals; it is its mother alone that is not consecrated, but the fetus itself is consecrated.

311 The Gemara cites another version of the above discussion, which cites the continuation of Rabbi Meir's statement: But with regard to an animal born of diverse kinds, and a tumtum, and a hermaphrodite, you find that they can be consecrated only when they are offspring of sacrificial

animals, i.e., a consecrated animal impregnated by an animal of a different species, or whose fetus was a tumtum or a hermaphrodite.

312 Rabbi Meir adds: And Rabbi Eliezer holds in accordance with the opinion of Rabbi Yehuda, who would say that the offspring of a consecrated animal renders a non-sacred animal exchanged for it a substitute. These offspring are exceptions, as they are disqualified for the altar. The Gemara infers: It is only for these disqualified offspring that one cannot substitute, as they cannot have inherent sanctity, but other offspring that are fit for the altar, and likewise other fetuses, can be consecrated, contrary to the opinion of bar Padda.

313 Abaye said: In the case of an unblemished animal in the womb of an unblemished mother, everyone agrees that the fetus can have inherent sanctity. Rather, when bar Padda and Rabbi Yoḥanan disagree, it is with regard to an unblemished animal in the womb of a blemished mother. As bar Padda maintains: Since even its mother cannot have inherent sanctity, the offspring too can be consecrated only for its value. And Rabbi Yoḥanan maintains: A fetus is considered not the thigh of its mother but a separate entity, and therefore even though its mother's sanctity is not inherent, the sanctity of its offspring can still be inherent.

314 § The mishna teaches that according to the Rabbis, one cannot substitute non-sacred limbs for whole consecrated animals, but Rabbi Yosei said that one can substitute in this manner. He claims: But isn't it so with regard to sacrificial animals, that if one says: The hind leg of this animal is a burnt offering, the entire animal is a burnt offering? The same should apply to substitution.

315 The Sages taught: One might have thought that if one says: The leg of this animal is a burnt offering, the sanctity should extend to the whole animal and all of the animal will be a burnt offering. Therefore, the verse states: "And if it is an animal of those that they bring as an offering to the Lord, anything of it that one gives to the Lord, it shall be sacred" (Leviticus 27:9). The verse indicates that the part of it that one gives will be sacred unto the Lord, and not all of the animal will be sacred unto the Lord.

316 If so, one might have thought that the consecrated limb may be redeemed and thereby transferred to non-sacred status. Therefore the verse states: "Shall be sacred," teaching that the limb remains consecrated. How is this possible, i.e., what should one do with the animal? The animal should be sold for the needs of burnt offerings to an individual who will sacrifice the entire animal as a burnt offering, and the payment received for the animal will be non-sacred, except for the payment received in exchange for the limb of the animal that was consecrated. This is the statement of Rabbi Meir and Rabbi Yehuda.

317 But Rabbi Yosei and Rabbi Shimon say: From where is it derived in the case of one who says: The leg of this animal is a burnt offering, that all of it becomes a burnt offering? Since it is stated: "All that any man give of such to the Lord shall be sacred" (Leviticus 27:9), one might have thought that individual limbs can be consecrated. When it says: "Shall be sacred," this phrase serves to include all of the animal, indicating that it all becomes sacred.

318 The Gemara objects: The Master said: The animal should be sold for the needs of burnt offerings. But it is as though the purchaser is bringing an animal that lacks that limb that was consecrated by the previous owner, as his share in the offering consists only of the balance of the animal. Rava says: The baraita does not mean that the animal should be sold to anyone obligated to bring a burnt offering, but specifically to one who says: It is incumbent upon me to bring a burnt offering with all

the limbs upon which its life depends. Since the consecrated limb is not one of these, it does not detract from the purchaser’s vow.

319 The Gemara cites a dispute between amora’im: Rav Ḥisda says that Rabbi Yehuda and Rabbi Meir concede with regard to a limb whose removal renders the animal a tereifa. If one consecrated such a limb, the sanctity extends throughout the entire animal. Rava says: Even in such a case, Rabbi Meir and Rabbi Yehuda maintain that the sanctity does not extend throughout the entire animal. Yet, they concede with regard to a limb whose removal renders it an animal carcass, i.e., without which the animal would die so soon that it assumes the status of a carcass. And Rav Sheshet says: They conceded only with regard to a limb whose removal would cause it to die immediately.

320 The Gemara explains: What difference is there between the opinion of Rav Ḥisda and that of Rava? The difference between them is with regard to the issue of whether a tereifa can survive. Rav Ḥisda holds in accordance with the opinion of the one who said that a tereifa cannot survive but will shortly die. Therefore, Rabbi Meir and Rabbi Yehuda concede that if one consecrates a limb whose removal would render an animal a tereifa, the sanctity applies to the whole animal, since it is a vital organ. And Rava holds in accordance with the opinion of the one who says that a tereifa can survive, and consequently the consecration of such a limb does not extend to the entire animal.

321 The Gemara further explains: And what difference is there between the opinion of Rava and the opinion of Rav Sheshet? The difference between them is with regard to the opinion of Rabbi Elazar, as Rabbi Elazar said: If the thigh, i.e., the hind leg of the animal, and its recess were removed, the animal is considered a carcass and imparts ritual impurity even while still alive. Rava holds in accordance with the opinion of Rabbi Elazar, and therefore he maintains that according to Rabbi Meir and Rabbi Yehuda, if one consecrates its thigh and its recess the sanctity extends throughout the animal, as it is a vital limb. But Rav Sheshet does not hold in accordance with the opinion of Rabbi Elazar, and therefore the sanctity in such a case does not extend to the entire animal.

322 The Gemara raises an objection: Rabbi Yehuda HaNasi said: With regard to the dispute between Rabbi Yehuda and Rabbi Yosei, the statement of Rabbi Yehuda, that the sanctity does not extend to the whole animal, appears correct with regard to a limb upon which the animal’s life does not depend, and the statement of Rabbi Yosei appears correct with regard to a limb upon which the animal’s life depends. May one not conclude by inference from the statement of Rabbi Yehuda HaNasi that Rabbi Yosei disagrees with Rabbi Yehuda even with regard to a limb upon which the animal’s life depends, contrary to the statements of the amora’im above?

323 Granted, Rabbi Yehuda HaNasi’s comment: The statement of Rabbi Yehuda appears correct with regard to a limb upon which the animal’s life does not depend, is not difficult, as one learns by inference only that Rabbi Yehuda disagrees with Rabbi Yosei with regard to such a case. But when he says that the statement of Rabbi Yosei appears correct with regard to a limb upon which the animal’s life depends, must one not conclude by inference that Rabbi Yosei disagrees with Rabbi Yehuda with regard to this case as well? And this is apparently a conclusive refutation of all the opinions of the amora’im cited above, who maintain that Rabbi Yehuda concedes with regard to vital organs.

324 The Gemara answers: No, the baraita citing Rabbi Yehuda HaNasi’s statement is incomplete, and this is what it is teaching: The statement of Rabbi Yosei appears correct to Rabbi Yehuda in the case of a limb upon which the animal’s life depends, as even Rabbi Yehuda disagreed with Rabbi Yosei only with regard to a limb upon which the animal’s life does not depend. But with regard to a limb

upon which the animal’s life depends, Rabbi Yehuda concedes to him that the sanctity extends to the entire animal.

325 § According to Rabbi Yosei, if one consecrates one limb of an animal the sanctity extends to the entire animal. Rava raises a dilemma: With regard to a bird that is fit for sacrifice, what is the halakha according to this opinion? Since this halakha is derived, as stated above, from the verse: “And if it is an animal of those that they bring as an offering to the Lord, anything of it that one gives to the Lord, it shall be sacred” (Leviticus 27:9), one can contend that the Merciful One states “animal,” and this bird is not considered an animal. Or perhaps one should stress that the Merciful One states “offering,” and this bird is also considered an offering. The Gemara concludes: The dilemma shall stand unresolved.

326 Rava raises another dilemma: According to Rabbi Yosei, if one consecrated a limb with the intention of selling it and purchasing an offering with its payment, what is the halakha as to whether the entire animal is imbued with inherent sanctity? Does one say that since it is imbued with sanctity that inheres in its value, it is likewise imbued with inherent sanctity, and then furthermore, from the fact that he consecrated one limb he has consecrated the entire animal? Or perhaps one says a claim using the logic that begins with: Since, only once, but one does not say two claims together using the logic that begins with: Since, i.e., one cannot make both of the suggested expansions simultaneously.

327 The Gemara suggests: Resolve the dilemma by citing Rava’s own statement. As, didn’t Rava say: If one consecrated a male ram for its value, since the ram is fit for sacrifice, it is automatically consecrated with inherent sanctity? The same reasoning should apply here: Although the limb was consecrated for its value, since the animal is fit for sacrifice, once the entire animal is consecrated for its value it should automatically assume inherent sanctity.

328 The Gemara responds that this is not a proof: There, where he initially consecrated all of it, the whole animal assumes inherent sanctity. Here, Rava is referring to a case where he consecrated only one limb at the outset, and one must invoke two separate expansions to apply inherent sanctity to the whole animal. The question stands: What is the halakha? The Gemara concludes: The dilemma shall stand unresolved.

329 § According to Rabbi Yehuda, if one consecrates a limb, the sanctity does not extend to the entire animal. A Sage posed a dilemma to Rava: If one consecrated one limb, what is the halakha with regard to shearing the wool of that limb? Rava replied: You can resolve the dilemma from that which is taught in a baraita: The verse states: “Nor shear the firstborn of your flock” (Deuteronomy 15:19). This verse indicates that the prohibition against shearing applies only to an animal belonging entirely to you, but you may shear the wool of a firstborn that belongs both to you and to others, i.e., gentiles. Here too, since the animal is jointly owned by the Temple and by the one who consecrated it, the prohibition against shearing should not apply at all.

330 The Sage responded that this is not a proof: There, a firstborn animal owned partly by a gentile was not imbued with sanctity at all, whereas here it was at least partly imbued with sanctity, and therefore it is possible that the limb is prohibited with respect to shearing. The Gemara cites another version of this answer: There, in the case of a firstborn animal owned partly by a gentile, it is not in the Jew’s power to consecrate his share. Therefore, the prohibition against shearing does not apply. But here it is in his power to consecrate one limb, and sanctity applies to it. Therefore, one can claim that the limb should be prohibited with respect to shearing.

331 Abaye posed a dilemma to Rava: If one consecrated only the skin of an animal, what is the halakha as to whether it may be used for labor? Rava responded: Come and hear a baraita: In the case of one who says: That which is in the womb of this animal is a burnt offering, it is permitted for the mother to be shorn but it is prohibited to use the animal for labor, due to the inevitable weakening of the fetus inside it. The same should apply to an animal whose skin alone was consecrated, as performing labor with the animal would reduce the value of its skin.

332 Abaye said to Rava: When that baraita teaches that it is prohibited to use the mother for labor, this applies by rabbinic law. I was asking whether it is prohibited by Torah law. Rava responded: If so, that the baraita is referring to rabbinic law, then even shearing it should be prohibited. Abaye said to him: With regard to labor, which weakens the animal, the Sages issued a decree rendering it prohibited; with regard to shearing, which does not weaken the animal, the Sages did not issue a decree rendering it prohibited.

333 Abaye posed a dilemma to Rav Yosef: If one consecrates a pregnant animal as a peace offering but excludes its fetus, and as a result it is sanctified as a peace offering and its offspring is non-sacred, and he slaughtered the pregnant animal inside the Temple courtyard as appropriate for a peace offering, what is the halakha? Or, if one consecrates an animal and it subsequently becomes pregnant, then according to the one who said that the offspring of sacrificial animals are sanctified only when they come into being, i.e., at the time of their birth, are offspring such as this subject to the prohibition against slaughtering non-sacred animals in the Temple courtyard, since they are not yet born? Or are they not subject to the prohibition, since they themselves were not slaughtered?

334 Rav Yosef said to Abaye: Slaughtering a pregnant peace offering containing a non-sacred fetus is not subject to the prohibition against slaughtering non-sacred animals in the Temple courtyard. Do we read the verse: “If the place which the Lord your God shall choose to put His name there be too far from you, then you shall slaughter of your herd and of your flock” (Deuteronomy 12:21), as applying to such a case? This verse prohibits the slaughter of non-sacred animals in the Temple, but only those that could be slaughtered elsewhere. But here, he had no choice but to slaughter the pregnant mother in the Temple, since it was a peace offering.

335 Abaye posed the opposite dilemma to Rav Yosef: According to the opinion of Rabbi Yoḥanan that fetuses can be consecrated, if one consecrated the fetus, but not its mother, as a peace offering, such that it, the mother, is non-sacred, and its offspring is a peace offering, and he slaughtered it outside the Temple courtyard as a non-sacred animal, what is the halakha? Is one liable for it due to the prohibition against slaughtering offerings outside the Temple courtyard, or not?

336 Rav Yosef said to Abaye: Do we read the verse: “That they may bring them to the Lord” (Leviticus 17:5), as applying to this case? The full passage reads: “Any man of the house of Israel who shall slaughter a bull, or a lamb, or a goat…and has not brought it to the entrance to the Tent of Meeting…that man shall be cut off from among his people. To the end that the children of Israel may bring their sacrifices, which they sacrifice in the open field, even that they may bring them to the Lord, to the door of the Tent of Meeting” (Leviticus 17:3–5). The passage indicates that the prohibition against slaughtering offerings outside the Temple applies only to those offerings that are fit to be slaughtered inside. But this fetus is not fit to be slaughtered at all until it is born.

337 The Gemara cites another version of this answer. Rav Yosef said to Abaye: The verse states: “And has not brought it to the entrance to the Tent of Meeting.” This teaches that one is liable for

slaughtering an offering outside the Temple only if it is fit to come through the entrance to the Tent of Meeting, i.e., to be sacrificed in the Temple. This fetus is not yet fit.

338 MISHNA: If teruma, the portion of the produce designated for the priest, was intermingled with non-sacred produce, and it is impossible to distinguish between them, if the ratio of non-sacred produce to teruma was less than one hundred to one, the teruma is not nullified and all the produce is forbidden to those for whom teruma is forbidden. If the mixture was then intermingled with other non-sacred produce, that mixture renders it a mixture of teruma only according to the calculation of the percentage of the original teruma produce in the entire mixture.

339 And dough that was leavened with a teruma leavening agent is forbidden to those for whom teruma is forbidden even if the ratio between the non-sacred and the teruma is greater than one hundred to one. If a portion of that dough was intermingled with non-sacred dough, it leavens only according to the calculation of the percentage of the original leavening agent in the entire dough, and the second dough is forbidden only if the quantity of the original teruma leavening agent inside it is sufficient to leaven it. And if three log of drawn water were poured into a ritual bath with less than forty se'a to complete the requisite forty se'a, the ritual bath is invalidated. But drawn water invalidates the ritual bath only according to calculation, as explained in the Gemara.

340 And the water of purification of the red heifer becomes water of purification only with the placement of the ashes into the water, but not by placement of water onto the ashes. And one beit haperas does not create another beit haperas. The Sages decreed ritual impurity on a field in which a grave was plowed, scattering the bones throughout the field. This field is called a beit haperas. That impurity extends to the area of one hundred cubits surrounding the grave. Nevertheless, they did not decree impurity on the second field if one plowed from that field into another field. And there is no teruma after teruma. Once one designates produce from his crop as teruma, if he then designates additional produce from that crop as teruma, it is not teruma.

341 And a substitute animal that was consecrated when it was substituted for a consecrated animal does not render a non-sacred animal exchanged for it a substitute; rather, it remains non-sacred. And the offspring born of a consecrated animal that was not consecrated itself does not render a non-sacred animal exchanged for it a substitute. Rabbi Yehuda says: The offspring renders a non-sacred animal exchanged for it a substitute. The Sages said to him: A consecrated animal renders a non-sacred animal exchanged for it a substitute, but the offspring does not render a non-sacred animal exchanged for it a substitute.

342 GEMARA: The mishna teaches that if a mixture of teruma produce and non-sacred produce was intermingled with other non-sacred produce, that mixture is prohibited only according to the calculation of the percentage of the original teruma produce in the entire mixture. The Gemara asks: Who is the tanna whose opinion is reflected in this ruling? Rabbi Ḥiyya bar Abba said that Rabbi Yoḥanan said: This ruling is not in accordance with the opinion of Rabbi Eliezer.

343 As we learned in a mishna (Terumot 5:6): If a se'a of teruma fell into less than one hundred se'a of non-sacred produce and thereby caused it to become a prohibited mixture, since the amount of teruma is too great to be nullified by the non-sacred produce, and a se'a from the mixture subsequently fell into a different place with non-sacred produce, Rabbi Eliezer says: The se'a from the original mixture renders it a prohibited mixture as definite teruma would, in the same ratio, since I say: It is possible that the same se'a of teruma that fell into the first mixture was not mixed evenly

throughout, and it all came out of it intact and fell into the second mixture. Therefore, it requires nullification as if it were unadulterated teruma.

[344] And the Rabbis say: The se’a from the original prohibited mixture renders the derivative mixture prohibited only according to the calculation of actual teruma in the entire mixture, calculated as if the teruma were evenly distributed throughout the first mixture. The mishna evidently follows the opinion of the Rabbis.

[345] § The mishna teaches: And if a portion of dough that was leavened with a teruma leavening agent was intermingled with non-sacred dough, it leavens only according to the calculation. Rabbi Abba said that Rabbi Yoḥanan said: The mishna is not in accordance with the opinion of Rabbi Eliezer.

[346] As we learned in a mishna (Orla 2:11): In a case of non-sacred leaven and leaven of teruma that fell together into a non-sacred batch of dough, and this one alone was not potent enough to cause the dough to become leavened, and that one alone was not potent enough to cause the dough to become leavened, and they combined and caused the dough to become leavened, Rabbi Eliezer says: I follow the final element to fall into the dough. If the teruma fell in last, the dough is prohibited to non-priests. And the Rabbis say: Whether the forbidden item, i.e., the teruma, fell in first or the forbidden item fell in last, it is prohibited only if there is enough of the prohibited leaven itself to cause the dough to leaven.

[347] § The mishna further teaches: And drawn water invalidates the ritual bath only according to calculation. The Gemara asks: Who is the tanna whose opinion is reflected in this ruling? Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: It is Rabbi Eliezer ben Ya’akov, as we learned in a baraita (Tosefta, Mikvaot 4:3) that Rabbi Eliezer ben Ya’akov says: If a ritual bath contains twenty-one se’a of rainwater, the majority of a valid ritual bath of forty se’a, what can one do to render it valid? One fills drawn water in a bucket carried on the shoulder in the amount of nineteen se’a, and with it fills a pit adjacent to the ritual bath, and one lets the water flow [ufotekan] through a passage from the pit into the ritual bath,

[348] and in this manner all forty se’a are ritually pure. The reason is that drawn water is purified by a majority of fit water that was already present in the ritual bath and by the drawn water flowing into the ritual bath. This is the meaning of the mishna’s statement that drawn water invalidates the ritual bath only according to calculation: One calculates the amount of drawn water that flowed into the ritual bath, as the ritual bath is invalid only if most of the forty se’a is of that drawn water.

[349] The Gemara asks: If this is the opinion of Rabbi Eliezer ben Ya’akov alone, one must conclude by inference that the Rabbis hold that the ritual bath is not fit even by a majority of fit water and by the flowing of the drawn water. But if so, consider that which Ravin said when he came from Eretz Yisrael to Babylonia, namely, that Rabbi Yoḥanan said: A ritual bath that consists in its entirety of drawn water that one made flow into it is pure. In accordance with whose opinion is this? It is not in accordance with the opinion of the Rabbis, who maintain that drawn water invalidates the ritual bath even if it flowed into it, and it is not in accordance with the opinion of Rabbi Eliezer ben Ya’akov, who holds that drawn water invalidates the ritual bath if it constitutes a majority of the forty se’a.

[350] Rather, Rabba says: The mishna’s ruling, that drawn water invalidates the ritual bath only according to calculation, is not referring to drawn water that flowed. Instead, it means according to the calculation of the number of vessels from which the drawn water was directly poured into the ritual bath, and this is in accordance with the opinion of Yosef ben Ḥoni.

351 As it is taught in a baraita: If three log of drawn water fell into the water of a ritual bath that lacked the requisite measure, from two or three vessels, with each containing at least one log of drawn water, or even from four or five vessels, where no whole log fell in at once, it invalidates the ritual bath. Yosef ben Ḥoni says: It is only if the drawn water was in two or three vessels that the water invalidates the ritual bath. But if the drawn water was in four or five vessels, the water does not invalidate the ritual bath. This is what the mishna means.

352 § The mishna teaches: And the water of purification of the red heifer becomes water of purification only with the placement of the ashes into the water, but not by the placement of water onto the ashes. The Gemara asks: Who is the tanna whose opinion is reflected in this ruling? Rabbi Ḥiyya bar Abba said that Rabbi Yoḥanan said that it is not in accordance with the opinion of Rabbi Shimon.

353 As it is taught in a baraita: A sota, a woman suspected of unfaithfulness by her husband, must drink bitter waters prepared in the Temple. The verse states: “And the priest shall take holy water in an earthen vessel; and of the dust that is on the floor of the Tabernacle the priest shall take and put it into the water” (Numbers 5:17). This verse teaches that the water must be placed in the vessel first, and the dust is placed on top of it. If one places the dust in the vessel before the water, the mixture is unfit, but Rabbi Shimon deems it fit.

354 The Gemara explains: What is the reasoning of Rabbi Shimon? As it is written with regard to the red heifer: “And for the impure they shall take of the dust of the burning of the purification from sin, and place on it flowing water in a vessel” (Numbers 19:17). And it is taught in a baraita that Rabbi Shimon said: But is it dust [afar] that is taken? Isn’t it really ashes [efer]?

355 Evidently the verse altered its standard usage and referred to ashes as dust in order to derive a verbal analogy from it: “Dust” is stated in the verse here, and “dust” is stated there, with regard to the sota. Just as there, in the case of the sota, the verse teaches that the dust must be placed on top of the water, so too here, with regard to the red heifer, the dust, i.e., ashes, must be placed on top of the water. And likewise, just as here, with regard to the red heifer, if one places the dust in the vessel before the water, it is fit after the fact, so too there, in the case of the sota, if one places the dust in the vessel before the water, it is fit after the fact.

356 The Gemara asks: And here, with regard to the red heifer, from where do we derive that the mixture is fit even if the dust is placed first? Two phrases are written. First it is written: “They shall take of the dust of the burning of the purification from sin and place on it.” Apparently, the ashes should be placed in the vessel first and the water afterward. And then it is written: “Running water in a vessel,” indicating that the water should be placed in the vessel first, while it is still empty. How can these texts be reconciled? They can be reconciled by concluding that if he desires to place the dust, i.e., the ashes of the red heifer, below, and put water on top, he may do so; and if he desires he may place the water first and then place the dust above the water.

357 And the tanna of our mishna, who deems the mixture unfit if the ashes are placed first, what is his reasoning? He could say to you that the last clause of the verse: “Running water in a vessel,” is meant specifically, i.e., the water must be placed first. And when the verse states beforehand: “They shall take of the dust of the burning of the purification from sin and place on it,” this teaches only that after placing the ashes upon the water one is required to mix the ashes with the water, so that the water covers the ashes.

358 The Gemara objects: But one could just as easily say the opposite. What did you see that led you to say that the last clause of the verse is meant specifically? Perhaps the first clause of the verse is meant specifically. The Gemara answers: You cannot say so, as just as we find in every instance that the facilitating item goes above, e.g., in the case of a sota the dust, which enables the water to be used, goes on top of the water, so too here, in the case of the red heifer, the facilitating item must go above. The water must be placed first, and only then the ashes.

359 § The mishna further teaches: And one beit haperas does not create another beit haperas. The Gemara comments: The mishna is not in accordance with the opinion of Rabbi Eliezer, as we learned in a mishna (Oholot 17:2) that Rabbi Eliezer says: One beit haperas creates another beit haperas. If one plowed from a beit haperas into another field, that field is also ritually impure.

360 The Gemara asks: And according to the Rabbis, who disagree with Rabbi Eliezer, how far does a beit haperas extend? When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Reish Lakish said that Rabbi Shimon bar Abba said:

361 A beit haperas extends over three fields, the field that was plowed and the two adjacent fields in the direction it was plowed. For example, if one plowed the field from north to south, each of the fields adjacent to it on the north and south is also considered a beit haperas. But whereas the plowed field is a beit haperas in its entirety, the two adjacent fields are a beit haperas only to the extent of two furrows, one furrow on each side. And how much is the full length of a furrow [ma’ana]? It is one hundred cubits, as it is taught in a mishna (Oholot 17:1): One who plows a field containing a grave, and who may have strewn the bones throughout the field, renders the field a beit haperas up to the full length of a furrow, which is one hundred cubits.

362 § The mishna teaches: And there is no teruma after teruma. Once one designates produce from his crop as teruma, if he then designates additional produce from that crop as teruma, it is not teruma. The Gemara explains: Whose opinion is expressed in the mishna? It is the opinion of Rabbi Akiva, as we learned in a mishna (Terumot 3:3): In the case of joint owners of produce who separated teruma one after the other, Rabbi Eliezer says: The teruma of both of them is teruma, as each is considered to have separated from his share of the produce.

363 Rabbi Akiva says: The teruma of neither of them is teruma. Since each separated teruma independently, it is clear that neither accepts the separation of the other, and therefore neither is valid. And the Rabbis say: If the first one separated teruma of the correct measure, i.e., one-fiftieth of the produce, the produce is thereby tithed, and therefore the teruma of the second is not teruma; but if the first did not separate teruma of the correct measure, and he separated too little, the teruma of the second is teruma.

364 § The mishna teaches: And a substitute animal that was consecrated when it was substituted for a consecrated animal does not render a non-sacred animal exchanged for it a substitute; rather, it remains non-sacred. The Gemara explains: What is the reason, i.e., the source for this halakha in the Torah? The verse states: “And if he substitutes an animal for an animal, then both it and that for which it is substituted shall be sacred” (Leviticus 27:10). The verse teaches that the halakha of substitution applies only to a consecrated animal and its substitute, but not the substitute of its substitute.

365 § The mishna teaches: And the offspring born of a consecrated animal that was not consecrated itself does not render a non-sacred animal exchanged for it a substitute. The Gemara explains: The

reason for this is that the verse states: “Then both it and that for which it is substituted shall be sacred” (Leviticus 27:10), which teaches that only it, a consecrated animal, but not its offspring, renders a non-sacred animal exchanged for it a substitute.

366 § The mishna teaches that Rabbi Yehuda says: The offspring renders a non-sacred animal exchanged for it a substitute. The Gemara explains that Rabbi Yehuda reasons that when the verse states: “Shall be sacred,” this serves to include the offspring. The Gemara adds: And as for the Rabbis, who hold that one cannot substitute for the offspring of a consecrated animal, they maintain that this phrase serves to include one who substitutes unwittingly, so that the substitution is valid as if he had done so intentionally.

367 MISHNA: The birds sacrificed as offerings, i.e., doves and pigeons, and the meal offerings do not render non-sacred items exchanged for them substitutes, as only the term “an animal” is stated with regard to substitution, in the verse: “And if he substitutes an animal for an animal” (Leviticus 27:10). A consecrated animal belonging to the community or to partners does not render a non-sacred animal exchanged for it a substitute, as it is stated in the same verse: “He shall neither exchange it nor substitute it.” One derives from the singular pronoun in the verse that an individual renders a non-sacred animal a substitute, but the community and partners do not render a non-sacred animal a substitute. Items consecrated for Temple maintenance do not render non-sacred items exchanged for them substitutes.

368 Rabbi Shimon said: The fact that animals belonging to the community or partners do not render animals exchanged for them substitutes is derived as follows: The animal tithe was included in the category of all offerings, and why was it singled out in the verse: “And all the tithe of the herd or the flock, whatever passes under the rod, the tenth shall be sacred unto the Lord. He shall not inquire whether it is good or bad, neither shall he substitute for it; and if he substitutes it, then both it and that for which it is substituted shall be sacred” (Leviticus 27:32–33)?

369 Rabbi Shimon explains: It was singled out to juxtapose substitution to the animal tithe, to tell you: Just as the animal tithe is brought exclusively as an individual offering, so too, all offerings that render their substitutes sacred are individual offerings, excluding communal offerings and the offerings of partners from the halakha of substitution. And just as the animal tithe is an offering sacrificed on the altar, so too, all offerings that render their substitutes sacred are offerings sacrificed on the altar, excluding items consecrated for Temple maintenance from the halakha of substitution.

370 GEMARA: According to the mishna, items consecrated for Temple maintenance do not render non-sacred items exchanged for them substitutes. The Sages taught in a baraita: One might have thought that items consecrated for Temple maintenance render non-sacred items exchanged for them substitutes. Therefore, the verse states: “And if it is an animal of which men bring an offering to the Lord…he shall not alter it, nor substitute it, good for bad” (Leviticus 27:9–10). This teaches that the halakha of substitution applies to that which is called an offering, excluding items consecrated for Temple maintenance, which are not called an offering.

371 The Gemara asks: And are items consecrated for Temple maintenance not called offerings? But isn’t it taught in a baraita: The verse states with regard to sacrificial animals: “Or who slaughters it outside the camp, and has not brought it to the entrance to the Tent of Meeting to present it as an offering to the Lord before the Tabernacle of the Lord” (Leviticus 17:3–4). If the verse had mentioned just the word “offering,” I would derive that the prohibition against slaughtering outside

the Temple applies even to items consecrated for Temple maintenance, as they too are called offerings, as is stated in the matter of the spoils of the war against Midian: “And we have brought the Lord’s offering, what every man has gotten, of jewels of gold, armlets, and bracelets, signet rings, earrings, and girdles, to make atonement for our souls before the Lord” (Numbers 31:50). These were certainly not items consecrated for the altar.

372 The baraita continues: Therefore the verse states: “And to the entrance of the Tent of Meeting he did not bring it” (Leviticus 17:4), to teach that for any item that is fit to come to the entrance of the Tent of Meeting, i.e., that is fit to be sacrificed, one is liable for it due to the prohibition against slaughtering offerings outside of the Temple courtyard. And by contrast, for any animal that is not fit to come to the entrance of the Tent of Meeting, one is not liable for it due to the prohibition against slaughtering offerings outside of the Temple courtyard. Evidently, as a verse is necessary to exclude items consecrated for Temple maintenance, such items are generally called an offering, contrary to the first baraita cited.

373 Rabbi Ḥanina said: This is not difficult. This second baraita is in accordance with the opinion of Rabbi Shimon, whereas that first baraita is in accordance with the opinion of the Rabbis. According to the opinion of Rabbi Shimon, items consecrated for Temple maintenance are in fact called an offering, and therefore in the mishna he derives that items consecrated for Temple maintenance are excluded from the halakhot of substitution from the juxtaposition with the animal tithe, not from word “offering.” According to the opinion of the Rabbis, items consecrated for Temple maintenance are not called an offering, and they therefore derive the halakha from the word “offering.”

374 The Gemara asks: And according to the opinion of the Rabbis, are items consecrated for Temple maintenance not called an offering? But isn’t it written: “And we have brought the Lord’s offering” (Numbers 31:50)? The Gemara answers: These items are called: “The Lord’s offering,” but they are not called: “An offering to the Lord,” which is used only with regard to offerings sacrificed upon the altar.

375 § The mishna teaches that consecrated animals belonging to the community or to partners are not included in the halakha of substitution. The Sages taught in a baraita: The verse states with regard to the animal tithe: “He shall not inquire whether it is good or bad, neither shall he substitute it; and if he substitute it at all, then both it and that for which it is substituted shall be sacred; it shall not be redeemed” (Leviticus 27:33). Why is the issue of substitution stated here in connection to the animal tithe? Isn’t it already stated earlier: “He shall not alter it, nor substitute it, good for bad, or bad for good, and if he substitutes an animal for an animal, then both it and that for which it is substituted shall be sacred” (Leviticus 27:10)?

376 Since it is stated: “He shall not alter it, nor substitute it,” the verse apparently indicates that all types of offering are included, whether an individual offering or a communal offering, and whether it is an offering sacrificed on the altar or an offering consecrated for Temple maintenance. Therefore, the verse states with regard to the animal tithe: “He shall not inquire.”

377 Rabbi Shimon said in explanation: The animal tithe was included in the category of all offerings, and why was it singled out? It is to tell you: Just as the animal tithe is an individual offering, and an offering sacrificed on the altar, and it is an item that comes only as an obligation, not as a gift offering, and it is an item that is not brought in partnership, but only by an individual, so too, all

offerings that render their substitutes sacred must be an individual offering, and an offering sacrificed on the altar, and it must be an item that comes only as an obligation,

[378] and it must be an item that is not brought in partnership.

[379] Rabbi Yehuda HaNasi says: Why was the animal tithe singled out of all offerings as subject to substitution now, after the halakha of substitution was stated in general? It serves to discuss a special halakha with regard to the animal tithe, that of substitution of its name. If, when the animals emerge from the pen to be tithed, the one counting them errs and calls the tenth animal the ninth and the eleventh the tenth, they are both sanctified. The animal that actually emerges tenth is the animal tithe, while the eleventh animal is consecrated as a peace offering. And since this halakha of a substitution of its name applies only to the animal tithe, it is necessary to teach that the general halakha of the substitution of its body, i.e., regular substitution, applies to it as well.

[380] Furthermore, the verse tells you other halakhot unique to the animal tithe: An animal that is the substitute of the name of an animal tithe is sacrificed upon the altar as a peace offering, whereas the substitute of its body is not sacrificed at all. But for all other offerings, substitutes hold the same status as the animal for which they were substituted. Another difference is that the substitute of the name of an animal tithe is redeemed when it develops a blemish, like a peace offering, and the proceeds of the sale belong to the Temple treasury, whereas the substitute of its body is not redeemed, as it is stated with regard to the animal tithe: “Then both it and that for which it is substituted shall be sacred; it shall not be redeemed” (Leviticus 27:33).

[381] Finally, the sanctity of the substitution of the body of an animal tithe takes effect upon both an item that is fit for sacrifice upon the altar and upon an item that is unfit for sacrifice, e.g., a blemished animal, as the sanctity of the animal tithe can apply even to a blemished animal, but the substitution of its name takes effect only upon an item that is fit for sacrifice. If the animal that was mistakenly called the tenth is blemished, it is not consecrated.

[382] The Sages say in response to the statement of Rabbi Yehuda HaNasi: Simply because the Merciful One includes a unique halakha with regard to the animal tithe, that it has the substitution of its name, would one assume that it is diminished, and the halakha of regular substitution does not apply to it? The Gemara answers: Yes, one can make such a claim, as we say: That which the verse included with regard to a particular halakha, it included, and that which it did not include, it did not include. Since the passage initially addresses substitution of name solely with regard to the animal tithe, one could assume that this is the only substitution that applies to it.

[383] The Gemara asks: And from where would this be derived, that in this case we should assume only that which is specifically mentioned? Rav Huna, son of Rav Yehoshua, said: This is derived since this is a case of a matter, i.e., the animal tithe, where the Torah comes to discuss a novel matter, i.e., substitution of name, and as a rule, in such cases the object of discussion has only its novelty, and one cannot infer the applicability of additional principles. It was therefore necessary for a verse to teach that substitution of body, which applies to all other offerings, applies to the animal tithe as well.

[384] § Rav Naḥman bar Yitzḥak said to Rava: According to the opinion of Rabbi Shimon, who said earlier that the halakha of substitution applies only to offerings that come as an obligation, should one conclude that it is only an obligatory burnt offering that renders an animal exchanged for it a substitute, but a voluntary burnt offering does not? Rava said to him: A voluntary burnt offering also falls under the category of obligatory offerings. Since he accepted upon himself to bring a voluntary

burnt offering, it is considered an obligation for him, and therefore it renders an animal exchanged for it a substitute.

385 Rava adds: And this qualification mentioned by Rabbi Shimon is necessary only to exclude a burnt offering that came from surplus funds. For example, if one set aside a certain sum of money for a sin offering or a guilt offering, and after purchasing his animal some of the money remained, he must purchase a burnt offering with that money. The halakha of substitution does not apply to such an animal.

386 The Gemara raises a difficulty: The Sages disputed the use of surplus money. Some say that it must go toward the purchase of communal burnt offerings, whereas Rabbi Eliezer maintains that the owner himself must purchase a voluntary burnt offering. What does Rabbi Shimon hold in this regard? If he holds in accordance with the one who said that these surplus funds go toward communal gift offerings, then it is obvious that this offering does not render a substitute, as it is explicitly taught that there is no substitution with regard to a communal offering. Rabbi Shimon's statement would then be redundant.

387 Rather, say that Rabbi Shimon holds in accordance with the one who said that these surplus funds go toward the voluntary burnt offering of an individual. But this too is problematic, as whom did you hear who holds this reasoning? It is Rabbi Eliezer, but we heard that Rabbi Eliezer explicitly stated that such an animal renders an animal exchanged for it a substitute. As it is taught in a baraita: A burnt offering that came from surplus funds renders a non-sacred animal that is exchanged for it consecrated as a substitute. This is the statement of Rabbi Eliezer.

388 The Gemara answers: Rabbi Shimon holds in accordance with the opinion of Rabbi Eliezer with regard to one matter, that surplus funds go toward an individual voluntary burnt offering, and disagrees with him with regard to another matter, as Rabbi Eliezer maintains that a burnt offering that came from surplus funds renders a non-sacred animal exchanged for it a substitute, and he, Rabbi Shimon, maintains that it does not render it a substitute.

389 The Gemara objects: If so, consider that dilemma raised by Rabbi Avin: If one separated an animal as a guilt offering by which to achieve atonement, and he effected substitution for it, and then that original guilt offering developed a blemish and he redeemed it with another animal, which he subsequently lost, and the owner achieved atonement by bringing yet another animal as a guilt offering; and then this lost animal was found and consigned to be sacrificed as a burnt offering, what is the halakha as to whether he can again effect substitution for it? In this case, the animal in question is a burnt offering that came from surplus funds.

390 In accordance with whose opinion was this dilemma raised? If we say it is in accordance with the opinion of Rabbi Shimon, you said that Rabbi Shimon maintains that a burnt offering that came from surplus funds does not render a non-sacred animal exchanged for it a substitute. There would therefore be no dilemma at all. This is problematic, because the dilemma assumes that one cannot effect substitution twice for the same animal, which is the opinion of Rabbi Shimon.

391 The Gemara explains that this is the dilemma that Rabbi Avin was raising: If a tanna is found who holds in accordance with the opinion of Rabbi Shimon, who said that one cannot effect substitution once and again effect substitution for the same consecrated animal, and he also holds in accordance with the opinion of Rabbi Eliezer, who said that a burnt offering that came from surplus

funds renders a non-sacred animal exchanged for it a substitute, what is his opinion as to whether one can again effect substitution with the animal in question?

[392] As explained earlier (9b), Rabbi Avin's dilemma was first posed with regard to two bodies, i.e., two different animals, and one type of sanctity, e.g., in a case where one separated an animal as a guilt offering, and he effected substitution for it, and the animal he separated as a guilt offering developed a blemish and he redeemed it with another animal, which assumed the same status of a guilt offering. What is the halakha as to whether one can substitute for this replacement? Do we say that since it is a different animal from the one for which he initially effected substitution, the second substitution is effective? Or perhaps, since it possesses the same sanctity as the original animal, one cannot effect substitution for it.

[393] And then Rabbi Avin further asked: If you say that in the above case one cannot effect substitution for the animal, perhaps this is only because the two animals possess one sanctity. But in a case of two sanctities and one body, what is the halakha? For example, if one consecrated a guilt offering and effected substitution for it, and he subsequently lost it and atoned using another animal, and he then found it again, such that the original animal must now be consigned to be sacrificed as a burnt offering, does one say that since the animal now possesses a different sanctity he can effect further substitution for it? The Gemara concludes: According to that tanna, the dilemma remains unresolved [tiba'ei].

Chapter 2

[1] MISHNA: There are halakhot in effect with regard to offerings of an individual that are not in effect with regard to communal offerings; and there are halakhot in effect with regard to communal offerings that are not in effect with regard to offerings of an individual. The mishna elaborates: There are halakhot in effect with regard to offerings of an individual that are not in effect with regard to communal offerings, as offerings of an individual render a non-sacred animal exchanged for the offering a substitute, and communal offerings do not render a non-sacred animal exchanged for the offering a substitute.

[2] Offerings of an individual apply to, i.e., can be brought from, both males and females, but communal offerings apply only to males. If offerings of an individual were not brought at the appropriate time, one is obligated to bring their compensation and compensation for their accompanying meal offering and libations at a later date, but if communal offerings were not brought at the appropriate time, one is obligated to bring neither their compensation nor compensation for their accompanying meal offering and libations at a later date. But one is obligated to bring compensation for their accompanying meal offering and libations once the offering is sacrificed.

[3] There are halakhot in effect with regard to communal offerings that are not in effect with regard to offerings of an individual, as communal offerings override Shabbat, in that they are sacrificed on Shabbat, and they override ritual impurity, i.e., they are sacrificed even if the priests are impure with impurity imparted by a corpse; and offerings of an individual override neither Shabbat nor ritual impurity.

[4] Rabbi Meir said: But aren’t the High Priest’s griddle-cake offerings and the bull of Yom Kippur offerings of an individual, and yet they override Shabbat and ritual impurity. Rather, this is the principle: Any offering, individual or communal, whose time is fixed overrides Shabbat and ritual impurity, whereas any offering, individual or communal, whose time is not fixed overrides neither Shabbat nor ritual impurity.

[5] GEMARA: The mishna teaches that offerings of an individual render a non-sacred animal exchanged for the offering a substitute. The Gemara asks: And is this an established principle? Does every offering of an individual render a non-sacred animal exchanged for it a substitute? But what about birds, i.e., a dove or a pigeon, which are brought as an offering of an individual, but they do not render a non-sacred animal exchanged for them a substitute? The Gemara answers: When the mishna teaches that offerings of an individual render a non-sacred animal exchanged for the offering a substitute, it is teaching this only with regard to an animal offering, not a bird offering.

[6] The Gemara objects: But what about the offspring of a sanctified animal, which is brought and sacrificed on the altar as an offering of an individual of the same type as its mother, and yet it does not render a non-sacred animal exchanged for it a substitute? The Gemara explains: In accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Yehuda, who said that the offspring of a sanctified animal renders a non-sacred animal exchanged for it a substitute.

[7] The Gemara objects: But what about a substitute itself, which is brought and sacrificed on the altar as an offering of an individual, and yet a substitute does not render a non-sacred animal exchanged for it a substitute? The Gemara answers: When the mishna teaches that an offering of an individual renders a non-sacred animal exchanged for it a substitute, it is teaching this only with regard to the primary offering, not a substitute of an offering.

[8] The Gemara comments: Now that you have arrived at this answer, you can even say that the mishna is in accordance with the opinion of the Rabbis, who disagree with Rabbi Yehuda and maintain that the offspring of an offering does not render a non-sacred animal exchanged for it a substitute. The reason is that one can explain that the mishna is teaching its halakha only with regard to the primary offering, not the offspring of an offering.

[9] § The mishna teaches: Offerings of an individual apply to, i.e., can be brought from, both males and females. The Gemara asks: Is this an established principle, that all offerings of an individual may be brought from either a male or female animal? But what about a burnt offering, which is an offering of an individual, and yet it comes as a male animal but does not come as a female animal.

[10] The Gemara answers that there is a bird burnt offering, i.e., there is a type of burnt offering that can be either a female or male bird. As it is taught in a baraita: The requirement of unblemished status and the requirement of male status both apply to a sacrificial animal brought as a burnt offering, but the requirement of unblemished status and the requirement of male status do not apply to sacrificial birds brought as burnt offerings.

[11] The Gemara objects: But what about a sin offering, which is an offering of an individual, and yet comes as a female animal but does not come as a male animal. The Gemara explains: Although burnt offerings of an individual must be female, there is the goat sin offering of a king, which is sacrificed by a specific individual and is brought specifically as a male animal.

12 The Gemara further objects: But there is the individual guilt offering, which comes as a male animal but does not come as a female animal. The Gemara explains: When the Sages stated this halakha in the mishna they were referring only to an offering that is equivalent, i.e., which is brought both as an offering of an individual and as a communal offering, whereas a guilt offering is brought as an offering of an individual but is not brought as a communal offering. And if you wish, say instead an alternative explanation: Does the mishna teach: All offerings may be brought as either male or female? It does not. Rather, the mishna teaches: There are offerings of an individual that may be brought as male or female; and what are they? Peace offerings; and in the case of such an offering, if one wants he brings a female animal and if he wants he brings a male animal.

13 § The mishna teaches: If offerings of an individual were not brought at the appropriate time, one is obligated to bring their compensation and compensation for their accompanying meal offering and libations at a later date, whereas if communal offerings were not brought at the appropriate time, one is obligated to bring neither their compensation nor compensation for their accompanying meal offering and libations at a later date. The Gemara asks: From where do we derive this halakha, that if a communal offering was not sacrificed at the appropriate time it is not brought at a later stage?

14 The Gemara answers: As the Sages taught in a baraita: The verse states in the section of the Torah dealing with additional offerings: “These are the appointed seasons of the Lord, which you shall proclaim to be holy convocations, to bring an offering made by fire to the Lord, a burnt offering, and a meal offering, a sacrifice, and libations, each day on its own day” (Leviticus 23:37). This teaches that the entire day is fit for bringing the additional offerings. The term: “On its own day,” teaches that if the day has passed and the priests did not bring the additional offerings, one is not obligated to bring their compensation, and the offering cannot be brought at a later date.

15 The baraita continues: One might have thought that one should not be obligated to bring compensation for their accompanying libations at a later date even if the additional offering has been sacrificed, e.g., if there were no meal offerings or libations available at that time. Therefore, the verse states, in the chapter dealing with the additional offerings of the Festivals: “Their meal offerings and their libations” (Numbers 29:37). It is derived from here that the meal offerings and libations which are brought with the additional animal offerings of the Festivals can be sacrificed even in the night after the animal offering. The phrase “their meal offerings and their libations” further teaches that these meal offerings and libations can be sacrificed even on the following day.

16 Reish Lakish said that the source is from the following verse: “These are the appointed seasons of the Lord, which you shall proclaim to be holy convocations, to bring an offering made by fire unto the Lord…each on its own day; beside the Shabbatot of the Lord” (Leviticus 23:37–38). The verse is expounded as speaking of a Festival that occurred on a Sunday, and therefore it is teaching that the meal offerings and libations for the additional offerings of the previous Shabbat may be brought on the following Festival day.

17 And the Gemara notes that both verses are necessary, as if the Merciful One had written only the verse: “Beside the Shabbatot of the Lord,” I would say that on the day following Shabbat, yes, one may bring the offerings, but on the night after Shabbat, no, one may not bring them, just as the offering itself could not have been brought at night. Therefore, the verse states: “And their meal offerings and their libations.” And if the Merciful One had written only: “Their meal offerings and

their libations,” and not written: “Beside the Shabbatot of the Lord,” I would say that at night, yes, the offerings may be brought, but on the following day they may not be brought.

[18] The Gemara asks: And in what way is the night different from the day, that one might have thought the outstanding meal offerings and libations may be brought only at night but not during the day? The Gemara explains that one might have thought so because with regard to sacrificial animals and offerings the night follows the day. Therefore, the Torah had to teach that the meal offering and libations may be brought even the following day. The Gemara concludes that indeed both verses are necessary.

[19] The Gemara asks: And libations, may they be sacrificed at night? Didn’t we learn in a baraita: I have derived only with regard to items that are normally sacrificed at night, for example, the limbs of a burnt offering and the fats of burnt offerings and other offerings, that one sacrifices them after sunset and they are consumed throughout the entire night. This is derived from the verse: “This is the law of the burnt offering: It is that which goes up on its firewood upon the altar all night unto the morning” (Leviticus 6:2).

[20] The baraita continues: But with regard to items that are normally sacrificed in the day, for example the handful of the meal offering, and the frankincense, and the meal offering that accompanies the libations, from where is it derived that one may bring them up and burn them after sunset? The Gemara asks: Would it enter your mind that they may be burned after sunset? But didn’t you say that these are items that are normally sacrificed in the day? Rather, the question of the baraita is as follows: From where is it derived that these items may be sacrificed with sunset, i.e., just before sunset, in which case they are consumed throughout the entire night and not during the day? The verse states: “This is the law of the burnt offering” (Leviticus 6:2), a phrase that included everything sacrificed on the altar.

[21] The Gemara reiterates its previous difficulty: In any event, the baraita teaches that the meal offering that accompanies the libations is brought only in the day, not at night. Rami bar Ḥama said that this is not difficult. Here, where the verse states: “Their meal offerings and libations,” it is referring to consecrating the offering if one placed it in a consecrated utensil at night. The offering becomes consecrated and may not be used for non-sacred purposes. There, in the verse cited by the baraita as teaching that it may be brought only in the day and not at night, it is referring to sacrificing the offering on the altar. Even if an offering was consecrated at night, it may not be sacrificed until the following morning.

[22] Rava said to Rami bar Ḥama: If the meal offering accompanying the libations can be consecrated at night, it should also be fit to be sacrificed at night. No distinction can be made between consecrating and sacrificing, as isn’t it taught in a baraita: This is the principle: Any offering that is sacrificed in the day is consecrated only in the day; and any offering that is sacrificed at night is consecrated only at night; and any offering that is sacrificed both in the day and at night is consecrated both in the day and at night. Rather, Rav Yosef said: The meal offering accompanying the libations may be sacrificed at night, and therefore one should delete from this baraita the item: Meal offering that accompanies the libations, from the list of the offerings that may not be brought at night.

[23] With regard to Rav Yosef’s claim that the item: Meal offering that accompanies the libations, should be removed from the baraita, the Gemara states: When Rav Dimi ascended from Babylonia to

Eretz Yisrael, he found Rav Yirmeya sitting and saying in the name of Rabbi Yehoshua ben Levi: From where is it derived that libations that come with an animal offering may be sacrificed only in the day? The verse states: “These you shall offer to the Lord in your appointed seasons, beside your vows, and your voluntary offerings, and your burnt offerings, and your meal offerings, and your libations, and your peace offerings” (Numbers 29:39). The juxtaposition of these two items teaches that just as peace offerings may be sacrificed only during the day, so too libations may be sacrificed only during the day.

[24] Rav Dimi said to Rav Yirmeya: If I find someone who can write this opinion in a letter, I will send it to Rav Yosef in Babylonia,

[25] and in light of this ruling he will not delete the phrase: The meal offering that accompanies the libations, from the baraita. And instead, the apparent contradiction between the baraitot can be explained as follows: It is not difficult; here, the baraita that states that meal offerings accompanying libations are sacrificed only in the day is referring to libations that come with an animal offering, whereas there, the baraita that permits sacrificing a meal offering that accompanies the libations at night is referring to libations that come to be sacrificed by themselves, i.e., which do not accompany the sacrifice of an offering.

[26] The Gemara raises a difficulty with regard to Rav Dimi’s suggestion to write this opinion in a letter. And even if he had someone to write a letter for him, would it have been possible to send it? But didn’t Rabbi Abba, son of Rabbi Ḥiyya bar Abba, say that Rabbi Yoḥanan said: Those who write halakhot are considered like those who burn the Torah, and one who learns from written halakhot does not receive the reward of studying Torah. Evidently, it is prohibited to send halakhot in letters.

[27] Before resolving the difficulty, the Gemara further discusses the prohibition of writing down the Torah: Rabbi Yehuda bar Naḥmani, the disseminator for Reish Lakish, expounded as follows: One verse says: “Write you these words,” and one verse says, i.e., it states later in that same verse: “For by the mouth of these words” (Exodus 34:27). These phrases serve to say to you: Words that were taught orally you may not recite in writing, and words that are written you may not recite orally, i.e., by heart.

[28] And furthermore, the school of Rabbi Yishmael taught: The word “these” in the command “write you these words” serves to emphasize that these words, i.e., those recorded in the Written Law, you may write, but you may not write halakhot, i.e., the mishnayot and the rest of the Oral Law.

[29] They said in response to the question of how Rav Dimi could propose writing down the halakha in a letter: Perhaps with regard to a new matter it is different, i.e., it might be permitted to write down new material so that it not be forgotten. One proof for this suggestion is that Rabbi Yoḥanan and Reish Lakish would read from a scroll of aggada, containing the words of the Sages, on Shabbat. And they did so because they taught as follows: Since one cannot remember the Oral Law without writing it down, it is permitted to violate the halakha, as derived from the verse: “It is time to work for the Lord; they have made void your Torah” (Psalms 119:126). They said it is better to uproot a single halakha of the Torah, i.e., the prohibition of writing down the Oral Torah, and thereby ensure that the Torah is not forgotten from the Jewish people entirely.

[30] § With regard to Rav Dimi’s differentiation between libations that come with an animal offering and libations that are sacrificed by themselves, Rav Pappa said: Now that you have said that libations that come by themselves are sacrificed even at night, if one happened to have libations of this kind at

night, they may be consecrated by placing them in a service vessel at night and they may be sacrificed at night.

31 Rav Yosef, son of Rav Shemaya, said to Rav Pappa: A baraita is taught that supports your opinion. This is the principle: Any offering that is sacrificed in the day is consecrated by being placed in a service vessel only in the day; but any offering that is sacrificed at night is consecrated both in the day and at night.

32 With regard to the topic of libations sacrificed by themselves, Rav Adda bar Ahava says: And dawn disqualifies them, like the halakha of limbs of offerings that have had their blood sprinkled during the day. Such limbs are left to burn on the altar all night long, but at dawn they are disqualified and may no longer be placed on the altar.

33 § The Gemara returns to discuss the verse: “These you shall offer to the Lord in your appointed seasons, beside your vows, and your voluntary offerings, and your burnt offerings, and your meal offerings, and your libations, and your peace offerings” (Numbers 29:39). When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said in the name of Rabbi Shimon ben Yehotzadak: “These you shall offer to the Lord in your appointed seasons,” i.e., these are the obligatory offerings that come to be sacrificed as obligatory offerings on the pilgrimage Festival, e.g., the burnt offerings of appearance, the Festival offerings, and the additional offerings.

34 The verse continues: “Beside your vows and your voluntary offerings.” This teaches with regard to vows and voluntary offerings that they are sacrificed on the intermediate days of a Festival.

35 The verse further states: “And your burnt offerings.” The Gemara inquires: With regard to what case is the verse speaking? If it is referring to a vow burnt offering, the verse already said: “Your vows.” And if it is referring to a voluntary burnt offering, the verse already said: “Your voluntary offerings.” Consequently, it is speaking of nothing other than a burnt offering of a woman who gave birth, i.e., the lamb that she sacrifices on the forty-first day after giving birth to a son or the eighty-first day after giving birth to a daughter, and a burnt offering of a leper, which is the lamb that is sacrificed after a leper is purified. The verse teaches that these obligatory offerings may be sacrificed on the intermediate days of a Festival.

36 The verse continues: “And your meal offerings.” The Gemara again asks: With regard to what case is the verse speaking? If it is referring to a meal offering brought in fulfillment of a vow, the verse already said: “Your vows.” If it is referring to a voluntary meal offering, the verse already said: “Your voluntary offerings.” Consequently, it is speaking of nothing other than the meal offering of a sota, and that is the meal offering of jealousy.

37 The verse further states: “And your libations and your peace offerings.” The Torah here juxtaposes libations to peace offerings: Just as peace offerings are sacrificed only during the day, not at night, so too, libations are sacrificed only during the day, not at night. Finally, the verse states: “And your peace offerings.” This serves to include the peace offering of a nazirite, which he brings at the completion of his term of naziriteship. This offering may also be sacrificed on the intermediate days of a Festival.

38 With regard to the last halakha, Abaye said to Rav Dimi, when he cited this statement in the name of Rabbi Yoḥanan: But let the Master say that the phrase “and your peace offerings” serves to include the peace offering that is brought together with a Paschal offering. This offering is sacrificed on the

fourteenth of Nisan by a large group of people when they will not receive enough meat from their Paschal offering to feed them all. The suggested derivation from the verse is that if a peace offering separated for this purpose was not sacrificed on the fourteenth of Nisan, it may be brought during the intermediate days of the Festival. Abaye further adds: It is more reasonable to include this peace offering, as, if the verse is referring to the peace offering of a nazirite, it is already included by the verse in the categories of offerings that are vowed or contributed voluntarily.

[39] Abaye elaborates: As isn't it taught in a baraita: This is the principle: Any offering that is vowed or contributed voluntarily, e.g., a burnt offering or a peace offering, is sacrificed on a private altar. And any offering that is not vowed or contributed voluntarily may not be sacrificed on a private altar.

[40] And we learned in another baraita: The meal offerings and the offerings of a nazirite are sacrificed on a private altar; this is the statement of Rabbi Meir. It is clear from these baraitot that the peace offering of a nazirite belongs in the category of offerings that are vowed or contributed voluntarily. If so, there is no need for it to be included separately by the verse. Rav Dimi replied to Abaye: Delete the phrase: Offering of a nazirite from here, i.e., from the baraita that considers it an offering that is vowed or contributed voluntarily. Only the nazirite vow itself is classified as voluntary; once the vow has been uttered, the ensuing offerings are obligatory.

[41] The Gemara asks: Is there one who said that the offering of a nazirite is not vowed or contributed voluntarily? But isn't it written: "And it came to pass at the end of forty years, that Absalom said to the king: Please let me go and pay my vow, which I have vowed to the Lord, in Hebron. For your servant vowed a vow while I dwelled at Geshur in Aram, saying: If the Lord shall indeed bring me back to Jerusalem, then I will serve the Lord" (II Samuel 15:7–8). The Gemara explains the difficulty: What, is it not the case that Absalom asked his father for permission for him to go to Hebron to sacrifice an offering on a private altar?

[42] The Gemara answers: No, Absalom did not go to Hebron to sacrifice his nazirite offerings. Rather, Absalom actually said that he undertook the principal vow to be a nazirite when he was in Hebron. The Gemara asks: Was his principal vow to be a nazirite in fact uttered in Hebron? But wasn't the vow made when Absalom was in Geshur? After all, the verse states explicitly: "For your servant vowed a vow while I dwelled at Geshur."

[43] Rav Aḥa said, and some say that it was Rabba bar Rav Ḥanan who said: The verse means that Absalom went to Hebron only in order to bring sheep specifically from there. The Gemara adds that this also stands to reason, as, if you say that Absalom went to Hebron to sacrifice his offering, would he have abandoned Jerusalem and gone to sacrifice in Hebron?

[44] The Gemara rejects Rabba bar Rav Ḥanan's answer: But rather, what is our explanation of the verse? That Absalom went to bring sheep from Hebron? If so, this verse that states: "Please let me go and pay my vow, which I have vowed to the Lord, in Hebron" (II Samuel 15:7), should instead have stated: Which I have vowed to the Lord from Hebron.

[45] Rather, the Gemara explains that actually Absalom did go to Hebron to sacrifice his peace offering as a nazirite. And that which is difficult for you, i.e., why Absalom abandoned Jerusalem and sacrificed his offering in Hebron, should not pose a difficulty for you; rather, it is the question of why Absalom did not sacrifice his offering in Gibeon that should pose a difficulty for you, as at that time the Tabernacle and the communal altar were in Gibeon, and it was a sanctified place. Why, then, did Absalom go to Hebron rather than Gibeon? Rather, since the private altars were permitted, he was

permitted to sacrifice wherever he wished, and he chose to go to Hebron. There was no reason for him to choose to go to Gibeon rather than any private altar.

46 The verse states that Absalom submitted his request to his father “at the end of forty years.” The Gemara asks: Forty years, according to whose counting, i.e., forty years from when? It is taught in a baraita that Rabbi Nehorai says in the name of Rabbi Yehoshua: The verse is referring to the end of forty years from when the Jewish people requested for themselves a king, in the days of Samuel (see I Samuel, chapter 8). As it is taught in a baraita: With regard to that year when they requested for themselves a king, that year was the tenth year of the leadership of Samuel.

47 There were ten years during which Samuel reigned alone, from the death of Eli until the coronation of Saul, and one year that Saul reigned and Samuel was still alive, i.e., Saul reigned for one year during the lifetime of Samuel, and two years that Saul reigned by himself, i.e., after the death of Samuel. In addition, there were thirty-seven years during which David ruled, first in Hebron, and later in Jerusalem. This amounts to a total of forty years from when the Jewish people had first requested a king, and Absalom felt it was now his time to rule over the Jewish people.

48 MISHNA: There is a halakha transmitted to Moses from Sinai that there are five sin offerings that are unfit for sacrifice on the altar and have no remedy and are therefore left to die. They are: The offspring of a sin offering; the substitute for a sin offering; a sin offering whose owner died; a sin offering whose owner achieved atonement with another sin offering, when the original sin offering was lost or stolen and later recovered; and a sin offering whose year has passed. The mishna continues the discussion of the distinction between individual and communal offerings. An individual sin offering whose owner achieved atonement with another sin offering after it was lost is left to die, but in the case of a communal sin offering it is not left to die.

49 Rabbi Yehuda says: Even a communal sin offering shall be left to die. Rabbi Shimon says: Just as we found with regard to the offspring of a sin offering, and with regard to the substitute for a sin offering, and with regard to a sin offering whose owner died, that these matters apply to an individual sin offering and not to a communal sin offering, so too, in the cases of a sin offering whose owner achieved atonement with another sin offering, and a sin offering whose first year has passed, the matters are stated with regard to an individual sin offering, and not with regard to a communal sin offering.

50 GEMARA: The Sages taught in a baraita: What is the verse teaching when it says: “And if he bring a lamb as his offering for a sin offering, he shall bring it a female without blemish” (Leviticus 4:32)? From where is it derived with regard to one who separated his sin offering and it was lost, and he separated another in its place and the first one was found alive, and they both stand fit to be sacrificed, from where is it derived that he may bring whichever of them he wishes? The verse states: “A sin offering.” One might have thought that he must bring both of them. Therefore, the continuation of the verse states: “He shall bring it.” This teaches that he must bring one of the animals but not two of them.

51 The Gemara asks: And if so, that second animal, what will be with it? Rav Hamnuna says that it is taught in a baraita that Rabbi Yehuda says: It is left to graze until it becomes unfit, and then it is redeemed and the money is used to purchase a gift offering. Rabbi Shimon says: It shall be left to die, as it is an individual sin offering whose owner achieved atonement with another sin offering.

[52] The Gemara asks: But did Rabbi Yehuda actually say that it is left to graze? But didn't we hear that Rabbi Yehuda rules in the mishna that the animal shall be left to die? The Gemara answers: Reverse the names in the baraita, so that it reads: Rabbi Yehuda says: It shall be left to die; Rabbi Shimon says: It is left to graze. The Gemara asks: But did Rabbi Shimon actually say that it is left to graze? But didn't Rabbi Shimon say: There are five sin offerings that are left to die, including a sin offering whose owner achieved atonement with another sin offering.

[53] Rather, the Gemara explains: Actually, do not reverse the opinions of Rabbi Yehuda and Rabbi Shimon in the baraita, and it is not difficult. Here, where Rabbi Yehuda says in the baraita that the second animal must be left to graze, it is referring to an animal lost at the time of the separation of a substitute to take its place, but the original animal was found before the second was sacrificed. Since the animal was found before the other was sacrificed, it is left to graze. There, in the mishna where Rabbi Yehuda says that the animal must be left to die, it is referring to an animal that was still lost at the time of atonement, i.e., when the substitute was sacrificed.

[54] And if you wish, say instead: Both this baraita and that mishna are referring to an animal that was lost only at the time of the separation of the second animal, and yet it is not difficult. Here in the mishna, Rabbi Yehuda rules that the animal must be left to die in accordance with the opinion of Rabbi Yehuda HaNasi in a mishna (22b), as he maintains that even if the animal was lost only when the second animal was separated and was found by the time it was sacrificed, it must still be left to die. There in the baraita, Rabbi Yehuda says that the animal is left to graze in accordance with the opinion of the Rabbis in that same mishna. The Rabbis disagree with Rabbi Yehuda HaNasi, and rule that the animal is left to die only if it was not yet found when the replacement animal was sacrificed.

[55] § The mishna taught that Rabbi Yehuda says: Even a communal sin offering shall be left to die if the community has already achieved atonement through another animal. The Gemara asks: But is there one who said that a communal sin offering whose owners achieved atonement with another sin offering after it was lost is left to die?

[56] But isn't it taught in a baraita: Similarly, Rabbi Yosei said: It is stated with regard to those who returned from Babylonia in the days of Ezra: "The children of the captivity that came out of exile sacrificed burnt offerings to the God of Israel, twelve bulls for all Israel, ninety-six rams, seventy-seven lambs, twelve goats for a sin offering; all this was a burnt offering unto the Lord" (Ezra 8:35).

[57] The Gemara first analyzes this verse: But is it possible for a sin offering to be sacrificed as a burnt offering? Rava said: The verse means that it was all performed in the manner of a burnt offering: Just as a burnt offering may not be eaten, so too, that sin offering was not eaten. As Rabbi Yosei would say: They brought these twelve sin offerings for the sin of idol worship; and Rav Yehuda said that Shmuel said: They were brought for the sin of idol worship they committed in the days of King Zedekiah.

[58] The Gemara explains the difficulty concerning which it cited this verse: It might enter our mind to think that according to the one who holds that a communal sin offering whose owners achieved atonement with another sin offering is left to die, he also holds that a communal sin offering whose owners died is left to die. But here, with regard to the offerings brought by the returning exiles, this is a case of a communal sin offering whose owners died, as the sin was committed in the time of Zedekiah, in the First Temple period, whereas the offerings were brought several generations later by

those returning to rebuild the Second Temple. And yet they were sacrificed. This proves that a communal sin offering whose owners achieved atonement with another sin offering is not left to die.

59 Rav Pappa said in response: Even according to the one who said that a communal sin offering whose owners achieved atonement with another sin offering is left to die, he agrees that a communal sin offering whose owners died is not left to die. This is because a community does not die.

60 The Gemara asks: From where does Rav Pappa derive this statement? If we say it is because it is written: “Your sons shall be instead of your fathers” (Psalms 45:17), i.e., it is considered as though the fathers are alive, if so, then this should apply even to an individual as well. In other words, sons should be able to sacrifice the sin offerings of their late fathers.

61 Rather, this is Rav Pappa’s reasoning for his statement that a community does not die. It is derived from the halakha of the goats sacrificed on pilgrimage Festivals and on New Moons, as the Merciful One states: Bring them from the funds of the collection of the Temple treasury chamber, where they kept the half-shekels donated every year in the month of Adar, with which communal offerings were purchased. The Gemara explains: But perhaps the owners of these coins that were used to purchase these offerings have died in the meantime between the month of Adar and when the offerings are sacrificed throughout the year. If so, how can a sin offering be brought on behalf of some of its owners who have already died? Rather, isn’t it correct to conclude from this halakha that a community does not die?

62 And if you wish, say instead a different answer in response to the earlier difficulty: The sin offerings for idolatry brought by the returning exiles were not in fact sacrificed for people who had died. Rather, when they sacrificed these sin offerings for the idolatry committed in the time of Zedekiah, they sacrificed them for the living, i.e., for those survivors who had worshipped idols in the time of Zedekiah and were still alive many decades later and had returned to rebuild the Second Temple. As it is written: “But many of the priests, Levites, and heads of fathers’ houses, the old men that had seen the first house standing on its foundation, wept with a loud voice when this house was before their eyes; and many shouted aloud for joy” (Ezra 3:12).

63 The Gemara objects: But perhaps those who remained and remembered the First Temple were the minority, in which case they should have each brought individual sin offerings, rather than a communal sin offering. The fact that they brought communal sacrifices indicates that the sin offering was not brought only on behalf of those few who remained. The Gemara explains: You cannot say that they were the minority, as it is written in the following verse: “So that the people could not discern the noise of the shout of joy from the noise of the weeping of the people; for the people shouted with a loud shout, and the noise was heard afar off” (Ezra 3:13). This verse shows that the people who cried because they remembered the First Temple were not a small minority.

64 The Gemara asks: But how could they sacrifice sin offerings for the sin of idolatry? After all, they were intentional idol worshippers, and a sin offering is brought only by one who sins unwittingly. Rabbi Yoḥanan says in response: It was a provisional edict issued in exigent circumstances, according to which they were permitted to bring sin offerings even for intentional sins.

65 The Gemara adds that this also stands to reason, as, if you do not say so, one can object as follows: Granted, they sacrificed twelve bulls and goats, since each tribe must bring a communal sin offering, as stated in the Torah (Numbers, chapter 15), and these offerings correspond to the twelve

tribes. But to what do the ninety-six sheep correspond? Rather, it must be that it was a provisional edict.

66 § Earlier the Gemara mentioned the halakha of a sin offering whose owner died, which was one of the halakhot forgotten during the mourning period for Moses (see 16a). On this topic the Gemara says that we learned in a mishna there (Sota 47a): From the time when Yosef ben Yo'ezer of Tzereida and Yosef ben Yoḥanan of Jerusalem died, the clusters [eshkolot] ceased, i.e., they were the last of the clusters. The Gemara asks: What is the meaning of eshkolot? It means a man who contains all [ish shehakol bo], i.e., both Torah and mitzvot.

67 And Rav Yehuda says that Shmuel says: All the clusters who stood at the head of the Jewish people, from the days of Moses until Yosef ben Yo'ezer died, would study Torah in the manner of Moses, our teacher. From that point forward they would not study Torah in the manner of Moses, our teacher.

68 The Gemara objects: But doesn't Rav Yehuda say that Shmuel said: Three thousand halakhot were forgotten during the days of mourning for Moses. This suggests that the Sages who came immediately after Moses did not study Torah in the same manner as Moses. The Gemara answers: Those halakhot that they forgot, were forgotten, but with regard to those halakhot that they studied, they would continue to study in the manner of Moses, our teacher.

69 The Gemara objects: But isn't it taught in a baraita with regard to the resolution of questions of halakha: From the time when Moses died, if the majority deem an item impure, they have established it as impure, and if the majority deem an item pure, they have established it as pure. If this is the case, then the manner of studying Torah after the death of Moses is based on a majority, whereas when Moses was alive there was no dispute in matters of halakha.

70 The Gemara explains that this baraita is referring specifically to those halakhot that were forgotten during the mourning period after the death of Moses. Since the understanding of the heart was limited [libba de'ime'it], the Sages were unable to reach a clear ruling on these matters. Consequently, they had to follow the majority. But with regard to all other halakhot they studied, they would study them in the manner of Moses, our teacher.

71 It was taught in a baraita: All the clusters who stood at the head of the Jewish people from the days of Moses until Yosef ben Yo'ezer died had no flaw in them. From this point forward the clusters, i.e., the leadership of the Jewish people, had flaws in them.

72 The Gemara raises a difficulty: But isn't it taught in a baraita: There was an incident involving a certain pious man who was groaning, i.e., suffering, due to a pain in his heart. And they asked the physicians what to do for him, and they said: There is no other remedy for him but that he should suckle warm milk every morning. And they brought him a goat and tied it to the leg of the bed for him, and he would suckle milk from it.

73 On the following day, his friends entered to visit him. When they saw the goat tied to the leg of the bed they said: There is an armed bandit in this man's house, and we are entering to visit him? They referred to the goat in this manner because small animals habitually graze on the vegetation of neighbors, stealing their crops. The Sages sat and examined this pious man's behavior, and they could not find any transgression attributable to him other than the sin of keeping that goat in his house alone.

[74] And that man himself also said at the time of his death: I know for a fact with regard to myself that I have no transgression attributable to me but the sin of keeping that goat in my house alone, as I transgressed the statement of my colleagues, the Sages. As the Sages said in a mishna (Bava Kamma 79b): One may not raise small domesticated animals, i.e., sheep and goats, in inhabited areas of Eretz Yisrael, because they graze on people's crops.

[75] And we maintain that anywhere that it says: There was an incident involving a certain pious man, the man in question is either Rabbi Yehuda ben Bava or Rabbi Yehuda bar Ilai. And these Sages lived many generations after Yosef ben Yo'ezer of Tzereida. If this is the case, then even in later generations there were Sages without a flaw.

[76] Rav Yosef said in response: The baraita is not referring to a flaw due to some sin; rather, it is teaching about the flaw of the early dispute over the halakha of placing hands on the head of an animal brought as a Festival peace offering, as taught in tractate Ḥagiga (16a).

[77] The Gemara raises a difficulty: But Yosef ben Yo'ezer himself disputed the halakha of placing hands on the head of an offering. The first Sages to dispute this issue were Yosef ben Yo'ezer and Yosef ben Yoḥanan. The Gemara answers: When they disputed it, that was at the end of the years of Yosef ben Yo'ezer's life, when the understanding of his heart was limited, due to old age. Therefore, the dispute is considered as though it occurred after his lifetime.

[78] The Gemara returns to the matter itself. Rav Yehuda says that Shmuel says: Three thousand halakhot were forgotten during the days of mourning for Moses. The Jewish people said to Joshua: Ask for guidance from Heaven so that you can reacquire the forgotten halakhot. Joshua said to them: "It is not in heaven" (Deuteronomy 30:12). Once the Torah was given on Sinai, the Sages of each generation must determine the halakha. No new halakhot may be added or subtracted by heavenly instruction or through prophecy.

[79] Many years later the Jewish people again said to Samuel: Ask for halakhic guidance from Heaven. He said to them: This is not possible, as the Torah states: "These are the commandments that the Lord commanded Moses to tell the children of Israel at Mount Sinai" (Leviticus 27:34). The word "these" indicates that from now on a prophet is not permitted to introduce any new element related to the Torah and its mitzvot through prophecy. With regard to the topic of the chapter, Rabbi Yitzḥak Nappaḥa says: Also, the halakha of a sin offering whose owner has died was one of those forgotten during the days of mourning for Moses.

[80] At the time of Moses' death, the people said to Pinehas: Ask for halakhic guidance from Heaven so that you can relearn the forgotten halakhot. Pinehas said to them: "It is not in heaven" (Deuteronomy 30:12). The people said to Elazar: Ask for halakhic guidance from God. He said to them that the verse states: "These are the commandments," to teach that a prophet is not permitted to introduce any new element from now on.

[81] § Rav Yehuda says that Rav says: Just before the time when Moses, our teacher, left this world and went to the Garden of Eden, he said to Joshua: Ask from me all the cases of uncertainty in matters of halakha that you have, so that I can clarify them for you. Joshua said to him: My teacher, did I ever leave you for even one moment and go to another place? Didn't you write this about me in the Torah: "But his minister, Joshua, son of Nun, a young man, did not depart out of the tent" (Exodus 33:11)? If I would have had any case of uncertainty I would have asked you earlier. Immediately after he said this, Joshua's strength weakened, and three hundred halakhot were

forgotten by him, and seven hundred cases of uncertainty emerged before him, and the entire Jewish people arose to kill him, as he was unable to teach them the forgotten halakhot.

[82] The Holy One, Blessed be He, said to Joshua: It is impossible to tell you these halakhot, as the Torah is not in Heaven. But to save yourself from the Jewish people who want to kill you, go and exhaust them in war, so that they will leave you alone. As it is stated: “Now it came to pass after the death of Moses, the servant of the Lord, that the Lord spoke to Joshua, son of Nun, Moses’ minister, saying: Moses My servant is dead, now therefore arise, go over this Jordan” (Joshua 1:1–2). This shows that immediately after the death of Moses, God commanded Joshua to lead the nation into battle.

[83] § It is taught in a baraita: One thousand and seven hundred a fortiori inferences, and verbal analogies, and minutiae of the scribes were forgotten during the days of mourning for Moses.

[84] Rabbi Abbahu says: Even so, Othniel, son of Kenaz, restored them through his sharp mind [pilpulo], as it is stated: “And Caleb said: To he who smites Kiriath Sefer, and takes it, to him will I give Achsah my daughter as a wife. And Othniel, son of Kenaz, the brother of Caleb, took it; and he gave him Achsah his daughter as a wife” (Joshua 15:16–17).The name “Kiriath Sefer,” which literally means the village of the book, is homiletically interpreted as a reference to those parts of the Torah that were forgotten, while the phrase “took it” is referring to Othniel’s acumen and learning. The baraita adds: And why is she called Achsah? The reason is that anyone who sees her became angry [ko’es] about his own wife, who was not as beautiful as Achsah.

[85] The Gemara relates another incident involving Achsah. The verse states: “And it came to pass, when she came to him, that she persuaded him to ask of her father a field; and she alighted from off her donkey; and Caleb said to her: What do you want?” (Joshua 15:18). The Gemara asks: What is the meaning of: “And she alighted [vatitznaḥ],” which can also be understood as crying out? Rava says that Rabbi Yitzḥak says: Achsah said to Caleb: Just as in the case of this donkey, when it has no food in its trough it immediately cries out, so too in the case of a woman, when she has no produce in her house she immediately cries out.

[86] The Gemara cites yet another verse involving Achsah: “And she said: Give me a blessing; for that you have set me in the land of the South [negev], and you have given me springs of water. And he gave her the upper springs and the lower springs” (Joshua 15:19). She said to her father: You have given me a home dried [menugav] of all goodness. “And you have given me springs of water”; this is referring to a man who has nothing other than Torah, which is metaphorically called water. But as he is unable to provide me with food, how can I live? “And gave her the upper springs and the lower springs.” Caleb said to her: Does someone learned in Torah, who dwells in the upper worlds and the lower worlds, require that sustenance be requested for him? He certainly does not need it, as God will provide for him in merit of his Torah studies.

[87] The Gemara asks: And Caleb, was he the son of Kenaz? Wasn’t he Caleb, son of Jephunneh (Joshua 15:13)? The Gemara explains that Jephunneh was not the name of his father, but a description of Caleb. What does the word Jephunneh mean? It means that he turned [sheppana] from the advice of the spies and did not join with them in their negative report about Eretz Yisrael.

[88] The Gemara further asks: But still, was he the son of Kenaz? He was the son of Hezron, as it is written: “And Caleb, son of Hezron, begot children of Azubah his wife, and of Jerioth, and these were her sons: Jesher, and Shobab, and Ardon” (I Chronicles 2:18). Rava said: Caleb was actually the

son of Hezron, but after his father passed away his mother remarried Kenaz, and consequently he was the stepson of Kenaz. Othniel, son of Kenaz, was therefore his maternal half brother.

89 A tanna taught in a baraita: The same person is known as Othniel and he is also known as Jabez. And what is his actual name? Judah, brother of Simeon, is his name. He was known as Othniel, as God answered [ana'o El] his prayer. He was also known as Jabez [yabetz] because he advised and spread [ya'atz veribetz] Torah among the Jewish people.

90 The Gemara asks: And from where do we derive that God answered him? As it is written: "And Jabez called on the God of Israel, saying: If You will bless me indeed, and enlarge my border, and that Your hand may be with me, and that You will work deliverance from evil, that it may not pain me! And God granted him that which he requested" (I Chronicles 4:10).

91 The Gemara interprets this verse. The phrase: "If You will bless me indeed," means that he prayed for a blessing with regard to Torah. "And enlarge my border," means that he prayed for a blessing with regard to students. "And that Your hand be with me," that my studies not be forgotten from my heart. "And that You will work deliverance from evil [mera'ati]," that I will find friends [re'im] like me. "That it may not pain me," that the evil inclination should not grow stronger and prevent me from studying Torah. Othniel further prayed: If You do so, good; and if not, I will go depressed [linsisi] to my grave and the netherworld. Immediately, God answered him, as the verse states: "And God granted him that which he requested."

92 On a similar note, you say likewise with regard to the following verse: "The poor man and the oppressor [tekhakhim] meet together; the Lord gives light to the eyes of both of them" (Proverbs 29:13). When the student, who is poor in his knowledge, goes to his teacher, i.e., one who knows enough to teach but requires further enlightenment himself, as he is a man between [tokh] the levels of a Sage and a commoner, and says to him: Teach me Torah, if the teacher agrees to teach him, then the Lord gives light to the eyes of both of them, as they both become greater as a result. But if the teacher will not teach the student, then "the rich and the poor meet together; the Lord is the maker of them all" (Proverbs 22:2). This verse teaches that He Who made this one wise now makes him foolish, and He Who made that one foolish now makes him wise. This is the exposition of Rabbi Natan.

93 Rabbi Yehuda HaNasi says an alternative interpretation of the prayer of Jabez: "If You will bless me indeed" means with procreation. "And enlarge my border" refers to blessing with sons and with daughters. "And that Your hand may be with me," indicates in business. "And that You will work deliverance from evil," so that I will not have a headache or an earache or an eye ache. "That it may not pain me," that the evil inclination will not grow strong against me and prevent me from studying Torah. Jabez then said to God: If you do so, good; and if not, I will go depressed to my grave and the netherworld. Immediately, God answered him: And God granted him that which he requested.

94 On a similar note, you say an interpretation with regard to the verse: "The poor man and the oppressor meet together; the Lord gives light to the eyes of both of them" (Proverbs 29:13). When a poor person goes to a homeowner and says: Provide for me, if he provides for him, that is good. But if not, then it is stated: "The rich and the poor meet together; the Lord is the maker of them all" (Proverbs 22:2). This verse indicates that He Who made this one wealthy now makes him poor, and He Who made that one poor now makes him wealthy.

[95] § The mishna taught that Rabbi Shimon says: Just as we found with regard to the offspring of a sin offering, and the substitute for a sin offering, and a sin offering whose owner died, that these matters apply to an individual sin offering but not to a communal sin offering, so too, with regard to a sin offering whose owner achieved atonement with another sin offering, and a sin offering whose year has passed, these matters are stated with regard to an individual sin offering but not with regard to a communal sin offering.

[96] The Sages taught in a baraita that Rabbi Shimon says: Five types of sin offerings are left to die, and one may not sacrifice them, and they are: An offspring born to a sin offering, i.e., if a female animal that was consecrated as a sin offering gave birth, its offspring is sacred but cannot be brought as an offering itself; and the substitution of a sin offering, if one substituted another animal for a sin offering, the same sanctity applies to it, but it cannot be sacrificed; and a sin offering whose owner has died; and a sin offering whose owner achieved atonement by sacrificing another offering; and a sin offering whose first year has passed, as a sin offering must be within its first year.

[97] Rabbi Shimon continues: You cannot say that there could be an offspring of a sin offering in the case of a community, because there are no female sin offerings separated by the community. And likewise you cannot say that there could be a substitution for a sin offering in the case of a community, because a community cannot render a non-sacred animal that is exchanged for its consecrated one as a substitute. And furthermore, you cannot say that there could be a sin offering whose owners have died in the case of a community, because a community cannot die.

[98] With regard to communal offerings whose owners already achieved atonement and a communal offering whose first year has passed, we have not found a similarly clear indication of the halakha. Therefore, one might have thought that these two cases are in effect both for the offering of an individual and a communal offering.

[99] But you must say: A person can learn with regard to a case in which certain details are not specified from a similar case where these details are specified. Just as with regard to those offerings whose details are specified, i.e., an offspring of a sin offering, a substitution for a sin offering, and a sin offering whose owner has died, the halakha that it dies applies only to an offering of an individual and not to a communal offering, so too, with regard to a sin offering whose owner achieved atonement, and a sin offering whose first year has passed, these matters are said with regard to the offering of an individual, but not with regard to a communal offering.

[100] The Gemara asks: But can one derive the possible from the impossible? Those other cases include offerings that by definition do not apply to a community; how can one learn from them with regard to cases where they are possible? The Gemara answers: Rabbi Shimon learns this tradition as one unit, i.e., all the cases of sin offerings left to die are given as one halakha, and therefore there is no difference in their application.

[101] Reish Lakish says in explanation of this matter: When Moses received this tradition at Sinai, the halakhot of four sin offerings that must be left to die were given to the Jewish people, whereas the fifth sin offering is left to graze until it develops a blemish. But as they did not know which of the sin offerings was the one that should be left to graze, they established these halakhot with regard to all five sin offerings, that they are all left to die. However, given that the four sin offerings were said together, either all four are communal sin offerings, or all four are sin offerings of the individual. And if it enters your mind that the four cases of sin offerings that must be left to die, as stated to Moses,

referred to communal offerings, are all of these four sin offerings possible as communal offerings? Rather, the tradition is with regard to sin offerings of the individual. Rather, perforce one must derive the cases that are unspecified in terms of their halakhot from those cases that are specified.

[102] Rabbi Natan says: Only one case of a sin offering that must be left to die was given to them at Sinai, while the other four sin offerings are left to graze until they develop a blemish. But as they did not know which was the sin offering that must be left to die, the Jewish people established it as applying to all five kinds of sin offering.

[103] The Gemara interrupts Rabbi Natan's statement to raise a difficulty with regard to his explanation: But why didn't the Jewish people first see with regard to which category they learned that a sin offering must be left to die, whether in reference to one of the three cases that are found only in the offering of an individual, or to one of the two cases that are also found in the offering of a community? If they knew which group of sin offerings must be left to die, they could have kept the other group in accordance with its original halakha, that it is left to graze.

[104] The Gemara answers: They forgot two matters. They did not remember which of the five sin offerings must be left to die, and they also forgot to which category it applied, whether to a communal offering or an offering of an individual. And for this reason it was difficult for them, and they were forced to rule that all of these sin offerings must be left to die.

[105] The Gemara returns to its citation of the statement of Rabbi Natan, who proceeds to explain Rabbi Shimon's opinion in the mishna in a similar manner to Reish Lakish: And if it enters your mind that the four cases of sin offerings that are left to graze, which were stated to Moses as one unit, involved communal offerings, are all of these five sin offerings applicable in the case of communal offerings? Rather, conclude from it that one learns the cases that are unspecified from those cases that are specified: Just as the specified cases apply only to an offering of an individual and not to a communal offering, so too, the cases that are not specified apply only to an offering of an individual, but not to a communal offering.

[106] MISHNA: There is greater stringency with regard to sacrificial animals than there is with regard to a substitute, and greater stringency with regard to a substitute than there is with regard to sacrificial animals. The Mishna explains: There is greater stringency with regard to sacrificial animals than there is with regard to a substitute, as sacrificial animals render a non-sacred animal exchanged for them a substitute, but a substitute does not render a non-sacred animal exchanged for it a substitute. Furthermore, the community and the partners consecrate animals as offerings, but they do not substitute non-sacred animals for their offerings. And one consecrates fetuses in utero and one can consecrate an animal's limbs, but one cannot substitute non-sacred animals for them.

[107] There is greater stringency with regard to a substitute than there is with regard to sacrificial animals, as, if one substituted a non-sacred blemished animal for an unblemished sacrificial animal, then the animal with a permanent blemish is imbued with inherent sanctity, which is not the case with regard to consecration. And in addition, those blemished animals consecrated through substitution do not emerge from their consecrated status to assume non-sacred status by means of redemption,

[108] in terms of it being permitted to shear its wool and to perform labor with it. Rabbi Yosei, son of Rabbi Yehuda, says that there is an additional stringency that applies to substitution but not to consecration: The Torah rendered the status of one who acts unwittingly like that of one who acts intentionally with regard to substitution, as in both cases the substitute is consecrated. But it did not

render the status of one who acts unwittingly like that of one who acts intentionally with regard to consecrated items, since unwitting consecration is ineffective.

109 Rabbi Elazar says: An animal crossbred from diverse kinds, and a tereifa, and an animal born by caesarean section, and a tumtum animal, and a hermaphrodite animal are not sacred through consecration, and if they were sacred beforehand, e.g., one consecrated an animal and it subsequently became a tereifa, they do not sanctify non-sacred animals by means of substitution.

110 GEMARA: The Gemara asks: What is the reason for the opinion of Rabbi Yosei, son of Rabbi Yehuda, that substitution applies whether one substitutes unwittingly or intentionally? The Gemara answers that the verse states: “He shall not alter it, nor substitute it, a good for a bad, or a bad for a good; and if he shall substitute his animal for an animal, then both it and that for which it is changed shall be holy” (Leviticus 27:10). The apparently superfluous term “shall be” serves to include the case of one who acts unwittingly like that of one who acts intentionally, with regard to substitution.

111 The Gemara asks: What are the circumstances in which one who acts unwittingly is considered like one who acts intentionally with regard to substitution? Ḥizkiyya said: The circumstances are of one who thinks that it is permitted to substitute one animal for another. With regard to a substitute, the animal becomes consecrated, and the individual is liable to receive lashes for transgressing the Torah’s prohibition, due to the inclusion of “shall be,” despite the fact that he acted unwittingly. But in the equivalent case, where one unwittingly sanctified an animal that was unfit to be an offering, he is not liable to receive lashes, as in this case one is liable to receive lashes only if he acted intentionally and with prior warning.

112 The Gemara cites an alternative version of Ḥizkiyya’s statement: With regard to a non-sacred animal that was declared a substitute, the animal becomes consecrated, despite the fact that one acted unwittingly. But with regard to sacrificial animals, if it was consecrated unwittingly it is not consecrated.

113 Reish Lakish and Rabbi Yoḥanan both state a different example of the ruling discussed by Rabbi Yosei, son of Rabbi Yehuda. They say that the case is of one who thinks to say: This animal shall be a substitute for a burnt offering that I own, but he unwittingly said: This animal shall be a substitute for a peace offering that I own. In such a case involving substitution he is liable to receive lashes, but if he erred in this manner with regard to consecration, he is exempt from lashes. The Gemara cites an alternative version: With regard to a substitute of a peace offering, if one unwittingly declared it a substitute, it is consecrated. With regard to sacrificial animals, if the animal was unwittingly consecrated, it is not consecrated.

114 The Gemara cites another alternative version of the difference between substitution and consecration of an animal: The case is of one who thinks to say: The first black animal that comes out of my house will be a substitute, but he unwittingly said: The first white animal that comes out of my house will be a substitute. With regard to a substitute, the white animal is consecrated, and the individual therefore is liable to receive lashes for transgressing the Torah’s prohibition, despite the fact that he acted unwittingly. Conversely, in a similar case of sacrificial animals, e.g., one meant to say: The first blemished black animal that comes out of my house shall be consecrated, but he unwittingly said: The first blemished white animal shall be consecrated, if a white animal came out of his house, the animal is not consecrated, and therefore he is not liable to receive lashes.

[115] Rabbi Yoḥanan says another case of unwitting substitution of an animal. This is referring to a case of one who says: Let this animal emerge from its sanctity and become non-sacred, and let that animal enter in its place and become consecrated. This person acted unwittingly, because he mistakenly thought that in this manner the consecrated animal would no longer be sacred. With regard to a similar case involving sacrificial animals, where he has a sacrificial animal that developed a blemish and he incorrectly says: Any animals that have developed a blemish may be eaten without redemption, and he proceeded to eat the animal without first redeeming it, he is not liable to receive lashes. But with regard to a substitute, if he did this he would be liable to receive lashes, as stated above.

[116] Rav Sheshet says yet another example of unwittingly performing substitution: It is referring to a case of one who says: I will enter this house and consecrate an animal intentionally, or: I will enter this house and substitute an animal intentionally, and he entered and substituted or consecrated unintentionally, i.e., he acted absentmindedly. For his transgression with regard to substitution he is liable to receive lashes, and for his transgression with regard to sacrificial animals he is not liable to receive lashes.

[117] § The mishna taught that Rabbi Elazar says: An animal crossbred from diverse kinds, and a tereifa, and an animal born by caesarean section, and a tumtum animal, and a hermaphrodite animal, are neither sacred through consecration nor do they sanctify non-sacred animals by means of substitution. Shmuel says in explanation: They are not sanctified by substitution, i.e., if one said that an animal in any of these categories should be a substitute for a sacrificial animal, it does not become sanctified. And the clause that they do not sanctify non-sacred animals means that if one of these types of animal was sanctified and one attempted to render a non-sacred animal a substitute for it, that non-sacred animal does not become sanctified.

[118] It is taught in a baraita that Rabbi Meir said: But since these animals do not become sanctified, how can it even be suggested that they could sanctify another non-sacred animal? Rather, you find that the ruling of Rabbi Elazar applies only when one sanctifies an animal and afterward it became a tereifa, or when one sanctifies a fetus and it emerged from the womb by caesarean section. But with regard to an animal crossbred from diverse kinds, and a tumtum, and a hermaphrodite, you can find this ruling only in a case of the offspring of consecrated female animals, which have sanctity without an act of consecration. And this is in accordance with the opinion of Rabbi Yehuda, who said that the offspring of a consecrated animal renders a non-sacred animal that is exchanged for it consecrated as a substitute.

[119] Rav Pappa said: What is the reason for the opinion of Rabbi Elazar? He holds that the halakhot of these categories of animal is like that of a non-kosher domesticated animal: Just as a non-kosher domesticated animal is not sacrificed as an offering and inherent sanctity does not rest upon it, so too, these animals in the categories of a tereifa, an animal born by caesarean section, a tumtum, or a hermaphrodite may not be sacrificed as offerings and inherent sanctity does not rest upon them.

[120] Rav Pappa said to Rava: But why aren’t animals in these categories compared to a blemished animal, which may not be sacrificed as an offering but nevertheless inherent sanctity does rest upon it? Rava said to Rav Pappa in response: Although a blemished animal is not sacrificed on the altar, another animal of its same type, i.e., an unblemished animal, is sacrificed as an offering. By contrast, an animal born by caesarean section, a tumtum, and a hermaphrodite may never be sacrificed. Rav

Pappa said to Rava: If so, what will you say about a tereifa, as other animals of its type are sacrificed. According to your explanation, why doesn’t inherent sanctity rest upon a tereifa?

[121] Rather, Rava retracts his previous answer and instead says: The halakhot of animals in these categories are like those of a non-kosher domesticated animal, in the following manner: Just as the category of a non-kosher domesticated animal is an inherent disqualification, and such an animal cannot be sanctified or render another animal sanctified, so too the same applies to any other category of animal that is an inherent disqualification, such as a tereifa, an animal born by caesarean section, a tumtum animal, and a hermaphrodite. This serves to exclude blemished animals, which are disqualified only because they lack certain limbs.

[122] Rav Adda raised a difficulty with regard to this answer and said to Rava: Is the disqualification of a blemished animal always because it is lacking a limb? But isn’t the phrase: Too long or closed hooves, written in the passage of the Torah addressing blemishes that disqualify an animal; and these are inherent disqualifications. The verse states: “Either a bull or a lamb that has any limb too long or closed hooves, you may offer for a voluntary offering; but for a vow it shall not be accepted” (Leviticus 22:23).

[123] Rather, Rava again retracted his previous answer and said: The explanation of Rabbi Elazar’s opinion is as I explained initially. The halakhot of animals in these categories are like those of a non-kosher domesticated animal: Just as a non-kosher domesticated animal is not sacrificed on the altar and neither are any animals of its type, so too these halakhot apply to any animal that is not sacrificed on the altar and neither are any animals of its type. This serves to exclude a blemished animal, because other animals of its type are sacrificed on the altar.

[124] What did you say to challenge this explanation? You said that in the case of a tereifa, there are other animals of its type that are sacrificed, and if so, why doesn’t inherent sanctity rest upon a tereifa? The answer is that a tereifa is not similar to a blemished animal, as a non-kosher animal is forbidden for consumption, and a tereifa is forbidden for consumption. This serves to exclude a blemished animal, which is permitted for consumption.

[125] § With regard to a tereifa, Shmuel says: One who consecrates an animal that is a tereifa is required to wait until it develops a permanent blemish, on account of which he may redeem it. The Gemara raises a difficulty with regard to this statement of Shmuel. Since the meat of a tereifa is unfit for consumption and may only be fed to the dogs, why does it require redemption? Should one learn from this that one redeems sacrificial animals in order to feed them to the dogs? But this is contrary to the accepted halakha (see 31a).

[126] Rather, say that the statement of Shmuel was as follows: If one consecrates an animal that is a tereifa, it becomes sanctified until it is time for the animal to die, so that even after its death it must be buried and may not be redeemed. And Rabbi Oshaya says: If one consecrates an animal that is a tereifa, this is like nothing other than one who consecrates mere wood and stones, which cannot become sanctified with inherent sanctity but only for their value, and which therefore can be redeemed. Consequently, a consecrated tereifa animal may be redeemed even if it is going to be fed to the dogs.

[127] The Gemara raises a difficulty against the opinion of Shmuel. We learned in a mishna (31a): With regard to all sacrificial animals that became tereifa, one may not redeem them and render them non-sacred, because their consumption is forbidden; and one does not redeem sacrificial animals to feed

them to the dogs. The Gemara analyzes this ruling: The reason that they may not be redeemed is because they became tereifa after they had already been consecrated. Consequently, if they were already tereifa from the outset, when they were consecrated, one may redeem them. The Gemara answers: Perhaps this tanna holds that anywhere that an animal itself is not fit for sacrifice, inherent sanctity does not rest upon it at all.

128 The Gemara raises another challenge to Shmuel's opinion from the mishna. Come and hear, as Rabbi Elazar says: An animal crossbred from diverse kinds, and a tereifa, and an animal born by caesarean section, and a tumtum animal, and a hermaphrodite animal are not sacred through consecration and they do not sanctify non-sacred animals by means of substitution. And Shmuel says in explanation: They are not sacred with regard to substitution, i.e., if one said that any of these animals should be a substitute for a sacrificial animal it does not become sanctified; and they do not sanctify non-sacred animals, i.e., if one of these types of animal was sanctified and one attempted to render a non-sacred animal a substitute for it, that non-sacred animal does not become sanctified.

129 And it is taught in a baraita that Rabbi Meir said: But since they do not become sanctified, how can they sanctify another non-sacred animal? Rather, you find the ruling of Rabbi Elazar applies only when one sanctifies an animal and afterward it becomes a tereifa. The Gemara explains the difficulty: This indicates that if it was a tereifa from the outset, then inherent sanctity does not rest upon it; this ruling contradicts the opinion of Shmuel, who says that such an animal must be buried when it dies.

130 The Gemara explains that Shmuel could have said to you: Perhaps this tanna also holds that anywhere that an animal is not fit itself for sacrificing, inherent sanctity does not rest upon it. Shmuel himself holds in accordance with those who disagree with this opinion.

Chapter 3

1 MISHNA: These are the sacrificial animals for which the halakhic status of their offspring and substitutes is like their own halakhic status: The offspring of peace offerings, and their substitute animals, and even the offspring of their offspring or their substitute animals, and even the offspring of their offspring, until the end of all time [ad sof kol ha'olam]. They are all endowed with the sanctity and halakhic status of peace offerings, and therefore they require placing hands on the head of the animal, and libations, and the waving of the breast and the thigh in order to give them to the priest.

2 GEMARA: The Gemara asks: Since the tanna already taught: The offspring of the offspring or the substitute and the offspring of their offspring, why do I need him to state: Until the end of all time? The Gemara answers: The tanna of our mishna heard that Rabbi Elazar said in the next mishna that the offspring of a peace offering is not sacrificed as a peace offering, but rather it is sequestered and left to die, and the tanna of our mishna said to him: It is not necessary to state with regard to their offspring that I do not concede to you, as I maintain that it is sacrificed upon the altar as a peace offering, but even with regard to all of the offsprings until the end of time I do not concede to you, as I rule that they are all sacrificed as peace offerings.

3 § With regard to the mishna's statement that the halakhic status of the offspring of peace offerings and their substitutes are like that of the peace offering itself, the Gemara asks: From where are these

matters derived? The Gemara answers: As the Sages taught in a baraita: “And if his offering be a sacrifice of peace offerings: If he offer of the herd, if male if female, he shall offer it without blemish before the Lord” (Leviticus 3:1). Since the verse already states: “If he offer of the herd,” the words “if male if female” are unnecessary. Rather, the word “male” serves to include the offspring of a peace offering as having the the same halakhic status as a peace offering.

[4] The baraita objects: But could this not be derived through an a fortiori inference: If a substitute of a peace offering, which is lenient in that it is not grown from consecrated property, i.e., it is not the offspring of a sacrifical animal, is sacrificed as a peace offering, then with regard to the offspring of a peace offering, which is more stringent since it is grown from consecrated property, is it not logical that it be sacrificed as a peace offering?

[5] The baraita responds that this a fortiori inference may be refuted: What is unique about the halakhic status of a substitute? It is unique in that the halakha of substitution applies to all sacrificial animals that belong to an individual, and therefore the substitute of a peace offering is offered as a peace offering. Shall you say the same with regard to the offspring, which is more lenient in that it does not apply to all sacrificial animals, as some are male and do not give birth, and therefore there is reason to say that it is not sacrificed as a peace offering, since the halakha with regard to the sanctity of the offspring does not apply to all sacrificial animals? Therefore, the verse states the word “male” to include the offspring, and it states the word “female” to include the substitute of a peace offering, indicating that both have the status of a peace offering.

[6] I have derived only that the substitute of an unblemished peace offering and the offspring of an unblemished peace offering have the status of a peace offering. From where do I derive that the offspring of blemished animals and the substitute of blemished animals which are themselves unblemished have the status of peace offerings? The verse states in a more expanded form: “If male,” to include the offspring of blemished animals, and “if female,” to include the substitute of blemished animals.

[7] The Gemara analyzes the baraita: Rav Safra said to Abaye: But why should I not reverse the interpretations and say that the words “if male” serve to include the substitute of blemished animals, and the words “if female” serve to include the offspring of blemished animals? Abaye responds: It stands to reason that from the same place that the substitute of unblemished animals is included, i.e., from the word “female,” the substitute of blemished animals is also included, i.e., from the expanded form “if female.” Likewise, since the word “male” teaches that the offspring of an unblemished peace offering is included, the offspring of a blemished peace offering is included from the phrase “if male.”

[8] Rav Safra said to Abaye in explanation of his question: Did I say to you to reverse the interpretations of the phrases “if male” and “if female”? I actually said that the interpretation of the entire verse should be reversed as follows: Say that the word “male” serves to include the substitute of both a blemished and an unblemished offering, and the word “female” serves to include the offspring of both a blemished and an unblemished offering. Abaye said to him in response: It is logical to interpret the verse as the baraita does, as the word offspring [valad] indicates a masculine form, while the word substitute [temura] indicates a feminine form.

[9] § The baraita stated that the offspring of a blemished peace offering has the status of a peace offering. The Gemara asks: For what matter is that halakha relevant? Shmuel said: It is relevant with

regard to sacrificing it on the altar as a peace offering, even though its mother is blemished and disqualified for the altar. And the baraita is in accordance with the opinion of Rabbi Elazar, who rules that if one sets aside a female animal for a burnt offering, and that animal gave birth to a male, the offspring is offered as a burnt offering, even though its mother may not be offered as a burnt offering (see 18b).

[10] The baraita therefore teaches that the same is true with regard to the offspring of a blemished peace offering. And although Rabbi Elazar already stated this principle, it was necessary for the baraita to repeat it in this case, lest you say that when Rabbi Elazar says his opinion, it is only with regard to a burnt offering, due to the fact that there the discrepancy between mother and offspring is their sex, and there is burnt offering status for females, i.e., the case of a bird that is the same sex as its mother, as one may sacrifice a female bird burnt offering. But perhaps these offspring of a blemished peace offering are not sacrificed, as there is no case of a blemished animal that may be offered as a peace offering. Therefore, it teaches us that even these offspring may be sacrificed.

[11] Bar Padda said: The statement of the baraita that the offspring of a blemished peace offering has the status of a peace offering is relevant only with regard to grazing the animal until it develops a blemish, after which it may be redeemed and the money used to bring a burnt offering. But the animal itself may not be sacrificed on the altar. And the baraita is in accordance with all opinions. As it was stated that the following amora'im disagreed about the same point as did Shmuel and bar Padda: Rava said that the offspring of a blemished offering is consecrated with regard to sacrificing it upon the altar, and this is in accordance with the opinion of Rabbi Elazar, whereas Rav Pappa said that this halakha applies only with regard to grazing, and this is in accordance with all opinions.

[12] § In the baraita, the halakha governing the substitute and offspring of a peace offering is derived from the superfluous words "male" and "female." The Gemara notes: But this tanna cites the source of this halakha from here: "Only the holy things you have, and your vows, you shall take and go to the place which the Lord shall choose; and you shall offer your burnt offerings, the flesh and the blood, upon the altar of the Lord your God; and the blood of your sacrifices shall be poured out against the altar of the Lord your God, and you shall eat the flesh" (Deuteronomy 12:26–27).

[13] With regard to the words: "Only your holy things," these are the substitutes; "that you have," these are the offspring. And with regard to these, it states: "You shall take and go to the place which the Lord shall choose," i.e., they must be brought to the Temple as offerings.

[14] One might have thought that one should bring them into the Temple but withhold water and food from them so that they die. Therefore, the verse states: "And you shall offer your burnt offerings, the flesh and the blood, upon the altar of the Lord your God." This indicates that in the manner that you treat a burnt offering, you should treat the substitute of a burnt offering, and in the manner that you treat a peace offering, you should treat the offspring of a peace offering and the substitute of a peace offering.

[15] One might have thought that this is the halakha with regard to all sacrificial animals, i.e., that their substitutes and offspring are sacrificed upon the altar. Therefore, the verse states: "Only your holy things," which, as the Gemara will explain shortly, excludes certain offspring from this principle. This is the statement of Rabbi Yishmael. Rabbi Akiva says: The word "only" is unnecessary, as it states with regard to a guilt offering: "It is a guilt offering; he is certainly guilty before the Lord"

(Leviticus 5:19). The term “It is [hu],” indicates that only it, the guilt offering itself, is sacrificed upon the altar, but its substitute is not sacrificed.

16 § The Master said above: Due to the phrase in the verse “You shall take and go,” one might have thought that one should bring the substitute and offspring into the Temple but withhold water and food from them so that they die. Therefore, the verse states: “And you shall offer your burnt offerings, the flesh and the blood, upon the altar of the Lord your God.”

17 The Gemara asks: From where would this be derived, that these animals should be brought into the Temple and then left to die? Since the halakha that five sin offering are left to die is learned through a tradition transmitted to Moses from Sinai, and the offspring of a sin offering and the substitute of a sin offering are included among those five, it would have been reasonable to conclude that only those sin offerings are left to die, but these animals, the offspring of a peace offering and the substitute of a peace offering, are sacrificed upon the altar.

18 The Gemara answers: The verse is necessary, lest you say that these five sin offerings may be left to die in any location, but these, the offspring and substitute of a peace offering, must be left to die specifically in the Temple. Therefore, the verse teaches us that this is not so, as the offspring and substitute of a peace offering may be offered upon the altar.

19 § The master said above: One might have thought that this is the halakha even with regard to all sacrificial animals that their substitutes and offspring may be sacrificed upon the altar just as the sacrificial animals themselves are. Therefore, the verse states: “Only your holy things,” indicating that this principle does not apply equally in all cases. The Gemara asks: The offspring of which offering is referred to here? If it is referring to the offspring of a burnt offering, a burnt offering is male, and is therefore not capable of giving birth. And if it is referring to the offspring or substitute of a sin offering, it is learned as a tradition that such an animal is left to die.

20 And if it is referring to the substitute of a guilt offering, it is learned as a tradition that this offering goes out to graze, as in any case where a sin offering is left to die, in the parallel case involving a guilt offering, the animal is left to graze until it develops a blemish, after which it is redeemed and the money is used to purchase a burnt offering. Therefore, there is no need for a verse to exclude the substitute of a guilt offering. The Gemara explains: Actually, the baraita is referring to the offspring and substitute of a sin offering, and a verse is required to exclude them, despite the halakha that was learned as a tradition in their regard, for this halakha was learned only with regard to letting the animal die, and the verse serves to exclude them from being sacrificed on the altar.

21 The Gemara objects: But this, the halakha of sacrificing the animal upon the altar, depends on that, the halakha of letting it die. Since it goes to its death, it is clearly self-evident that it is not sacrificed. The Gemara offers a different resolution: Rather, the halakha transmitted to Moses from Sinai is referring to a sin offering, and the verse serves to exclude the case of a substitute of a guilt offering.

22 The Gemara asks: But this halakha with regard to the substitute of a guilt offering was also learned by the Sages as a tradition transmitted to Moses from Sinai, as they said that in any case where a sin offering is left to die, in the parallel case involving a guilt offering, the animal is left to graze. Rather, the verse is necessary to teach an additional halakha, that if one transgressed and sacrificed the offspring of a sin offering or a guilt offering, or the substitute of a sin offering or a guilt offering, he stands in violation of a prohibition inferred from a positive mitzva. Since the verse

teaches that only the offspring of a burnt offering or a peace offering may be offered, it may be inferred that the offspring of a guilt offering or a sin offering may not be offered, and the violation of a prohibition stemming from a command formulated as a positive mitzva is considered the violation of a positive mitzva.

[23] § The baraita stated that in contrast to Rabbi Yishmael, Rabbi Akiva says that the word “only” is unnecessary to exclude the offspring and substitutes of other sacrificial animals from being sacrificed upon the altar, as the verse that discusses guilt offerings: “It is a guilt offering” (Leviticus 5:19), teaches that only it, the guilt offering itself, is sacrificed, but its substitute is not offered. The Gemara asks: Why do I need a verse to teach this? Didn’t the Sages learn this halakha, that the substitute of a guilt offering is left to graze, as a tradition transmitted to Moses from Sinai, since they said that in any case where a sin offering is left to die, in the parallel case involving a guilt offering, the animal is not sacrificed but rather left to graze?

[24] The Gemara answers: Yes, it is indeed so, that the verse is unnecessary for that purpose. Rather, why do I need the verse? It is necessary to teach the halakha that Rav Huna stated, as Rav Huna said: With regard to a guilt offering that was consigned to grazing, i.e., it had been ruled that the animal may not be sacrificed as a guilt offering, it must be left to graze until it develops a blemish, at which point it is sold and the proceeds used for voluntary burnt offerings. An example of this is where the owner had already fulfilled his obligation with the sacrifice of a different animal. If the owner nevertheless transgressed and slaughtered it before it developed a blemish as an unspecified offering, it is valid and sacrificed for the sake of a burnt offering.

[25] The Gemara infers: If the animal was consigned to grazing, yes, it is valid as a burnt offering, but if it was not consigned to grazing, no, it is disqualified as a burnt offering. What is the reason? It is that the verse states with regard to a guilt offering: “It is a guilt offering,” meaning that it shall remain in its present state of a guilt offering.

[26] § The Gemara previously (17b) cited two baraitot that stated that the offspring of a peace offering has the status of a peace offering. According to one, this is derived from the phrase in the verse in Leviticus “if male if female,” while according to the other it is derived from the phrase in the verse in Deuteronomy “You shall take and go.” The Gemara objects: And according to this tanna of the second baraita, who derives this halakha from these verses: “You shall take and go,” and: “And you shall offer your burnt offerings, the flesh and the blood,” let him derive it from the words “male” and “female.” The Gemara explains: He requires that verse to teach the halakha of the offspring of a blemished animal and to teach the halakha of the substitute of a blemished animal.

[27] The Gemara asks: And let him derive all of the halakhot, that of the offspring and the substitute of an unblemished peace offering as well as that of the offspring and the substitute of a blemished offering, from this verse: “If male if female,” in the same manner that the tanna of the first baraita derived them from that verse. The Gemara answers: He does not learn anything from the word “if,” which is a common term and is not considered superfluous.

[28] The Gemara asks: And according to this tanna of the first baraita, who derives all of the halakhot from the words “if male if female,” what does he do with the phrase in the verse “You shall take and go”? The Gemara answers: That verse is necessary to teach that one must bring his offerings to the Temple when he ascends to Jerusalem for the Festival even if he must take them from their place of grazing, and he should not delay bringing them until the following Festival. Another version of this

answer is that the verse is necessary to teach that one must bring the animals he intends to consecrate even if he must take them from their place of threshing, i.e., even if they are currently being used to thresh, rather than delay bringing the animals to Jerusalem until a later stage.

[29] MISHNA: Although the previous mishna stated plainly that the offspring of a peace offering is itself sacrificed as a peace offering, its status is actually subject to a dispute between the tanna'im. Rabbi Eliezer says: The offspring of a peace offering is not sacrificed on the altar as a peace offering; rather it is sequestered and left to die. And the Rabbis say: It is sacrificed as a peace offering.

[30] Rabbi Shimon said: Rabbi Eliezer and the Rabbis do not disagree with regard to the status of the offspring of the offspring of a peace offering or with regard to the status of the offspring of the offspring of the substitute of a peace offering. In those cases, they all agree that the animal is not sacrificed on the altar as a peace offering. With regard to what case do they disagree? They disagree about the case of the offspring of a peace offering itself. Rabbi Eliezer says: It is not sacrificed as a peace offering, whereas the Rabbis say: It is sacrificed.

[31] Rabbi Yehoshua and Rabbi Pappeyas testified about the offspring of a peace offering that it is sacrificed as a peace offering. Rabbi Pappeyas said: I testify that we ourselves had a cow that was a peace offering, and we ate it on Passover, and we ate its offspring as a peace offering on a different Festival.

[32] GEMARA: Rabbi Ami said that Rabbi Yoḥanan said: What is the reason of Rabbi Eliezer, that the offspring of a peace offering does not have the status of a peace offering? It is that the verse states with regard to a peace offering: "And if his offering be a sacrifice of peace offerings for the Lord" (Leviticus 3:1). The term "and if [ve'im]," can be read as: And a mother [ve'em], which teaches that the mother may be offered as a peace offering, but not the offspring.

[33] Rabbi Ḥiyya bar Abba said to Rabbi Ami: If that is so, then with regard to the verse: "If [im] he offer it for a thanksgiving" (Leviticus 7:12), so too one should interpret it to mean that one may sacrifice the mother [em] but not the offspring as a thanks offering. And if you would say that Rabbi Eliezer indeed holds that the offspring of a thanks offering is not sacrificed as a thanks offering, isn't it taught in a baraita the following halakha with regard to the offspring of a thanks offering and its substitute and its replacement, if the original animal was lost and then found again, rendering both animals suitable for an offering: From where is it derived that all these are sacrificed as thanks offerings? The verse states: "If for a thanksgiving," which indicates that they may be offered as a thanks offering in any case.

[34] Rather, Rabbi Ḥiyya bar Abba said that Rabbi Yoḥanan said: This is the reason of Rabbi Eliezer, that the offspring of a peace offering is not sacrificed as a peace offering: It is a rabbinic decree that it may not be sacrificed, lest the owner delay sacrificing the peace offerings that he is obligated to bring so that he may raise entire herds from them in order to sell the animals to people who need peace offerings.

[35] § The mishna teaches: Rabbi Shimon said: Rabbi Eliezer and the Rabbis do not disgree with regard to the status of the offspring of the offspring of a peace offering, or with regard to the status of the offspring of the offspring of the substitute of a peace offering. In those cases, they all agree that the animal is not sacrificed on the altar as a peace offering. With regard to what case do they disagree? They disagree only about the offspring of a peace offering itself.

[36] A dilemma was raised before the Sages: How precisely is the mishna taught? Is it saying that Rabbi Eliezer and the Rabbis do not disagree whether the offspring of the offspring are sacrificed or they are not sacrificed, but rather they all agree, even Rabbi Eliezer, that they are sacrificed? Or perhaps it is saying that they do not disagree whether the offspring of the offspring are sacrificed or they are not sacrificed, but rather they all agree, even the Sages, that they are not sacrificed.

[37] Rabba said: It stands to reason that the mishna is saying that they do not disagree whether the offspring of the offspring are not sacrificed, but rather all agree that they are sacrificed. What is the reason? It is that Rabbi Eliezer disagrees with the Rabbis only with regard to the offspring, but with regard to the offspring of the offspring, Rabbi Eliezer does not render it prohibited to sacrifice them, as it is merely a chance, i.e., an uncommon occurrence, that one delays sacrificing an offering to the point that the offspring of its offspring have already been born.

[38] And Rabbi Yehoshua ben Levi says that the correct reading of the mishna is: They do not disagree whether the offspring of the offspring are sacrificed, but rather all agree that they are not sacrificed. What is the reason? It is that the Rabbis disagree with Rabbi Eliezer only with regard to the offspring, but with regard to the offspring of the offspring, from the result of his actions with regard to it, i.e., that he delayed sacrificing the original offering for such a long period of time, his intention is evident that he wants to raise herds from it. Therefore, the halakha is that the offspring of the offspring may not be sacrificed, in order to deter him from the outset from raising herds.

[39] § Rabbi Ḥiyya teaches a baraita to support the opinion of Rabbi Yehoshua ben Levi, that all agree that the offspring of the offspring of a peace offering is not sacrificed: The verse states: “If he sacrifices a lamb for his offering, then shall he present it before the Lord” (Leviticus 3:7). Two limitations are derived from this verse: The word “lamb” indicates that the first offspring, i.e., the offspring of the peace offering, is sacrificed, but the second offspring, i.e., the offspring of the offspring, is not sacrificed.

[40] In addition, the word “he [hu]” is interpreted as referring to the offspring of the peace offering rather than the owner, as it is obvious from the context that the owner is sacrificing the animal and the word would be unnecessary if written only for that purpose. Therefore, it teaches that the offspring of a peace offering is sacrificed, but the offspring of all other sacrificial animals is not sacrificed. This indicates that even those Sages who rule that the offspring of a peace offering is sacrificed agree that the offspring of the offspring is not sacrificed.

[41] The Gemara clarifies the second limitation, that the offspring of other sacrificial animals is not sacrificed: The offspring of which type of offering is referred to here? If it is referring to that of a burnt offering or guilt offering, they are male and therefore not capable of giving birth to offspring. If it is referring to the offspring of a sin offering, the verse is unnecessary, as the Sages learned this halakha as a tradition that it is left to die and may not be offered.

[42] Ravina said: The verse serves to include, in the limitation that the offspring of other sacrificial animals are not sacrificed, the offspring of an animal that was consecrated as animal tithe and then gave birth. The Gemara asks: Why do I need a verse to include the offspring of the animal tithe? It is derived through a verbal analogy between the word passing [avara] mentioned with regard to animal tithe, and the word passing [avara] mentioned with regard to a firstborn animal, which is male and cannot give birth to offspring. With regard to animal tithe the verse states: “And all the tithe of the herd or the flock, whatsoever passes [ya’avor] under the rod, the tenth shall be holy unto the Lord”

(Leviticus 27:32), and with regard to a firstborn, the verse states: “And you shall set apart [veha’avarta] for the Lord all that opens the womb; every firstborn that is a male, which you have that comes of an animal, shall be the Lord’s” (Exodus 13:12).

[43] The Gemara answers: This verse is necessary, as it might enter your mind to say that one does not derive the possible from the impossible, as in this case, where one seeks to derive by way of analogy the halakha of the offspring of animal tithe from that of a firstborn, which is a male and therefore cannot give birth. Therefore, the verse teaches us that the offspring of animal tithe is not sacrificed on the altar as an offering.

[44] § The mishna teaches: Rabbi Shimon and Rabbi Pappeyas testified about the offspring of a peace offering that it is sacrificed as a peace offering. Rabbi Pappeyas added the testimony that he had a cow that was eaten as a peace offering on Passover, and its offspring was eaten as a peace offering on a different Festival [beḥag].

[45] Since the term ḥag generally refers to Sukkot, the Gemara asks: And according to the opinion of Rava, who said with regard to sacrificial animals that once one pilgrimage Festival has passed from when they were consecrated, and the owner has not yet brought them to the Temple, each day he transgresses with regard to them the prohibition of: You shall not delay, which is derived from the verse that states: “When you shall vow a vow to the Lord your God, you shall not delay to pay it” (Deuteronomy 23:22), already from Shavuot he must eat the offspring of the peace offering that was sacrificed on Passover. Why then did they wait until Sukkot? Rav Zevid said in the name of Rava: It is referring to a case where the owner was unable to sacrifice the offspring of the peace offering on Shavuot due to circumstances beyond his control, for example, if the animal was ill on Shavuot [ba’Atzeret].

[46] Rav Ashi said an alternative explanation: What is the meaning of the word ḥag that is taught in the mishna in the testimony of Rabbi Pappeyas? It is referring to the festival of Shavuot, not Sukkot. The Gemara asks: And the other amora, Rav Zevid, why didn’t he explain the mishna in this manner? The Gemara answers: Wherever the tanna teaches the word Pesaḥ in a mishna, and he wishes also to teach something about Shavuot, he uses the term atzeret rather than the word ḥag.

[47] The Gemara asks: If so, that the offspring of the peace offering was not sacrificed on Shavuot due to illness, as suggested by Rava, or that it was indeed sacrificed on Shavuot, as proposed by Rav Ashi, what is the purpose of the testimony of Rabbi Pappeyas? He certainly cannot be excluding the opinion shared by Rava, as might have been indicated by a straightforward reading of the mishna. The Gemara answers: His testimony serves to exclude the opinion of Rabbi Eliezer, who said that the offspring of a peace offering is not sacrificed as a peace offering. Rabbi Pappeyas therefore testifies that the offspring of a peace offering is sacrificed as a peace offering, and that this was the actual practice in the Temple.

[48] MISHNA: The offspring of a thanks offering and the substitute of a thanks offering, and the offspring of the offspring and its substitute, and the offspring of their offspring until the end of all time, they are all like thanks offerings, with the only difference being that they do not require the accompanying loaves, unlike the thanks offering itself.

[49] GEMARA: The Gemara asks: From where is this matter derived, that the offspring and substitute of a thanks offering do not require the accompanying loaves? The Gemara answers: As the Sages taught in a baraita, with regard to the verse: “If he offers it for a thanksgiving, then he shall offer with

the sacrifice of thanksgiving unleavened cakes mingled with oil, and unleavened wafers spread with oil” (Leviticus 7:12). What does the term “offer it [yakrivenu]” serve to say?

50 The baraita explains: The term is referring to one who designates a thanks offering and it was lost, and he separated another in its place, and then the first animal was found, and now both of them stand before him available for sacrifice. From where is it derived that he may sacrifice whichever one he wants and bring its accompanying loaves with it? The verse states: “He offers a thanks offering,” indicating that he may offer either one.

51 One might have thought that even the second should require the accompanying loaves. Therefore, the verse states: “Offer it,” to teach that only one of them is brought with the loaves, and not two. From where is it derived that the offspring, substitutes, and replacement offerings, in the case where the animal was lost, another was separated in its place, and then the original animal was found, are included and may be sacrificed as well? The verse states: “And if…as a thanksgiving,” teaching that they may all be sacrificed as thanks offerings. One might have thought that all of them require loaves. Therefore, the verse states: “With the sacrifice of thanksgiving,” which indicates that only the thanks offering itself requires loaves, but its offspring and its substitute and its replacement do not require loaves.

52 MISHNA: With regard to the substitute of a burnt offering, the offspring of the substitute, e.g., if one substituted a female animal for a burnt offering, and it gave birth to a male, and the offspring of the offspring of its offspring until the end of all time, they are all like burnt offerings and therefore they require flaying and cutting into pieces and must be burned completely in the fire. In the case of one who designates a female animal as a burnt offering, which may be brought only from males, and that female gave birth to a male, although it is a male, it is left to graze until it becomes unfit [sheyista’ev] and then it is sold, and he brings a burnt offering with the money received for its sale. Rabbi Elazar says: The male offspring itself is sacrificed as a burnt offering.

53 GEMARA: The first clause of the mishna states that the offspring of a female substitute for a burnt offering is brought as a burnt offering, whereas in the latter clause the Rabbis and Rabbi Elazar disagree about the status of a female animal that was consecrated as a burnt offering. The Gemara therefore asks: What is different in the first clause that they do not disagree, and what is different in the latter clause that they disagree?

54 Rabba bar bar Ḥana says: Even the first clause is taught as a matter in dispute between the Rabbis and Rabbi Elazar, and the ruling there is in accordance with the opinion of Rabbi Elazar. And Rava said: You may even say that the first clause is in accordance with the opinion of the Rabbis, but they disagree with Rabbi Elazar only with regard to one who designates a female animal for a burnt offering, as they maintain that the offspring may not be sacrificed because its mother may not be sacrificed. But with regard to the offspring of a substitute, since its mother, i.e., the original burnt offering that is the source of the mother’s sanctity as a substitute, may also be sacrificed, even the Rabbis concede that the offspring may be sacrificed.

55 The Gemara asks: And did Rabbi Elazar say that the offspring of a female designated as a burnt offering itself is sacrificed as a burnt offering? But one may raise a contradiction from the mishna (20b): The substitute of a guilt offering, the offspring of that substitute, and their offspring and the offspring of their offspring, until the end of all time, all graze until they become unfit, and then each animal is sold, and the money received for the sale is allocated for communal gift offerings.

[56] Rabbi Eliezer says: These animals are not left to graze until they become unfit and then each animal is sold; rather they are left to die. Rabbi Elazar says: Communal gift offerings are not purchased with the money from the sale; rather, the owner should bring an individual burnt offering with the money received for its sale. The Gemara infers from Rabbi Elazar's statement that with the money received for its sale, yes, one brings an individual burnt offering, but the offspring of the substitute itself, no, one may not bring it as a burnt offering.

[57] Rav Ḥisda said: Rabbi Elazar was speaking to them in accordance with the statement of the Rabbis, as follows: According to me, I hold that even the offspring itself is also sacrificed as a burnt offering. But according to you, who say that the animal is left to graze until it becomes blemished and then it is sold and the money used for the purchase of burnt offerings, concede to me at least that the remainder of the money goes for the purchase of individual gift offerings, rather than communal offerings. And the Rabbis said to him in response that the remainder of the money goes for communal gift offerings.

[58] Rava said another explanation: Rabbi Elazar says that the offspring itself is offered as a burnt offering only in a case where he designated a female animal as a burnt offering and it gave birth, since there is burnt offering status for a bird that is the same sex as its mother.

[59] But with regard to the offspring of the substitute of a guilt offering, where there is no burnt offering status for its mother, as the animal for which it was substituted was a guilt offering, Rabbi Elazar concedes that an animal purchased with its money, received from selling the offspring, yes, it is sacrificed as a burnt offering, but the offspring itself is not sacrificed as a burnt offering.

[60] Abaye raised an objection to Rava: And does Rabbi Elazar require that there be burnt offering status for its mother, in order for the offspring to be sacrificed as a burnt offering? But isn't it taught in a baraita: In the case of one who designates a female animal for his Paschal offering, which must be a male, the animal is left to graze until it becomes unfit, and it is then sold and he brings a Paschal offering with the money received for its sale. If the female animal gave birth to a male,the offspring may not be sacrificed as a Paschal offering despite the fact that it is a male. Rather, it is left to graze until it becomes unfit, and then it is sold and he brings a Paschal offering with the money received from its sale.

[61] If the animal remained without a blemish until after Passover, it is left to graze until it becomes unfit, and he brings a peace offering with the money received for its sale. If it gave birth to a male after Passover, the offspring too is left to graze until it becomes unfit, and then it is sold, and he brings a peace offering with the money received for its sale. Rabbi Elazar disagrees in the latter case and says: The offspring itself is sacrificed as a peace offering.

[62] Abaye explains his objection: But here, it is a case where there is no peace offering status for its mother, as the mother was consecrated as a Paschal offering, and yet Rabbi Elazar says that the offspring is sacrificed as a peace offering. Rava said to Abaye in response: Do you say that this statement of Rabbi Elazar with regard to a Paschal offering after Passover contradicts my explanation? Not so; the status of a Paschal offering after Passover is different, as a leftover Paschal offering itself is sacrificed as a peace offering. Therefore, a female animal designated as a Paschal offering has the status of a peace offering after Passover.

[63] Abaye asked Rava: If so, that the reason Rabbi Elazar permits the offspring to be sacrificed is that the mother also has the status of a peace offering, let Rabbi Elazar also disagree with the Rabbis in

the first clause of the baraita, where the female animal designated as a Paschal offering gave birth before Passover. Rabbi Elazar should state that this offspring itself may be brought as a peace offering, as here too the mother has the status of a peace offering, since a Paschal offering slaughtered before Passover as a peace offering is valid. Rava said to Abaye: Yes, it is indeed so, and they disagree in this case as well.

64 Abaye suggested another explanation of the opinion of Rabbi Elazar and said: In a case where the female animal designated as a Paschal offering gave birth before Passover, there is nobody who disagrees; rather, they all agree that the offspring may not be sacrificed. As it is learned as a tradition that to the place that the leftover offering goes, the offspring goes as well. Therefore, after Passover, when the leftover Paschal offering is sacrificed as a peace offering, the offspring is also sacrificed as a peace offering.

65 But before Passover, when the Paschal offering is not yet considered leftover, the offspring is endowed with the same sanctity as the mother. In what way is the mother consecrated? It is consecrated for the value of a Paschal offering, that is, so that it should be sold and a Paschal offering should be purchased with the proceeds, as the female animal itself may not be sacrificed as a Paschal offering. If so, the offspring as well is consecrated only for the value of a Paschal offering.

66 Rav Ukva bar Ḥama raises an objection to this explanation of Abaye: And do we say that Rabbi Elazar maintains that as its mother is consecrated only for the value of a Paschal offering, the offspring as well is consecrated only for the value of a Paschal offering? But isn’t it taught in a baraita: One who designates a female animal as a Paschal offering, it and its offspring are left to graze until they become unfit, and then they are sold, and he brings a Paschal offering with the money received for their sale. Rabbi Elazar says: The offspring itself is sacrificed as a Paschal offering.

67 But here it is a case where its mother was consecrated for the value of a Paschal offering, and nevertheless Rabbi Elazar said that the offspring itself is sacrificed as a Paschal offering, and we do not establish the status of the offspring based upon the sanctity of the mother.

68 Ravina says: One can answer that here we are dealing with a case of one who designates a pregnant animal, and Rabbi Elazar holds in accordance with the opinion of Rabbi Yoḥanan, who said with regard to one who consecrates a pregnant animal for a specific purpose, that if he left it out, i.e., designated the fetus as having a different sanctity, it is left out from the sanctity of the mother and consecrated in accordance with the designated sanctity. The reason is that a fetus is not considered the thigh of its mother, but rather the mother and its offspring are considered two separate animals. Here too, it is only its mother that is not sanctified with the inherent sanctity of a Paschal offering, but only for the value of a Paschal offering, as it is female. But the offspring is consecrated as a Paschal offering.

69 Mar Zutra, son of Rav Mari, said to Ravina: This, too, stands to reason, that we are dealing with a case where he designated a pregnant animal, from the fact that the baraita teaches: It and its offspring. This indicates that both the mother and its offspring were in existence at the time of the consecration. The Gemara comments: Conclude from here that this explanation is correct.

70 Rabbi Yosei, son of Rabbi Ḥanina, said: And Rabbi Elazar concedes to the opinion of the Rabbis with regard to a case where one designates a female animal for a guilt offering, which is only brought from a male animal, that its offspring is not sacrificed as a guilt offering. The Gemara asks: Isn’t that

obvious? As Rabbi Elazar states that the offspring may be sacrificed only if one designates a female animal for a burnt offering and it gives birth, due to the fact that there is burnt offering status for a bird that is the same sex as its mother. But with regard to one who designates a female animal as a guilt offering, where there is no guilt offering status for its mother, even Rabbi Elazar concedes that its offspring is not sacrificed as a guilt offering.

[71] The Gemara answers that this statement is nevertheless necessary, for if Rabbi Yosei, son of Rabbi Ḥanina, had not informed us of this halakha, I would say that the reason for the ruling of Rabbi Elazar, that one who designates a female animal for a burnt offering may sacrifice the offspring as a burnt offering, is not due to the fact that there is burnt offering status for a bird with the same sex as its mother; rather it is because the offspring is fit as an offering, as it is a male, and this too, the offspring of the female that was designated as a guilt offering, is likewise fit as an offering, as it is a male. Therefore, he teaches us that this offspring is not sacrificed even according to the opinion of Rabbi Elazar.

[72] The Gemara objects: If so, that Rabbi Yosei, son of Rabbi Ḥanina's ruling is necessary to exclude the possibility that Rabbi Elazar's reason is that the offspring is suitable as an offering, then say the following: Rather than teach us that the offspring of a female designated as a guilt offering is not sacrificed as a guilt offering, let him teach us a more expansive ruling, that its offspring is not sacrificed as a burnt offering, despite the fact that the mother is left to graze until it becomes unfit, at which point it is sold, and the proceeds are used for the purchase of a burnt offering. And from that ruling one would know that the same is true that the offspring is not sacrificed as a guilt offering.

[73] The Gemara explains: If he would teach us that according to Rabbi Elazar the offspring is not sacrificed as a burnt offering, I would say that it is only as a burnt offering that the offspring is not sacrificed, because he did not consecrate the mother with the same type of sanctity for the sake of which the fetus would be sacrificed. This is because the mother was consecrated as a guilt offering whereas the offspring would have been sacrificed as a burnt offering. But with regard to the option of sacrificing the offspring as a guilt offering, when the offspring has the same type of sanctity as that with which the mother was consecrated, I might say that the offspring is sacrificed as a guilt offering. Therefore, he teaches us that it is not sacrificed as a guilt offering, even according to the opinion of Rabbi Elazar.

[74] MISHNA: In the case of one who designates a female animal for a guilt offering, which may be brought only from males, it is left to graze until it becomes blemished and then it is sold, and he brings a guilt offering with the money received for its sale. And if in the interim, he designated a male animal and his guilt offering was already sacrificed, so that a guilt offering is no longer needed, the money received for the sale of the blemished female is allocated for communal gift offerings.

[75] Rabbi Shimon says: Since a female is unfit to be sacrificed as a guilt offering, its halakhic status is like that of a blemished animal in the sense that it does not become inherently sacred; rather, its value alone becomes sacred. Therefore, it may be sold without a blemish, and a guilt offering is purchased with the money received for its sale.

[76] GEMARA: The Gemara asks: And why do I need to wait until the female animal that was designated as a guilt offering becomes blemished before it can be sold? Let it be sold immediately even without a blemish: Since it is a female and therefore unfit for the matter for which it was designated, this is the same thing as a blemish.

[77] Rav Yehuda said that Rav said: This is the reason that the female animal may not be sold before it becomes blemished, for we say that as sanctity that inheres in its value has descended on it, therefore inherent sanctity has descended on it as well. Although it may not be sacrificed in any event, its inherent sanctity still mandates that it may not be sold until it becomes blemished. Rava says: That is to say that even if one consecrated a male animal with the intention of selling it and bringing a burnt offering or guilt offering with the money received for its sale, as it becomes sanctified with sanctity that inheres in its value, it also becomes sanctified with inherent sanctity. And as the animal is fit to be brought as a burnt offering or as a guilt offering, it is sacrificed.

[78] It was stated that this issue is subject to a dispute of amora'im: If one consecrated a male animal with the intention of selling it and bringing a burnt offering or guilt offering with the money received for its sale, Rav Kahana says that it is sanctified with inherent sanctity, whereas Rava says that it is not sanctified with inherent sanctity. But Rava later retracted his statement and agreed with the opinion of Rav Kahana, due to the aforementioned statement of Rav Yehuda citing that which Rav said, that as the animal becomes sanctified with sanctity that inheres in its value, inherent sanctity also takes effect.

[79] § The mishna teaches that Rabbi Shimon disagrees with the opinion of the Rabbis and says that a female animal that was designated as a guilt offering may be sold without a blemish, as it is unfit to be sacrificed as the offering for which it was designated, and this itself is considered a blemish. Rav Ḥiyya bar Avin said to Rabbi Yoḥanan: Why doesn't Rabbi Shimon say that as sanctity that inheres in its value has descended on it, inherent sanctity should descend on it as well, and therefore it may not be sold until it becomes blemished?

[80] Rabbi Yoḥanan said to Rav Ḥiyya bar Avin: Rabbi Shimon conforms to his standard line of reasoning, as he says with regard to anything that is not fit itself to be sacrificed upon the altar, that inherent sanctity does not descend upon it. As it is taught in a baraita: In the case of a guilt offering that should be sacrificed when it is in its first year, such as a guilt offering of a nazirite or of a leper, but the owner brought it when it was in its second year, or a guilt offering that should be sacrificed when it is in its second year, such as a guilt offering for robbery, for misuse of consecrated property, or for a designated maidservant, and the owner brought it when it was in its first year, the offering is fit, but it does not satisfy the obligation of the owner to bring a guilt offering, and he must bring another one.

[81] Rabbi Shimon says that the offering is disqualified, as these offerings themselves are not consecrated, due to the fact that the proper time of their offering has either not yet arrived or has already passed. This indicates that Rabbi Shimon maintains that in such a case there is no inherent sanctity.

[82] The Gemara objects: But consider the case of one who consecrates an animal whose time has not yet arrived, e.g., an animal that is less than eight days old, which is unfit to be sacrificed, and yet Rabbi Shimon said that it is sanctified with regard to the prohibition against the slaughter of sacrificial animals outside the Temple courtyard. This proves that according to Rabbi Shimon, even an offering that is not fit to be sacrificed has inherent sanctity. The Gemara explains that an animal whose time has not yet arrived is different, as it is fit to be offered tomorrow, i.e., automatically at a later stage, and is therefore considered to be fit for an offering.

[83] The Gemara objects: If so, that any animal which will be fit to be sacrificed when its time arrives is sanctified with inherent sanctity, the same should also apply to a guilt offering that should be offered when it is in its second year but the owner brought it to be sacrificed when it was in its first year, as it will be fit for sacrifice in another year. Why, then, doesn't it have inherent sanctity according to Rabbi Shimon? Rather, this is the reason of Rabbi Shimon in the case of an animal whose time has not yet arrived, as he derives it from the halakha of a firstborn.

[84] As it is taught in a baraita that Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: An animal whose time has not yet arrived enters the pen to be tithed together with the other animals. And it is considered in this regard to be like a firstborn: Just as a firstborn is sanctified before the time when it is fit to be sacrificed has arrived, i.e., immediately after birth, and it is sacrificed after its time, following the eighth day, so too, an animal whose time has not yet arrived is sanctified before its time has arrived and is sacrificed after its time.

[85] § The Gemara continues to discuss this dispute between Rabbi Shimon and the Rabbis: The Sages taught that one who consecrates a female animal for his burnt offering

[86] or for his Paschal offering or for his guilt offering, although these offerings are brought only from male animals, it is still consecrated with inherent sanctity. Therefore, if one exchanges for it a non-sacred animal, he renders that animal a substitute, which is consecrated with the same sanctity as the original animal.

[87] Rabbi Shimon disagrees with the Sages and says: The halakha is not the same in all these cases. Granted, if he consecrates a female animal for his burnt offering, it renders the non-sacred animal that is exchanged for it a substitute, as there is burnt offering status for female birds. For this reason it is consecrated with inherent sanctity and can be sold only after it has become blemished. But if he consecrates a female animal for his Paschal offering or for his guilt offering it is not consecrated with inherent sanctity, and it may be sold even without a blemish. Therefore, it does not render the non-sacred animal that is exchanged for it a substitute.

[88] This ruling is based upon the principle that no animal renders the non-sacred animal that is exchanged for it a substitute except for an animal that has inherent sanctity, which means that even if it may not be sacrificed, it must still be left to graze in order to become blemished, after which it is sold, and the proceeds from the sale are used to purchase a fit offering.

[89] Rabbi Yehuda HaNasi says, with regard to this dispute between Rabbi Shimon and the first tanna: I do not agree with the statement of Rabbi Shimon with regard to the Paschal offering, that a non-sacred animal exchanged for a female which was designated for a Paschal offering does not become consecrated as a substitute. I disagree, since a leftover Paschal offering is sacrificed after Passover as a peace offering, and a peace offering is brought even from female animals. Therefore, a female animal that was designated for a Paschal offering should be consecrated with inherent sanctity, as there is peace offering status for female animals. It should not be sold unless it has a blemish, and it should render a non-sacred animal that is exchanged for it a substitute.

[90] The Gemara clarifies the opinion of Rabbi Yehuda HaNasi: And let him also say: I do not agree with the statement of Rabbi Shimon with regard to a guilt offering, for the same reason that Rabbi Yehuda HaNasi disagrees with regard to the Paschal offering, since a leftover guilt offering is sacrificed as a burnt offering, and a bird burnt offering is brought even from female animals. Therefore, a female animal designated as a guilt offering should be consecrated with inherent

sanctity, and it should render a non-sacred animal that is exchanged for it a substitute. The Gemara explains: Rabbi Yehuda HaNasi holds in accordance with the opinion of the Rabbis, who say: Leftover guilt offerings are used for communal gift offerings, i.e., they are sold and the money is used to purchase communal gift offerings, and a substitute cannot be designated for a communal offering.

91 § The Gemara analyzes the opinion of Rabbi Shimon in the baraita: It might enter your mind to say that this is the reason for the ruling of Rabbi Shimon with regard to one who designates a female animal for his burnt offering: One renders a non-sacred animal that is exchanged for it a substitute due to that reason, that it has burnt offering status because of the case of a bird burnt offering, which may be brought as a female.

92 But if that is so, in the case of a High Priest who designated a female cow instead of his male bull that he is obligated to bring as a sin offering on Yom Kippur, it should be sanctified with regard to rendering a non-sacred animal that is exchanged for it a substitute. Here too, the status of a sin offering is upon it, as the red heifer of purification is similar to a sin offering and is female. The Gemara answers: The red heifer is not consecrated with inherent sanctity, as it is not sacrificed upon the altar; rather, it is consecrated for Temple maintenance, and items consecrated for Temple maintenance do not render a non-sacred animal that is exchanged for them a substitute.

93 The Gemara objects: According to Rabbi Shimon, if an individual, who is obligated to bring a female animal as a sin offering, designated a male goat instead of his female goat, it should be sanctified with inherent sanctity with regard to rendering a substitute, as it has sin offering status, due to the case of the male goat brought as a sin offering by the king. Alternatively, if a king, who is obligated to bring a male animal as a sin offering, designated a female goat instead of his male goat, it should be sanctified with inherent sanctity with regard to rendering a substitute, since here too it has sin offering status, as an individual designates a female goat as a sin offering. Therefore, Rabbi Shimon should have stated that these animals render non-sacred animals exchanged for them consecrated as substitutes.

94 The Gemara explains: Neither a female goat brought as a sin offering by a king nor a male goat brought as a sin offering by an individual are considered to have sin offering status. The reason is that these, the king and an individual, are two distinct bodies, and the status of an offering can be conferred only when such an offering is brought by people of the same status.

95 The Gemara objects: If so, then in a case where an individual sinned and is obligated to bring a female goat as a sin offering prior to being appointed as king, and he did not designate an animal as his offering before his appointment, if he designates a male goat instead of his female goat following his appointment, it should be sanctified with inherent sanctity with regard to substitution. In this situation, it should have sin offering status, as, if he sinned now, he is obligated to bring a male goat. The Gemara explains: This is not correct, as he did not sin when he was a king, and therefore was not actually obligated to bring a male goat, but a female goat.

96 The Gemara asks: If so, that the individual’s appointment as king does not give sin offering status to the male goat designated as a sin offering for a sin committed prior to his appointment, here too, one should say that a female animal designated for a burnt offering does not have burnt offering status, as the person is not a poor leper, and therefore he does not bring a bird burnt offering. Why,

then, does Rabbi Shimon maintain that such an animal renders a non-sacred animal that is exchanged for it a substitute?

97 The Gemara explains: The baraita is not referring to an obligatory burnt offering but rather to a voluntary burnt offering, and Rabbi Shimon holds in accordance with the opinion of Rabbi Elazar ben Azarya, who says that anyone, even a wealthy man, can bring a bird if he vows to bring a burnt offering. As we learned in a mishna (Menaḥot 107a) that one who says: It is incumbent upon me to bring a burnt offering, without specifying which animal, brings a lamb, which is the smallest animal that a wealthy man can bring as a burnt offering. Rabbi Elazar ben Azarya says: He may even bring a dove or pigeons as a bird burnt offering.

98 § The Gemara continues to discuss Rabbi Shimon's opinion in the baraita: We learned in a mishna elsewhere (Shekalim 4:7): In the case of one who consecrates all his possessions without specifying for what purpose, and among them there is an animal that is suitable to be sacrificed on the altar, or multiple such animals that are males and females, what should be done with them?

99 Rabbi Eliezer says: Since he did not specify otherwise, everything is consecrated for Temple maintenance. Therefore, any males should be sold for the needs of burnt offerings, i.e., to individuals who will sacrifice them as burnt offerings. And any females, as they cannot be brought as burnt offerings, should be sold for the needs of peace offerings, i.e., to individuals who will sacrifice them as such. And their monetary value that is received from their sale is allocated with the rest of his property for Temple maintenance.

100 Rabbi Yehoshua says: Although he did not specify for what purpose he consecrated his possessions, it may be assumed that he intended the animals to be consecrated as burnt offerings. Therefore, any males should themselves be sacrificed as burnt offerings, and any females, since they cannot be brought as burnt offerings, should be sold for the needs of peace offerings, i.e., to individuals who will sacrifice them as such, and their monetary value that is received from their sale should be used to purchase and bring burnt offerings. And according to both opinions, the rest of the property, which is not suitable for sacrificial use, is allocated for Temple maintenance.

101 Rabbi Ḥiyya bar Abba said to Rabbi Yoḥanan: According to the opinion of Rabbi Yehoshua, who said that any males should themselves be sacrificed as burnt offerings, as that was the intention of the one who consecrated them, how can the buyers sacrifice the females as peace offerings? He explains the difficulty: Their status stems from deferred sanctity, as they were consecrated to be burnt offerings, and a female that was designated as a burnt offering is not sacrificed upon the altar, but instead is left to graze until it becomes blemished and is then sold.

102 The Gemara cites another version of this statement: Rabbi Ḥiyya bar Abba said to Rabbi Yoḥanan: From the fact that Rabbi Yehoshua said that any males should themselves be sacrificed as burnt offerings, is this to say that he consecrated them with inherent sanctity? If so, why are the females sold for the needs of peace offerings? Since they were consecrated as burnt offerings, it is required that they be left to graze until they become blemished.

103 Rabbi Yoḥanan said to Rabbi Ḥiyya bar Abba: Rabbi Yehoshua holds in accordance with the opinion of Rabbi Shimon, who said with regard to anything that is not fit to be sacrificed itself upon the altar that inherent sanctity does not descend upon it. As we learned in the mishna that Rabbi Shimon says: If one designated a female for a guilt offering, for which one must bring a male, it may be sold without a blemish, and a guilt offering is purchased with the money received for its sale. And

we say that the reason of Rabbi Shimon is that as a female animal is not fit to be sacrificed as a guilt offering, inherent sanctity does not descend upon it.

[104] Rabbi Ḥiyya bar Abba objected to Rabbi Yoḥanan: You can say that Rabbi Shimon expressed his opinion specifically with regard to one who consecrates a female for a guilt offering,

[105] where there is no guilt offering status for an animal that is the same sex as its mother, as a female guilt offering is never brought. But with regard to one who designates a female animal as a burnt offering, where there is burnt offering status for a bird that is the same sex as its mother, even Rabbi Shimon concedes that it has inherent sanctity, and therefore it should not be sold for the needs of a peace offering.

[106] In addition, another objection can be raised against the explanation of Rabbi Yoḥanan, as we have heard that Rabbi Shimon maintains that one who designates a female animal as a burnt offering renders a non-sacred animal that is exchanged for it a substitute. This indicates that it does have inherent sanctity with regard to this issue. Therefore, the question remains: How can the buyers sacrifice the females as peace offerings, when their status stems from deferred sanctity?

[107] Rabbi Yoḥanan said to Rabbi Ḥiyya bar Abba in response: I meant that Rabbi Yehoshua holds in accordance with the interpretation of the other tanna with regard to the opinion of Rabbi Shimon. As it is taught in a baraita that Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: Even one who consecrates a female as his burnt offering does not render a non-sacred animal that is exchanged for it a substitute. Even though there is burnt offering status for female birds, a female animal consecrated as a burnt offering does not have inherent sanctity. Therefore, it is sold and sacrificed as a peace offering, and its status is not considered to stem from deferred sanctity.

[108] MISHNA: With regard to the substitute of a guilt offering, the offspring of that substitute, their offspring and the offspring of their offspring, until the end of all time, they are all left to graze until they become unfit, and then they are sold, and the money received for the sale is allocated for communal gift offerings. Rabbi Eliezer says: These animals are not left to graze; rather they are left to die. And Rabbi Elazar says: Communal gift offerings are not purchased with the money from the sale; rather, the owner should bring an individual burnt offering with the money received for its sale.

[109] These tanna’im similarly disagree about the following case: A guilt offering whose owner died, and a guilt offering that was lost and its owner gained atonement with another animal, graze until they become unfit, and then they are sold, and the money received for the sale is allocated for communal gift offerings. Rabbi Eliezer says: These animals are left to die. Rabbi Elazar says: The owner must bring an individual burnt offering with the money received for its sale.

[110] The mishna objects: But even according to the Rabbis, isn’t a gift offering also a burnt offering? And what then is the difference between the statement of Rabbi Elazar and the statement of the Rabbis? Rather, the Rabbis are referring to a communal burnt offering and Rabbi Elazar is referring to an individual burnt offering, and there are several differences between these two offerings: When the animal comes as an individual burnt offering, the owner places his hands upon it and brings the accompanying meal offering and libations, and its libations come from his own property. If the owner of the animal was a priest, the right to perform its Temple service and the right to its hide are his.

[111] And when it is a communal gift offering, the owner of the animal that was sold does not place his hands upon it, as there is no placing of hands for communal offerings, and he does not bring its

libations; rather, its libations are brought from the property of the community. Furthermore, although the owner of the animal that was sold is a priest, the right to perform its Temple service and the right to its hide are divided among the members of the priestly watch serving in the Temple that week.

[112] GEMARA: The mishna teaches that Rabbi Eliezer and the Sages disagreed about two cases, the substitute of a guilt offering and the halakha of a guilt offering whose owner died. The Gemara explains that both disputes are necessary.

[113] As, had the tanna taught us the dispute only in the case of the guilt offering where the owner achieved atonement through another animal, I might have said that perhaps it is in this case alone that Rabbi Eliezer says that the animals are left to die. This would be because he holds that there is a rabbinic decree concerning what to do with a guilt offering following the owner having achieved atonement, due to the case of a guilt offering before the owner achieved atonement. If burnt offerings were brought with the money from the sale in a case where the owner already achieved atonement by means of another offering, people might mistakenly say that if a guilt offering was lost and another was designated in its place, there too the other animal is sold and burnt offerings are brought from the proceeds. In fact, in that case, as atonement has not yet been achieved, that money must actually be used for a guilt offering.

[114] But with regard to the substitute of a guilt offering and the offspring of its substitute, which in any case are sent to graze, even if the owner did not achieve atonement with another animal, one might say that Rabbi Eliezer concedes to the Rabbis, as there is no need for such a decree.

[115] And had the tanna taught us the dispute only there, in the case of the substitute of a guilt offering and the offspring of the substitute, I might have said that perhaps it is only in this case that the Rabbis say the animals are sent to graze, as there is no reason for a decree. But with regard to the case of a guilt offering where the owners achieved atonement, one might say that they concede to Rabbi Eliezer that the animals are left to die, as a decree. Therefore, both cases are necessary.

[116] § Rav Naḥman says that Rabba bar Avuh says: This dispute between Rabbi Eliezer and the Rabbis with regard to the offspring of a substitute applies only after atonement has been achieved, i.e., after the guilt offering has been sacrificed. But before atonement is achieved, and the consecrated animal and the substitute are both present, everyone agrees that even the offspring itself is sacrificed as a guilt offering, if the owner wishes.

[117] Rava said: There are two refutations of this statement: One is that a person cannot achieve atonement through an item that comes from a transgression, and this offspring comes from a transgression, as its mother offspring was rendered a substitute, which is prohibited. And in addition, didn’t Rav Ḥananya teach a baraita in support of the opinion of Rabbi Yehoshua ben Levi, who said that only the first offspring of a peace offering is sacrificed, but the second offspring, i.e., the offspring of the offspring, is not sacrificed? Here too, the offspring of a substitute is considered like the second offspring, as it is two stages removed from the original offering.

[118] Rather, if it was stated, it was stated like this: Rav Naḥman says that Rabba bar Avuh says: The dispute between Rabbi Eliezer and the Rabbis with regard to the offspring of a substitute applies only before atonement has been achieved,as Rabbi Eliezer holds that it is left to die, due to a concern that it might be sacrificed as a guilt offering, whereas the Rabbis say that it is left to graze, as there is no concern that it will be brought as a guilt offering. But after the original guilt offering is sacrificed and

atonement has been achieved, everyone agrees that even the offspring itself is sacrificed as a burnt offering, as there is no further concern that it might be sacrificed as a guilt offering.

119 The Gemara asks: But didn't Rav Ḥananya teach a baraita in support of Rabbi Yehoshua ben Levi that the second offspring is not sacrificed? How, then, can the offspring of the substitute be sacrificed, as it too should be treated like the second offspring? The Gemara concedes: That is difficult.

120 § Rabbi Avin bar Ḥiyya inquired of Rabbi Avin bar Kahana: If one designated a female animal as a guilt offering and it gave birth to a male, what is the halakha with regard to whether its offspring is sacrificed as a burnt offering? The Gemara questions the necessity of this inquiry: And let him resolve the inquiry from the statement of Rabbi Yosei, son of Rabbi Ḥanina, who said that Rabbi Elazar concedes that if one designates a female animal as a guilt offering, the offspring is not sacrificed as a guilt offering, as there is no guilt offering status for animals that are the same sex as the mother, and likewise it is not sacrificed as a burnt offering, as the mother was designated as a guilt offering. The Gemara answers: Rabbi Avin bar Ḥiyya never heard that statement of Rabbi Yosei bar Ḥanina.

121 The Gemara returns to the inquiry of Rabbi Avin bar Ḥiyya: What is the halakha? Rabbi Avin bar Kahana said to Rabbi Avin bar Ḥiyya: Its offspring is sacrificed as a burnt offering. Rabbi Avin bar Ḥiyya challenges his response: What is this? Rabbi Elazar says in the mishna (18b) that the offspring itself is offered as a burnt offering only when he designates a female animal as a burnt offering and then it gives birth to a male, due to the fact that there is burnt offering status for a bird that is the same sex as its mother. But with regard to a female animal that was designated as a guilt offering and subsequently gave birth to a male, where there is no guilt offering status for animals that are the same sex as its mother, even Rabbi Eliezer concedes that its offspring is not sacrificed at all.

122 Rabbi Avin bar Kahana said to him in response: The reason for the statement of Rabbi Elazar, that the offspring of a female animal designated as a burnt offering is sacrificed as a burnt offering, is not because there is burnt offering status for an animal that is the same sex as its mother, but rather because it is fit to be sacrificed upon the altar, and this offspring of the female animal designated as a guilt offering is also fit to be sacrificed.

123 Rabbi Avin bar Ḥiyya raised an objection to Rabbi Avin bar Kahana from the mishna: Rabbi Elazar says that in the case of the offspring of a female animal that was designated as a guilt offering or the offspring of the substitute of a guilt offering, and the offspring of their offspring until the end of all time, they graze until they become blemished, and then they are sold, and the owner brings an individual burnt offering with the money received for their sale. The Gemara infers: With the money received for their sale, yes, he brings a burnt offering,

124 but the offspring itself is not sacrificed as a burnt offering. Rabbi Avin bar Kahana responds: What are we dealing with here? It is a case where the female designated as a guilt offering or as the substitute of a guilt offering gave birth to a female, which cannot itself be offered as a guilt offering. Rabbi Avin bar Ḥiyya asks: This is problematic, as the mishna states that the same is true with regard to the offspring of its offspring until the end of time. But could the mishna be referring to a case where until the end of time not even one male was born? Rabbi Avin bar Kahana said to him in response: I answer forced answers, in the manner of the Babylonians, and say that the mishna is

referring to a case where it gave birth to females, and those females also gave birth to females, until the end of time.

125 MISHNA: With regard to the substitute of a firstborn offering and the substitute of an animal tithe offering, and the offspring of those substitutes and the offspring of their offspring until the end of time, the halakhic status of these animals is like that of a firstborn offering and like that of an animal tithe offering in that they must be treated with sanctity: They graze until they become blemished, and at that point they may be eaten in their blemished state, the substitute of the firstborn by the priests and the substitute of the animal tithe by their owners. They are not sacrificed upon the altar like the original firstborn and animal tithe offerings.

126 What is the practical difference between a firstborn offering and an animal tithe offering and all the other sacrificial animals? The difference is that all the other sacrificial animals that were blemished and redeemed are sold in the butchers' market [ba'itliz], and slaughtered in the butchers' market, and weighed and sold by the litra, in the manner that non-sacred meat is slaughtered and sold. This is the case with regard to all consecrated animals except for the firstborn and animal tithe offerings, which are sold only from the home and not by the litra.

127 And in addition, all sacrificial animals that became blemished are subject to redemption through sale, at which point the money becomes sacred and the animal becomes non-sacred, and their substitutes are also subject to redemption through sale.This is true for all consecrated animals, except for the firstborn and animal tithe offerings, which are not subject to redemption. And all sacrificial animals come to be sacrificed in the Temple even from outside of Eretz Yisrael, except for the firstborn and animal tithe offerings, which should not be brought from outside Eretz Yisrael ab initio. But if they came unblemished, they are sacrificed in the Temple like a regular firstborn or animal tithe offering coming from Eretz Yisrael; and if they are blemished animals, they may be eaten in their blemished state, the firstborns by the priests and the animal tithes by their owners.

128 Rabbi Shimon says: What is the reason for this last difference between them? It is that the firstborn and animal tithe offerings have a remedy in their place outside Eretz Yisrael, as they can graze until they become blemished and then can be eaten there. It is not necessary to bring them to Eretz Yisrael in order to eat them. But with regard to all other sacrificial animals, even if a blemish develops in them, these animals remain in their sanctity, and one must redeem them and bring another offering with the money of their redemption. Therefore, when they are unblemished it is proper to bring these animals themselves to Eretz Yisrael.

129 GEMARA: With regard to the status of the substitute of firstborn and animal tithe offerings that was discussed in the mishna, Rava bar Rav Azza said that they inquired in the West, Eretz Yisrael: What is the halakha with regard to one who inflicts a blemish on the substitute of a firstborn offering or on the substitute of an animal tithe offering? Do we say that since they are not sacrificed on the altar like the actual firstborn or animal tithe offering, one who does this is not liable, as the prohibition against inflicting a blemish on a sacrificial animal applies only when one thereby disqualifies the animal from the altar, and that is not the case here; or perhaps since they are sanctified, he is liable for inflicting a blemish?

130 Abaye said to Rava bar Rav Azza: And let the dilemma be raised in a case of one who inflicts a blemish on other sacrificial animals, such as the ninth animal counted while selecting the animal tithe offering, which was mistakenly declared to be the tenth. This animal is consecrated in that one is

prohibited to work it or shear it until it becomes blemished, but it may not be sacrificed upon the altar.

131 Rather, what is different about the ninth animal, which one called the tenth, that you did not raise the dilemma about it? It is because the Merciful One excluded it, with the verse: “The tenth shall be holy to the Lord” (Leviticus 27:32), which serves to exclude from the altar the ninth that was mistakenly declared to be the tenth. One may derive from here that one who inflicts a blemish upon this ninth animal is not liable.

132 Here, too, with regard to the substitute of a firstborn, the Merciful One excluded it from the altar: “But the firstborn…you shall not redeem; they are holy” (Numbers 18:17). This indicates that they, the firstborns themselves, are sacrificed, but their substitute is not sacrificed, and it may be derived from here that one is also not liable for inflicting a blemish upon the substitute of a firstborn.

133 Rav Naḥman bar Yitzḥak teaches that statement in this way, in the opposite manner to the previous version: Rav Aḥa, son of Rav Azza, said that they inquired in the West, Eretz Yisrael: In the case of one who inflicts a blemish upon the ninth animal counted while selecting the animal tithe offering, what is the halakha? Abaye said to him: And let the dilemma be raised with regard to one who inflicts a blemish upon the substitute of a firstborn offering or the substitute of an animal tithe offering.

134 Rather, what is different about the substitute of a firstborn or the substitute of an animal tithe that you did not raise the dilemma about them? It is because the Merciful One excluded them, as it is stated: “They are holy,” which indicates that they themselves are sacrificed, but their substitutes are not sacrificed. With regard to the ninth animal counted while selecting the animal tithe as well, the Merciful One excluded it, as it is stated: “The tenth,” which serves to exclude from the altar the ninth that was mistakenly declared to be the tenth.

135 § The mishna teaches that although the firstborn and animal tithe offerings should not be brought from outside Eretz Yisrael ab initio, if they came unblemished, they may be sacrificed. With regard to this issue, the Gemara raises a contradiction: There was an incident where ben Antigonus brought up firstborn animals from Babylonia in order to sacrifice them and they did not accept them in the Temple. Rav Ḥisda said: That is not difficult: This statement in the mishna is in accordance with the opinion of Rabbi Yishmael, while this case of ben Antigonus is in accordance with the opinion of Rabbi Akiva.

136 As it is taught in a baraita that Rabbi Akiva and Rabbi Yishmael disagreed over this matter: Rabbi Yosei says three matters in the name of three elders: Rabbi Yishmael, Rabbi Akiva, and Ben Azzai, each of whom issued a different statement with regard to a firstborn and second tithe. Rabbi Yishmael says that one might have thought that a person may bring up second tithe in the present day to Jerusalem and eat it in Jerusalem.

137 But the opposite conclusion should be derived through logical inference from the halakha of a firstborn: A firstborn requires that it be brought to a specific place, i.e., Jerusalem, and second tithe requires that it be brought to a specific place. Just as a firstborn is eaten only in the presence of the Temple, so too, second tithe is eaten only in the presence of the Temple. This comparison can be refuted: No, if you said that this is true with regard to a firstborn, that it may be eaten only in the presence of the Temple, as it requires placing the blood and sacrificial portions of the offering upon

the altar, shall you also say that this is the case with regard to second tithe, for which this is not required?

[138] Rather, perhaps you will say that the halakha of eating second tithe in Jerusalem in the present is derived from a comparison to first fruits: First fruits require that they be brought to a specific place, i.e., Jerusalem, and second tithe requires that they be brought to a specific place. Just as first fruits may be eaten only in the presence of the Temple, so too, second tithe may be eaten only in the presence of the Temple.

[139] But this comparison is also flawed, as what is unique about first fruits? They are unique in that they require placement before the altar, as it is stated: “And the priest shall take the basket out of your hand, and set it down before the altar of the Lord your God” (Deuteronomy 26:4). Perhaps it is for this reason that they must be eaten in the presence of the Temple. Shall you say that this is also the case with regard to second tithe, which is not obligated in placement before the altar?

[140] The verse states with regard to second tithe: “And you shall eat before the Lord your God in the place that He shall choose to cause His name to dwell there, the tithe of your grain, of your wine, and of your oil, and the firstborn of your cattle and sheep” (Deuteronomy 14:23). This verse compares second tithe to the firstborn: Just as a firstborn is eaten only in the presence of the Temple, so too, second tithe is eaten only in the presence of the Temple. This concludes the statement of Rabbi Yishmael.

[141] The Gemara analyzes the opinion of Rabbi Yishmael: But let the inference return and compare second tithe to both the firstborn and first fruits together, and let the halakha of second tithe be derived by analogy from the common element [bema hatzad] of the two sources: Just as the firstborn and first fruits both require that they be brought to a specific place and are not eaten in the present time, so too, second tithe, which also requires that it must be brought to a specific place, should not be eaten in the present time.

[142] Rav Ashi said: The halakha of second tithe cannot be derived in this manner, because it can be said: What is notable about the common element of these cases? They are notable in that they have an aspect of their halakha that involves the altar: A firstborn must have its blood and sacrificial portions placed upon the altar, and first fruits must be placed before the altar, whereas no obligation with regard to the altar applies to the second tithe at all.

[143] According to Rabbi Yishmael, a firstborn is not eaten in the present day, but with regard to second tithe he is uncertain about the halakha. The Gemara asks: And what does he hold? If he holds that the initial consecration both sanctified Jerusalem for its time and sanctified Jerusalem forever, including the period after the destruction of the Temple, then a firstborn is no different and second tithe is no different, as both are capable of being brought to Jerusalem: In the case of the firstborn, an altar may be built upon which it may be offered, while second tithe may be eaten in Jerusalem, and the presence of the Temple is not required for either one. And if he holds that the initial consecration sanctified Jerusalem for its time but did not sanctify Jerusalem forever, and he is still uncertain about the status of second tithe, then raise the dilemma even with regard to the firstborn.

[144] The Gemara answers: Actually, he holds that the initial consecration sanctified Jerusalem for its time but did not sanctify it forever, and here we are dealing with a case where the blood of a firstborn offering was sprinkled upon the altar before the Temple was destroyed, and then the Temple was destroyed, but its flesh was still in existence.

[145] Since if the blood is still there and had not yet been sprinkled upon the altar, it is not subject to sprinkling, as the Temple has been destroyed, and consequently the meat of the firstborn offering may not be eaten. This halakha comes and is derived from the halakha of the blood, based upon the juxtaposition in the following verse: “You shall sprinkle their blood against the altar… and their flesh shall be yours” (Numbers 18:17–18). This teaches that the meat may be eaten only when the blood is fit to be sprinkled upon the altar. By contrast, there is no such juxtaposition with regard to second tithe, and therefore Rabbi Yishmael remains uncertain whether it may be eaten in the present time in Jerusalem.

[146] And then, as Rabbi Yishmael holds that a firstborn definitely may not be eaten in the present, he says that second tithe comes and its status is derived from the juxtaposition to the firstborn. The Gemara asks: And can we derive the halakhot of sacrificial food from one another? But doesn’t Rabbi Yoḥanan say: In the entire Torah, we may derive that which is derived from a halakha that was itself derived from another source, except for the case of sacrificial animals, where we do not derive that which is derived from that which was already derived from another source.

[147] The Gemara answers: Second tithe is considered non-sacred. Therefore, this derivation does not pertain to consecrated items. The Gemara asks: This works out well according to the one who said that we follow the halakha that is derived. If it is a consecrated item, it may not be derived from another halakha that was derived from another source, but if it is non-sacred, such as second tithe, it may be derived in this manner. But according to the one who said that we follow the halakha that teaches, what is there to say? In this case the halakha that teaches, i.e., the source of the derivation, is the meat of the firstborn, which is a consecrated item that is derived itself from the status of the blood of the firstborn. The Gemara answers: The status of the meat and the blood of a firstborn offering are one matter. Therefore, the meat is not considered as derived from another halakha.

[148] § The Gemara cites the second statement of Rabbi Yosei from the elders, in the continuation of the baraita above: Rabbi Akiva says: One might have thought that a person may bring up a firstborn from outside Eretz Yisrael to Eretz Yisrael when the Temple is standing and sacrifice it. Therefore, the verse states: “And you shall eat before the Lord your God, in the place which He shall choose to cause His name to dwell there, the tithe of your grain, of your wine, and of your oil, and the firstborn of your herd and of your flock” (Deuteronomy 14:23). Rabbi Akiva derives from here that only from the place that you bring up the tithe of grain to Jerusalem, i.e., from Eretz Yisrael, may you bring up a firstborn to the Temple as an offering.

[149] But from a place that you may not bring up the tithe of grain, i.e., outside Eretz Yisrael, you may not bring up a firstborn from there. Therefore, the statement of the mishna that if one did bring up an unblemished firstborn from outside Eretz Yisrael it may be sacrificed, is in accordance with the opinion of Rabbi Yishmael. By contrast, the statement that ben Antigonus brought firstborn offerings from Babylonia and they were not accepted as offerings is in accordance with the opinion of Rabbi Akiva.

[150] § The Gemara relates the third statement in the baraita, which discusses second tithe: Ben Azzai says that one might have thought that he may bring up second tithe and eat it in any place that overlooks Jerusalem.But could this matter not be derived through logical inference: A firstborn offering requires that it be brought to the place, i.e., Jerusalem, and a second tithe requires that it be

brought to the place. Just as a firstborn animal is eaten only within the walls of Jerusalem, so too, second tithe is eaten only within the walls of Jerusalem.

151 This inference may be refuted: What is unique about a firstborn? It is unique in that it requires the placement of the blood and sacrificial portions upon the altar. Shall you also say that this is the case with regard to second tithe, where that is not required? Therefore, the verse states: “And you shall eat before the Lord your God, in the place which He shall choose to cause His name to dwell there, the tithe of your grain, of your wine, and of your oil, and the firstborn of your herd and of your flock.” The verse juxtaposes second tithe and the firstborn, to teach that just as the firstborn is eaten only within the walls, so too, second tithe is eaten only within the walls.

152 The Gemara comments: What is difficult for ben Azzai that prompted him to say: One might have thought that it is permitted to eat second tithe in any place that overlooks Jerusalem? The Gemara explains: You can say that it is difficult for him since we learned in a mishna (Megilla 9b): The difference between the Tabernacle in Shiloh and the Temple in Jerusalem is only that in Shiloh one eats offerings of lesser sanctity, e.g., individual peace offerings, thanks offerings, and the Paschal lamb, and also the second tithe, in any place that overlooks Shiloh,but in Jerusalem one eats those consecrated items only within the walls.

153 And likewise, offerings of the most sacred order are eaten only in the area within the hangings, which surrounded the courtyard in the Tabernacle in Shiloh, which was equivalent to the area within the surrounding wall in the Temple courtyard in Jerusalem. Lest you say that even in Jerusalem, they may bring second tithe and eat it in any location that overlooks the walls, since, unlike the firstborn animal, second tithe does not possess any unique stringency, the verse teaches us that this is not so, as taught in the mishna.

154 § Rabbi Yosei cites one more statement in the baraita with regard to a firstborn: The mishna (Bekhorot 26b) states that a firstborn animal is eaten from one year to the next, i.e., within its first year, as it is stated: “You shall eat it before the Lord your God year by year” (Deuteronomy 15:20). Rabbi Yosei adds that others say: One might have thought that a firstborn whose first year has passed should have the same status as disqualified consecrated animals and therefore be disqualified.

155 Therefore, the verse states: “And you shall eat before the Lord your God…the tithe of your grain, of your wine, and of your oil, and the firstborn of your herd and of your flock.” The verse thereby juxtaposes a firstborn animal to second tithe, which teaches that just as second tithe is not disqualified from one year to the next, so too, a firstborn animal is not disqualified from one year to the next.

156 The Gemara asks: And according to the Rabbis, i.e., Rabbi Yishmael, Rabbi Akiva, and ben Azzai, who expound this verse for another explanation, from where do they derive that a firstborn animal is not disqualified from one year to the next? The Gemara answers: They derive it from the verse “You shall eat it before the Lord your God year by year.” The formulation “year by year” indicates two years, thereby teaching with regard to a firstborn animal that it is not disqualified from one year to the next.

157 The Gemara asks: And according to the opinion of the others, who derive this halakha from the juxtaposition of the firstborn and second tithe, with regard to what do they interpret the verse: “You shall eat it before the Lord your God year by year”? The Gemara answers: It is necessary for that which is taught in a baraita with regard to the time for the consumption of a firstborn animal: The

phrase “year by year” teaches that there is a manner in which it may be eaten over two years: During one day of this year, and during one day of the next year. The verse therefore teaches with regard to a firstborn offering that it may be eaten for two days and one night in between.

158 The Gemara asks: And the Rabbis, Rabbi Yishmael, Rabbi Akiva, and ben Azzai, from where do they derive the halakha that a firstborn offering may be eaten for two days and one night? The Gemara answers that the verse states with regard to the firstborn: “And their flesh shall be yours, like the breast of the waving and the right thigh, it shall be yours” (Numbers 18:18). The repetition of the expression “It shall be yours” teaches that one may eat the firstborn for one more day than a standard thanks offering, which may be eaten only for one day and one night.

Chapter 4

1 MISHNA: The offspring of a sin offering and the substitute for a sin offering, and a sin offering whose owner has died shall be sequestered and left to die. And with regard to a sin offering that is unfit for sacrifice because its first year from birth has passed, and a sin offering that was lost and when it was found, it was blemished, if it was after the owner achieved atonement through sacrifice of another animal as a sin offering, the blemished animal shall die, and it does not render a non-sacred animal exchanged for it a substitute.

2 Furthermore, one may not derive benefit from any of these sin offerings ab initio, but if one derived benefit from them, after the fact, he is not liable to bring a sin offering for misuse of consecrated items. And if the lost animal was found and discovered to be unfit before the owner achieved atonement for his sin with a different animal, it shall graze until it becomes blemished, and then it shall be sold. And he must bring another sin offering with the money received from the sale. And this animal renders a non-sacred animal exchanged for it a substitute, and one who derives benefit from this animal is liable for misusing it.

3 GEMARA: Although there are five types of sin offerings that are sequestered and left to die, the mishna initially states: The offspring of a sin offering, and the substitute for a sin offering, and a sin offering whose owner has died shall be sequestered and left to die, and only then mentions the remaining two types, a sin offering that is more than one year old and a sin offering that was lost and then found after the owner achieved atonement through the sacrifice of another animal. The Gemara asks: What is the reason the mishna does not teach them all together? The Gemara responds: With regard to those sin offerings taught in the first clause, there is an absolute rule that applies equally in all circumstances. But with regard to the remaining types taught in the latter clause, there is no absolute rule, as these sin offerings are left to die only if the owner has already achieved atonement with another animal.

4 The Gemara asks: This mishna also appears in tractate Me’ila (10b). Why do I need the tanna to teach this mishna in tractate Me’ila and why do I need him to teach it in tractate Temura? The Gemara responds: Here, in Temura, the mishna taught the halakhot pertaining to substitution, which is the central theme of tractate Temura. And since it taught the halakhot pertaining to substitution, it also taught the relevant halakhot pertaining to misuse of consecrated property. And similarly, since it

taught in tractate Me’ila the halakhot pertaining to misuse of consecrated property, which is the subject of tractate Me’ila, it also taught the relevant halakhot pertaining to substitution.

[5] § Reish Lakish says: With regard to a sin offering whose first year from birth has passed, one considers it as though it is standing in a cemetery, where a priest cannot enter in order to retrieve it and sacrifice it, and it is left to graze until it develops a blemish, after which it is sold and the money received in its sale is used to purchase another animal for a sin offering. Since Reish Lakish makes no distinction between an owner who already achieved atonement with another animal and one who did not, it seems that according to Reish Lakish, this is the halakha in all cases of a sin offering whose first year from birth has passed.

[6] The Gemara objects: We learned in the mishna: With regard to a sin offering whose first year from birth has passed and a sin offering that was lost and when it was found it was blemished, if it was after the owner achieved atonement through the sacrifice of another animal as a sin offering, the blemished animal is left to die. This is apparently a conclusive refutation of the opinion of Reish Lakish.

[7] The Gemara explains that Reish Lakish could say to you: When the mishna teaches in the first clause that the animal is sequestered and left to die, it is referring only to the case where it was lost and when it was found it was blemished. In that situation, if it was after the owner achieved atonement through the sacrifice of another animal as a sin offering, the blemished animal shall be left to die. By contrast, a sin offering whose first year from birth has passed is indeed left to graze until it develops a blemish.

[8] The Gemara objects: If so, say the latter clause: If the lost animal was found and discovered to be unfit before the owner achieved atonement for his sin with a different animal, it shall graze until it becomes blemished. Now, if the mishna is referring specifically to an animal that was lost and found when it was blemished, why is this statement necessary? Doesn’t it already stand blemished?

[9] Rabba said in response that this is what the tanna is saying: In a case where it was lost and subsequently found when it had a temporary blemish, then if it was after the owner achieved atonement with another sin offering, the blemished animal shall be left to die. But if this was before the owner achieved atonement with another sin offering, it shall graze until it becomes blemished with a permanent blemish, and then it shall be sold.

[10] Rava says: There are two refutations of Rabba’s statement: One refutation is that if it is so, that the mishna is referring to an animal that was lost and then found when it had a temporary blemish, then instead of stating: It shall graze until it becomes blemished, the mishna should have taught: One observes the animal to see whether the temporary blemish becomes permanent. And furthermore, according to this interpretation of the mishna, when it mentions the case of a sin offering whose first year from birth has passed, with regard to what halakha is that case taught?

[11] Rather, Rava said a different explanation of the mishna so that it does not contradict the statement of Reish Lakish: This is what the mishna is teaching: With regard to a sin offering whose first year from birth has passed and was lost, or one that was lost and when it was found it was blemished, which means that in each case, there are two disqualifying factors, the halakha is as follows: If the first animal is found after the owner achieved atonement with another sin offering, the animal shall be left to die. If it is found before the owner achieved atonement with another sin offering, it shall graze until it becomes blemished and then it shall be sold. Reish Lakish, by contrast, is referring to a

situation where the sin offering was not lost. In such a case there is only one disqualifying factor, and therefore the animal is left to graze regardless of whether or not the owner achieved atonement with another animal.

[12] Rava continues: And it was necessary for the mishna to teach: If it was lost, with regard to a sin offering that was found to be blemished, and also to teach that clause with regard to a sin offering whose first year has passed. In other words, it was necessary for the mishna to teach that in each of these cases losing the animal means that it must be sequestered and left to die if the owner already achieved atonement with another animal. As if it had taught this halakha only with regard to a sin offering whose first year has passed, I would say: It is only there that the fact that it was lost is effective in requiring that the animal must be left to die, because it is not fit for its original purpose, as an animal more than one year old is inherently unfit for a sin offering. But with regard to a blemished animal, which would have been fit for sacrifice if not for its blemish, I might say that the fact that it was lost is not effective in causing the animal to be left to die.

[13] And similarly, if the mishna had taught the halakha only with regard to a blemished animal, I would say: It is only there that the fact that it was lost is effective in requiring that the animal must be left to die, because a blemished animal is not fit for sacrifice at all. But with regard to a sin offering whose first year has passed, which is fit for sacrifice as a different offering, I might say that the fact that it was lost is not effective in causing the animal to be left to die. Consequently, it was necessary for the mishna to teach the halakha with regard to both cases.

[14] The Gemara asks: And did Rava actually say this, that an animal whose first year has passed and was then lost is left to die? But didn’t Rava say: A sin offering lost at night is not called lost? In other words, if the offering is lost at a time that it is not fit for sacrifice, the animal is not considered lost. Consequently, provided that the owner finds the sin offering before morning, it is left to graze and not to die, even if the owner designated another animal in its stead. By the same logic, as a sin offering whose first year has passed is not fit for sacrifice as a sin offering, it should not be considered lost even if the owner cannot locate it. Therefore, it should not be left to die.

[15] The Gemara responds: The case of a sin offering lost at night is not comparable to that of a sin offering lost after its first year has passed. When a sin offering is lost at night, it is not fit at all, neither for itself, i.e., to be sacrificed, nor for its value, to be sold and the proceeds used to purchase another offering. But with regard to this sin offering that was lost after its first year has passed, granted that it is not fit for itself, but it is fit for its value.

[16] The Gemara presents another challenge to the opinion of Rava: We learned in a mishna (Yoma 62a): On Yom Kippur, a pair of goats are brought to the Temple, and lots are drawn to determine which goat is to be sent to Azazel as the scapegoat, and which goat is sacrificed as a sin offering. If after the lots were drawn for both goats, the scapegoat died, another pair of goats is brought and lots are drawn for the second pair. In such a case, there are two goats that were selected as the sin offering, i.e., the remaining goat from the first pair and the goat selected from the second. One of them is sacrificed and the second goat shall graze until it becomes blemished, at which point it will be sold, and the money received from its sale will be allocated for communal gift offerings. This is because a communal sin offering is not left to die. One may infer from the mishna that under similar circumstances, the sin offering of an individual is left to die.

[17] The Gemara continues: And as the mishna does not specify which of the two goats is sacrificed as the sin offering, Rabbi Yoḥanan says: The goat from the second pair is sacrificed, since living animals are rejected. That is, animals that were consecrated for a specific purpose but were not fit to be used for that purpose at the proper time are permanently disqualified as a sacrifice. Accordingly, as the first goat was unfit for sacrifice when the first scapegoat died, it is permanently disqualified from the altar. And therefore, when the High Priest achieves atonement on behalf of the Jewish people, he achieves atonement with the second goat of the second pair [zug].

[18] The Gemara concludes: And the other goat, i.e., the first goat selected as the sin offering, is like a sin offering whose first year has passed, in that both are disqualified due to an external factor. And the Gemara infers that the reason the first goat is not left to die is that it is a communal sin offering; but if it was the sin offering of an individual, it would be left to die. Evidently, a sin offering whose first year has passed is left to die even if it was not lost.

[19] The Gemara responds: Rava could say to you: The case of sin offerings that were rejected is discrete and the case of sin offerings that were lost is discrete, i.e., the two cases cannot be compared. What is the reason for this? In the case of lost sin offerings, the owner's mind is on them, as he thinks that perhaps they will be found and will be fit for sacrifice. Therefore, they are not left to die simply because they are lost. But in the case of sin offerings that have been rejected, they do not become fit ever again, and therefore the owner's mind is not on them.

[20] § The Gemara discusses the matter itself, which was cited above: Rava said: A sin offering lost at night, when one cannot sacrifice an offering, is not called lost. Provided that the offering is found before morning, then even if the owner designated another sin offering in its stead, the first sin offering is not left to die. The Gemara asks: In accordance with whose opinion is this statement? If we say that it is in accordance with the opinion of the Rabbis, who maintain that a sin offering is not left to die unless the owner achieved atonement with another offering, why does Rava specifically mention that it was lost at night? Even if it was lost during the day it is not left to die, as the Rabbis say: A sin offering that was lost at the time when another animal was designated in its stead, but was found before this second animal was sacrificed, is left to graze until it develops a blemish.

[21] Rather, you must say that it is in accordance with the opinion of Rabbi Yehuda HaNasi, who maintains that if a sin offering was lost at the time when another animal was designated in its stead, the first sin offering is left to die even if it was found before the second animal was sacrificed. Rava teaches that Rabbi Yehuda HaNasi states his opinion only with regard to an animal lost during the day, but if the animal was lost only at night, even Rabbi Yehuda HaNasi concedes that it goes to graze and is not left to die.

[22] If you wish, say: Actually, Rava's statement is in accordance with the opinion of the Rabbis. And as for the question of why Rava specifies that it is lost only at night when the same halakha should apply even if it was lost during the day, one may respond: Here we are dealing with an animal that is still lost at the time when the owner achieves atonement with another animal. Rava teaches that when the Rabbis say that a sin offering that remained lost at the time when the owner achieved atonement with another animal is left to die, this applies only where the initial loss of the animal was during the day, when the animal could have been sacrificed. But in a case where the initial loss of the animal was at night, it is not left to die. According to this interpretation, Rava is not merely saying that a sin

offering is not classified as lost provided that it is found before morning. Rather, he maintains if it was initially lost at night it is never considered lost at all.

[23] § With regard to this matter, Abaye said: We have a tradition that a sin offering that was lost is left to die, but not a sin offering that was stolen; a sin offering that was lost is left to die, but not a sin offering that was robbed. If a sin offering was stolen or robbed, and the animal was returned after the owner achieved atonement with another animal, the first sin offering is left to graze until it develops a blemish, after which it is sold, and the proceeds are used to purchase a gift offering.

[24] The Gemara asks: What are the circumstances in which an animal is considered to be lost? Rabbi Oshaya says: Even one sin offering intermingled with other animals in the owner's flock, to the extent that he cannot discern which animal is the sin offering, is considered lost. And even one sin offering intermingled with one non-sacred animal, so that the owner does not know which is the sin offering, is considered lost. And Rabbi Yoḥanan says: An animal found behind the door is considered to have been lost.

[25] A dilemma was raised before the Sages with regard to the statement of Rabbi Yoḥanan: With regard to what case is he speaking? Does Rabbi Yoḥanan mean that it is only when the animal is found behind the door that it is considered to have been lost, as there is no one who sees it, but if the animal was outside and was intermingled with other animals, where there are people who see it, it is not considered to be lost? Or perhaps Rabbi Yoḥanan means that even when the animal is found behind the door, where if he would turn his face he would see it, the animal is considered lost, and all the more so if the animal was outside, where he does not see it, it is considered lost. Since no resolution is offered, the Gemara concludes: The dilemma shall stand unresolved.

[26] The Gemara further discusses a sin offering that was lost. Rav Pappa said: We learn through tradition that if a sin offering is lost from the owner but is not lost from the shepherd of the flock, i.e., the shepherd knows which animal is the sin offering, it is not considered lost. And all the more so, if the animal is lost from the shepherd but not lost from the owner, it is not considered lost. The Gemara asks: If the sin offering was lost from the owner and the shepherd, but there is one individual located far away, even at the end of the world, who recognizes the animal, what is the halakha? Again the Gemara concludes: The dilemma shall stand unresolved.

[27] § Rav Pappa raises a dilemma: In a case where a sin offering was lost, and the owner designated another sin offering in its stead, and the second sin offering was slaughtered, what is the halakha if the original sin offering was found after the blood of the second offering was collected in a cup and stands ready to be sprinkled upon the altar? The Gemara asks: In accordance with whose opinion does Rav Pappa raise this dilemma? If we say that he raises it in accordance with the opinion of Rabbi Yehuda HaNasi, this cannot be correct, as didn't Rabbi Yehuda HaNasi say that even a sin offering that was lost at the time when another animal was merely designated in its stead is left to die?

[28] Rather, when Rav Pappa raises the dilemma, he does so according to the opinion of the Rabbis, and the dilemma is as follows: Do we say that when the Rabbis said: A sin offering that was lost at the time when another animal was designated in its stead is left to graze, this applies only if the original animal was found before one collects the blood of the other sin offering in a cup; but here, where the other sin offering was already slaughtered and its blood was collected in a cup, the Rabbis hold: Any blood that stands ready to be sprinkled upon the altar is considered like it has already been

sprinkled, and it is as though the owner has achieved atonement? If so, this sin offering that was found after the collection of the blood should be left to die.

[29] Or perhaps the Rabbis maintain that as long as the blood has not been sprinkled on the altar, it is still considered like a case where the original offering was lost at the time when another animal was designated in its stead but was found by the time the second offering was brought to the altar. If so, as the first sin offering was found before the sprinkling of the blood, it should be left to graze until it develops a blemish.

[30] And there are those who say an alternate explanation of the dilemma: Actually, Rav Pappa raises his dilemma according to the opinion of Rabbi Yehuda HaNasi. And when Rav Pappa raises the dilemma, it is not with regard to a case involving two sin offerings, as described above. Rather, it is with regard to a case where the original sin offering was slaughtered and the priest collected its blood in two cups, and one of them was lost at the time when the priest sprinkled the blood of the remaining cup.

[31] The Gemara elaborates: And you should not raise the dilemma according to the opinion of the one who said that when blood is collected in two cups, one cup renders the blood of the other cup rejected, as in such a case, the entire offering is disqualified. Rather, when should you raise the dilemma? Raise it according to the opinion of the one who says that one cup renders the other cup a remainder, i.e., the blood in the second cup is considered the remainder of the first cup and is poured out at the base of the altar.

[32] The dilemma is as follows: Do we say that this statement, that the second cup is considered the remainder of the first cup, applies only in a case where both cups are present, since with whichever cup the priest wants, he may sprinkle; but here, since one of the cups is not present, the missing cup is therefore considered rejected and the offering is disqualified? Or perhaps it makes no difference whether both cups are present or not. The Gemara concludes: The dilemma shall stand unresolved.

[33] MISHNA: In the case of one who designates a sin offering, and the animal was lost, and he designated another in its stead and sacrificed it, and thereafter the first animal was found; that is a sin offering whose owner achieved atonement with another animal, and it shall be left to die.

[34] In the case of one who designates money for purchase of his sin offering, and the money was lost,and he designated an animal as a sin offering in its stead, and he sacrificed it, and thereafter, the money was found, it is prohibited to derive benefit from the money, as the money attains the halakhic status of the sin offering that was to be purchased with it, and that sin offering would be left to die because the owner achieved atonement with another animal. Therefore, he must take the money and cast it into the Dead Sea, from where it cannot be recovered.

[35] In the case of one who designates money for purchase of his sin offering, and the money was lost, and he designated other money in its stead, and he did not manage to purchase a sin offering with that money before the original money was found, he should bring a sin offering from a combination of this original money and that money designated in its stead, and the remainder shall be allocated for communal gift offerings.

[36] In the case of one who designates money for purchase of his sin offering, and the money was lost, and he designated an animal as a sin offering in its stead, and he did not manage to sacrifice the animal before the money was found, and the animal that he designated as a sin offering is blemished,

the animal shall be sold; and he brings a sin offering from a combination of this original money and that money received for the sale of the blemished animal, and the remainder shall be allocated for communal gift offerings.

37 In the case of one who designates a sin offering and the animal was lost, and he designated money in its stead, and he did not manage to purchase a sin offering with that money before his sin offering was found, and the animal is blemished, the animal shall be sold; and he brings a sin offering from a combination of this money that he designated and that money received for the sale of the blemished animal, and the remainder shall be allocated for communal gift offerings.

38 In the case of one who designates his sin offering and the animal was lost, and he designated another animal in its stead, and he did not manage to sacrifice the sin offering before the first sin offering was found, and both of the animals are blemished, the animals shall be sold; and he brings a sin offering from a third animal that he buys with a combination of the money from the sale of this animal and from the sale of that animal, and the remainder shall be allocated for communal gift offerings.

39 In the case of one who designates his sin offering and the animal was lost, and he designated another animal in its stead, and he did not manage to sacrifice the sin offering before the first sin offering was found, and both of the animals are unblemished and fit for sacrifice, one of them shall be sacrificed as a sin offering and the other shall be left to die; this is the statement of Rabbi Yehuda HaNasi. And the Rabbis say: A sin offering is not left to die unless it was found after its owner achieved atonement; and the money is not taken to the Dead Sea unless it was found after its owner achieved atonement.

40 In the case of one who designates a sin offering and the animal is blemished, he sells the animal and must bring another sin offering with the money received in its sale. Rabbi Elazar, son of Rabbi Shimon, says: If the second animal is sacrificed before the first is slaughtered for non-sacred consumption, the first animal shall be left to die. Although it was sold and rendered non-sacred, its status is now that of a sin offering whose owner already achieved atonement with another animal.

41 GEMARA: The first clause of the mishna states that if one designated an animal as a sin offering and the animal was lost, and he sacrificed another animal in its stead, and subsequently the first animal was found, it is left to die. The Gemara infers: The reason the animal is left to die is that he sacrificed another animal in its stead; but if he did not sacrifice another in its stead, and instead merely designated it, then the original sin offering is left to graze. In accordance with whose opinion is this statement? It is in accordance with the opinion of the Rabbis, who say that if a sin offering was lost at the time when another animal was designated in its stead, the original sin offering is left to graze.

42 The Gemara continues: But now say the latter clause of the mishna: In the case of one who designates money for purchase of his sin offering, and the money was lost, and he designated other money in its stead, he should bring a sin offering from a combination of this original money and that money designated in its stead, and the remainder shall be allocated for communal gift offerings. One may infer that the reason that the remainder is allocated for communal gift offerings is that he brings a sin offering from a combination of this original money and that money designated in its stead; but if the owner brought a sin offering from one of the two sums of money, he must take the other sum of money and cast it into the Dead Sea. If so, we arrive at the opinion of Rabbi Yehuda HaNasi, who

said: A sin offering that was lost at the time when another animal was designated in its stead is left to die.

[43] The Gemara asks: Can it be that the first clause of the mishna is in accordance with the opinion of the Rabbis, while the latter clause is in accordance with the opinion of Rabbi Yehuda HaNasi? The Gemara notes: This works out well according to Rav Huna, as Rav Huna said that Rav said:

[44] All concede, even the Rabbis, that if the owner did not consult the court about which animal to sacrifice, but instead he took one of the animals and sacrificed it, he has demonstrated a lack of concern for the fate of the remaining animal, and that therefore the second animal is left to die. Consequently, you find that both clauses of the mishna are consistent with the opinion of the Rabbis, as one may interpret the latter clause as referring to a case where the owner took one of the two sums of money, used it to purchase an animal, and sacrificed the animal, and in such a case, all agree that the other sum of money is cast into the Dead Sea.

[45] But according to that which Rabbi Abba says that Rav says, the mishna cannot be interpreted in this manner. As Rabbi Abba said: All concede that in a case where one achieves atonement through the one that was not lost, the one that was lost is left to die. With regard to what case do the Rabbis and Rabbi Yehuda HaNasi disagree? They disagree with regard to the case of one who achieves atonement with the one that was lost. As Rabbi Yehuda HaNasi holds that if one designates a sin offering instead of one that was lost, it is considered like the lost sin offering. Accordingly, just as the lost animal is left to die if the second sin offering was sacrificed, the replacement animal is left to die if the original animal was sacrificed. And the Rabbis hold that if one designates a sin offering instead of one that was lost, it is not considered like the lost animal. Rather, if the original animal is sacrificed, the replacement animal is left to graze, as it was never lost.

[46] Therefore, one must say that according to this explanation, the tanna taught us the first clause of the mishna in an unattributed manner in accordance with the opinion of the Rabbis, and he taught us the latter clause in an unattributed manner in accordance with the opinion of Rabbi Yehuda HaNasi.

[47] The Gemara asks: And what is the tanna teaching us by teaching its clauses in accordance with different opinions? Presumably, he is teaching us that Rabbi Yehuda HaNasi and the Rabbis disagree about this matter. But the tanna already teaches the dispute between Rabbi Yehuda HaNasi and the Rabbis explicitly in the latter clause: In the case of one who designates his sin offering and the animal was lost, and he designated another animal in its stead, and thereafter the first sin offering was found, and both of the animals stand fit for sacrifice, one of them shall be sacrificed and the other shall be left to die; this is the statement of Rabbi Yehuda HaNasi. And the Rabbis say: A sin offering is not left to die unless it was found after its owner achieved atonement; and the money is not taken to the Dead Sea unless it was found after its owner achieved atonement.

[48] The Gemara answers: This is what the tanna is teaching us in the latter clause, that this matter that was presented in a contradictory manner between the first and second clauses of the mishna is actually a dispute between Rabbi Yehuda HaNasi and the Rabbis.

[49] § The Gemara returns to the matter itself, which was cited above: Rav Huna says that Rav says: All concede that if the owner did not consult the court about which animal to sacrifice but instead took one of the animals and sacrificed it, the second animal is left to die. They disagree only in a case where the owner comes to consult the court. As Rabbi Yehuda HaNasi holds: The Sages did not care to enact a protective ordinance with regard to consecrated items, and it was of no concern to them

that one of the animals would be left to die. And therefore, we say to the owner: Go achieve atonement with the sin offering that was not lost, and the one that was lost shall be left to die. And the Rabbis hold: The Sages enacted a protective ordinance with regard to consecrated items, and we therefore say to the owner: Go achieve atonement with the sin offering that was lost, and the one that was not lost shall be left to graze.

[50] Rav Mesharshiyya raises an objection: And is there such an opinion that the Sages did not care to enact a protective ordinance with regard to consecrated items, to prevent them from being left to die? But isn't it taught in a baraita with regard to a verse that deals with the remainder of a meal offering: "And that which is left thereof shall Aaron and his sons eat; it shall be eaten without leaven in a holy place; in the court of the Tent of Meeting they shall eat it" (Leviticus 6:9). Why must the verse state at the end the apparently redundant expression: "They shall eat"? The verse teaches that if the remainder constitutes a small amount for consumption, the priests eat non-sacred food and teruma with it, so that the remainder will be eaten while satiated.

[51] Furthermore, why must the verse state: "They shall eat it"? The verse teaches that if the remainder constitutes a large amount for consumption, e.g., there are many remainders from the meal offerings, then one does not eat non-sacred food or teruma with it, so that it will not be eaten in an excessive manner. Otherwise, one might fail to consume the entire remainder, and some of it would be rendered leftover from an offering after the time allotted for its consumption [notar].

[52] Rav Mesharshiyya concludes his objection: This baraita teaches that an ordinance was enacted in order to prevent the remainder of a meal offering from being rendered notar. The same reasoning should apply to other consecrated items, including a sin offering. What, is it not that this baraita is stated even according to the opinion of Rabbi Yehuda HaNasi? The Gemara responds: No, this baraita is stated specifically according to the opinion of the Rabbis.

[53] And Rabbi Abba says that Rav says: All concede that in a case where one achieves atonement through the one that was not lost, the one that was lost is left to die. With regard to what case do the Rabbis and Rabbi Yehuda HaNasi disagree? They disagree with regard to a case where one achieves atonement with the one that was lost. As Rabbi Yehuda HaNasi holds that if one designates a sin offering instead of one that was lost, it is considered like the lost sin offering. Therefore, the second animal is left to die. And the Rabbis hold that if one designates a sin offering instead of one that was lost, it is not considered like the lost animal. Accordingly, the second animal is left to graze.

[54] The Gemara objects to the explanation of Rabbi Abba in the name of Rav: We learned in a mishna (Yoma 62a): On Yom Kippur, a pair of goats is brought to the Temple, where lots are drawn to determine which goat is sent to Azazel as the scapegoat, and which goat is sacrificed as a sin offering. If the scapegoat died after the lots were drawn for both goats, another pair of goats is brought and lots are drawn for the second pair. This means that there are two goats that were selected as the sin offering, i.e., the remaining goat from the first pair and the goat selected from the second pair. One of these is sacrificed; and the second goat shall graze until it becomes blemished, and it shall then be sold, and the money received from its sale will be allocated for communal gift offerings. This is because a communal sin offering is not left to die. One may infer from the mishna that under similar circumstances, the sin offering of an individual is left to die.

[55] The Gemara continues its objection: And Rav says with regard to this mishna: Living animals are not rejected. In other words, the sin offering from the first pair is not disqualified on account of the

death of the first scapegoat. And therefore, when he achieves atonement, he may even achieve atonement with the second goat of the first pair. And the other sin offering from the latter pair is like an animal designated instead of an offering that was lost, as the second pair was brought due to the death of the first scapegoat. And the mishna states that the reason the remaining sin offering is not left to die is that it is a communal sin offering, but if it were the sin offering of an individual, it would be left to die.

[56] The Gemara concludes: What, is it not that this mishna is stated even in accordance with the opinion of the Rabbis? If so, the mishna is teaching that even according to the Rabbis, an offering designated in the stead of a lost animal is considered like the lost animal, which would contradict the statement of Rabbi Abba. The Gemara responds: No, it is stated only in accordance with the opinion of Rabbi Yehuda HaNasi.

[57] The Gemara poses a challenge to the explanations of both Rav Huna and Rabbi Abba from that which we learned in the mishna: In the case of one who designates a sin offering, and the animal was lost, and he designated another in its stead and sacrificed it, and the first animal was subsequently found, that is a sin offering whose owner achieved atonement with another animal, and it shall be left to die.

[58] The Gemara infers: The reason that the original animal is left to die is that the second animal was already sacrificed, but if the owner did not sacrifice the second animal before the original animal was found, then the original animal is left to graze. The mishna apparently indicates that there is no difference whether he achieves atonement with the sin offering that was lost and there is no difference whether he achieves atonement with the sin offering that was not lost. It can likewise be inferred from the mishna that there is no difference whether he took the animal and sacrificed it without consulting the court and there is no difference whether he did not take the animal and sacrifice it without consulting the court. In all cases, if the owner had not yet achieved atonement then the remaining animal is left to graze.

[59] If so, this is a conclusive refutation of the opinions of both of them, since according to Rav Huna everyone agrees that an animal is left to die if the owner took one of the animals without consulting the court; and according to Rabbi Abba everyone agrees that if the owner achieved atonement with the second animal, the lost animal is left to die.

[60] The Gemara responds: One should not infer in that manner from the mishna. Rather, the tanna of the mishna taught a matter that was absolute, i.e., a case where the second animal was sacrificed before the original animal was found, as the lost animal is always left to die. He did not teach a matter that was not absolute, i.e., a matter that depends on some other factor, e.g., whether the owner took the animal without consulting the court, or whether the owner achieved atonement with the lost animal.

[61] The Gemara poses another difficulty from that which we learned in the mishna: In the case of one who designates money for purchase of his sin offering, and the money was lost, and he designated other money in its stead, and thereafter the original money was found, he should bring a sin offering from a combination of this original money and that money designated in its stead, and the remainder shall be allocated for communal gift offerings.

[62] The Gemara infers: The reason that the remainder is allocated for communal gift offerings is that he atones by bringing a sin offering from a combination of this original money and that money

designated in its stead, but if the owner brought a sin offering from one of the two sums of money, he must take the other money and cast it into the Dead Sea.

[63] The mishna apparently indicates that there is no difference whether he achieves atonement with the money that was lost and there is no difference whether he achieves atonement with the money that was not lost, and there is no difference whether he took the money and brought a sin offering without consulting the court and there is no difference whether he did not take the money without consulting the court. In all cases, the other money is cast into the Dead Sea. If so, this is a conclusive refutation of the opinions of both Rav Huna and Rabbi Abba, as the mishna does not conform to either explanation. The Gemara responds: Here too, the tanna taught a matter that was absolute, i.e., a case where the owner achieved atonement with one of the two sums of money, but he did not teach a matter that was not absolute.

[64] § With regard to designating money for purchasing a sin offering, Rabbi Ami says: In the case of one who designates two piles of money as a guarantee, so that in the event that one pile is lost he will purchase his sin offering with the other pile, he achieves atonement with one of them, and the second pile is allocated for communal gift offerings.

[65] The Gemara asks: In accordance with whose opinion is this statement? If we say that it is in accordance with the opinion of Rabbi Yehuda HaNasi, it is obvious that the second pile of money is allocated for communal gift offerings, as Rabbi Yehuda HaNasi says that the surplus money is cast into the Dead Sea only in a case where one designated the money instead of money that was lost. But if one separated the two sums of money at the same time as a guarantee, Rabbi Yehuda HaNasi concedes that the unused money is allocated for gift offerings.

[66] Rather, you will say that it is in accordance with the opinion of the Rabbis. But if so, isn’t it obvious that the unused money is allocated for communal gift offerings, due to the following a fortiori inference: Now that the Rabbis say with regard to one who designates money to replace money that was lost that it is not considered like the lost money and is not cast into the Dead Sea, is it necessary to teach that money designated as a guarantee is allocated for communal gift offerings and is not cast into the sea?

[67] Rather, it was necessary for Rabbi Ami to teach this halakha according to the opinion of Rabbi Shimon, who holds that whenever the owner achieved atonement with another sin offering the remaining animal is left to die, even if it was initially designated as a guarantee. Lest you say that just as Rabbi Shimon does not hold that an animal is left to graze if the owner achieved atonement with another animal, he also does not maintain that the unused money is allocated for communal gift offerings, Rabbi Ami teaches us that even Rabbi Shimon holds that if one separates additional money as a guarantee, the unused money is allocated for communal gift offerings.

[68] The Gemara asks: But how can you say that one might think that Rabbi Shimon does not hold that the unused money is allocated for communal gift offerings? Isn’t it taught in a mishna (Shekalim 18a): There were thirteen collection horns in the Temple, and the intended use of the funds was written upon each one, as follows: New shekels, for shekels given for the current year; and old shekels, for shekels given belatedly for the previous year; pairs of birds, whose funds were used to purchase obligatory bird offerings, e.g., for a woman who gave birth; and fledglings designated for voluntary burnt offerings; wood for the arrangement on the altar; and frankincense that accompanied

meal offerings; and gold donated for the Ark Cover. And the remaining six horns were designated for the purchase of communal gift offerings.

69 And it is taught with regard to that mishna: The funds contained in the six horns designated for communal gift offerings were used to purchase burnt offerings that come from the surplus funds which had been allocated for the purchase of sin offerings or guilt offerings and were not needed for those purposes. Such burnt offerings were brought in the absence of other offerings, so that the altar would not remain idle. Unlike other burnt offerings, the hides of these offerings were not given to the priests; rather, they were sold, and the money received from their sale was allocated for additional communal gift offerings. This is the statement of Rabbi Yehuda.

70 Rabbi Neḥemya said to him, and some say it was Rabbi Shimon who said to Rabbi Yehuda: If so, the teaching of Jehoiada the High Priest has been negated. As it is taught in the aforementioned mishna: This teaching was taught by Jehoiada the High Priest: There is an apparent contradiction in a verse. On the one hand, the verse states: “It is a guilt offering” (Leviticus 5:19), indicating that the meat of this guilt offering is eaten by the priests, as is the halakha with regard to all guilt offerings. On the other hand, the same verse concludes: “He is certainly guilty before the Lord,” which indicates that the entire offering is for God, like a burnt offering. Rather, the verse comes to include the following halakha: With regard to anything that comes from surplus funds designated for sin offerings or guilt offerings, those funds should be used to purchase burnt offerings. The meat of these burnt offerings is entirely for God, and the hides are given to the priests, as is the halakha with regard to burnt offerings.

71 The Gemara concludes: Apparently, Rabbi Shimon does hold that surplus funds which were designated for sin offerings are allocated for communal gift offerings. The statement of Rabbi Ami is therefore unnecessary even according to the opinion of Rabbi Shimon. The Gemara responds: It was necessary for Rabbi Ami to teach this halakha, as it might enter your mind to say: When Rabbi Shimon holds that surplus money which was designated for a sin offering is allocated for communal gift offerings, that applies only in a case where the surplus is from one set of money, e.g., one allocated funds to purchase a goat and the price of goats depreciated, and therefore there is now a surplus from the money that was set aside.

72 But in a case where one designates two distinct sets of money, such as an additional set of money as a guarantee, Rabbi Shimon does not state that the surplus money is allocated for communal gift offerings. Rabbi Ami therefore teaches us that even in this case, Rabbi Shimon agrees that the surplus money is allocated for communal gift offerings.

73 § Rabbi Hoshaya says: In the case of one who designates two animals as sin offerings as a guarantee, so that if one animal is lost he will achieve atonement with the other animal, he achieves atonement with one of them, and the other is left to graze until it develops a blemish. It is then sold, and the money received from its sale is used to purchase communal gift offerings.

74 The Gemara asks: In accordance with whose opinion does Rabbi Hoshaya state this halakha? If we say that it is in accordance with the opinion of the Rabbis, then it is unnecessary. The Gemara explains: Now that in a case where one designates a sin offering instead of one that was lost, the Rabbis say that it is not considered like the lost animal, and it is therefore left to graze, is it necessary to state that in a case where one designates an additional sin offering as a guarantee, the second animal is left to graze?

[75] Rather, you will say that Rabbi Hoshaya states this halakha in accordance with the opinion of Rabbi Shimon. But didn't Rabbi Shimon say that there are five sin offerings that are left to die, one of which is a sin offering whose owner has achieved atonement with another animal? If so, even in a case where one designated an additional animal as a guarantee, once the owner has achieved atonement the remaining animal is left to die.

[76] Rather, Rabbi Hoshaya states this halakha in accordance with the opinion of Rabbi Yehuda HaNasi. Rabbi Hoshaya is teaching that when Rabbi Yehuda HaNasi said that a sin offering whose owner achieved atonement with another animal is left to die, that applies only in a case where one designated the second animal instead of a lost sin offering. But in a case where one initially designated an additional sin offering as a guarantee, Rabbi Yehuda HaNasi does not hold that the remaining offering is left to die.

[77] The Gemara poses a challenge to this explanation: We learned in the mishna (22b): In the case of one who designates a sin offering and the animal is blemished, he sells the animal and brings another sin offering in its stead with the money received in its sale. Rabbi Elazar, son of Rabbi Shimon, says: If the second animal is sacrificed before the first is slaughtered for non-sacred consumption, the first animal shall be left to die, as it is considered an animal whose owner already achieved atonement with another animal.

[78] The Gemara continues: It enters your mind to say that Rabbi Elazar, son of Rabbi Shimon, holds in accordance with the opinion of Rabbi Yehuda HaNasi, who says that if one achieved atonement with one sin offering, the remaining animal is left to die. Likewise, even if the remaining animal is no longer sacred, it is left to die if the owner achieved atonement with the other animal. And if so, even if one initially designated an additional sin offering as a guarantee, the remaining animal should also be left to die. Consequently, the statement of Rabbi Hoshaya cannot be in accordance with the opinion of Rabbi Yehuda HaNasi.

[79] The Gemara responds: No, perhaps Rabbi Elazar, son of Rabbi Shimon, does not hold in accordance with the opinion of Rabbi Yehuda HaNasi. Rather, he holds in accordance with the opinion of his father, Rabbi Shimon, who said that there are five sin offerings left to die, one of which is a sin offering whose owner achieved atonement with another animal. Since Rabbi Shimon does not qualify this statement, he evidently maintains that the remaining sin offering is always left to die, even when it is no longer sacred. If so, the statement of Rabbi Hoshaya can be in accordance with the opinion of Rabbi Yehuda HaNasi.

[80] The Gemara poses a challenge to the statement of Rabbi Hoshaya: We learned in a mishna (Yoma 62a): With regard to the lottery involving the two goats brought on Yom Kippur, if after the lots were drawn for both goats, the scapegoat died, another pair of goats is brought and lots are drawn for the second pair. With regard to the two goats selected to be the sin offering, i.e., the remaining goat from the first pair and the goat selected from the second, one is sacrificed and the second goat shall graze until it becomes blemished, after which it is sold and the money received is allocated for communal gift offerings. This is because a communal sin offering is not left to die. One may infer from the mishna that under similar circumstances, the sin offering of an individual is left to die.

[81] The Gemara continues: And as the mishna does not specify which of the two goats is brought as the sin offering, Rav says that living animals are not rejected. In other words, the sin offering from the first pair is not disqualified on account of the death of the first scapegoat. And therefore, when he

achieves atonement, he may achieve atonement even with the second goat of the first pair. The Gemara explains the difficulty: And the other goat that was selected as the sin offering from the second pair is like one that was initially consecrated as a guarantee, as it was not consecrated to replace a lost offering. And yet the mishna teaches that in a comparable case involving the sin offering of an individual, it is left to die. This apparently contradicts the ruling of Rabbi Hoshaya.

[82] The Gemara responds: Rav conforms to his standard line of reasoning, as he said: It is a mitzva to sacrifice the first offering that was designated. Consequently, when the second sin offering is consecrated, it is already known that it will not be sacrificed. It is therefore considered like an animal designated instead of one that was lost. But in a case where one initially designates an additional sin offering as a guarantee, he is permitted to achieve atonement with either animal ab initio. Therefore, the one that is not sacrificed is left to graze.

[83] § With regard to the dispute between Rabbi Yehuda HaNasi and the Rabbis, Rav Shimi bar Ziri taught the following baraita before Rav Pappa: In a case where a sin offering was lost at the time when one designated a sin offering in its stead, and one found the lost sin offering before sacrificing the replacement, there is a dispute between tanna'im. According to Rabbi Yehuda HaNasi, the offering that is not sacrificed is left to die, and according to the Rabbis it shall be left to graze. If the first sin offering was lost at the time when one achieved atonement with another animal, then according to the Rabbis the first sin offering is left to die, and according to Rabbi Yehuda HaNasi it is left to graze.

[84] Rav Pappa said to Rav Shimi bar Ziri: This cannot be correct, due to an a fortiori inference: And what, if in the case of a sin offering that was lost at the time when its owner designated an animal in its stead, where the Rabbis say that the offering that is not sacrificed is left to graze, and yet Rabbi Yehuda HaNasi says it is left to die, then in the case of a sin offering that was lost at the time when its owner achieved atonement with another animal, where according to the Rabbis the remaining animal is left to die, is it not all the more so true that according to Rabbi Yehuda HaNasi it is left to die?

[85] Rather, teach the baraita in this manner: If a sin offering was lost at the time when one designated an animal in its stead, and the owner found the lost sin offering before sacrificing the replacement, according to Rabbi Yehuda HaNasi the offering that is not sacrificed is left to die, and according to the Rabbis it is left to graze. If the first sin offering was lost at the time when one achieved atonement with another animal, all agree that it is left to die.

[86] § The mishna teaches: In the case of one who designates a sin offering and the animal is blemished, he sells the animal and must bring another sin offering with the money received from its sale. Rabbi Elazar, son of Rabbi Shimon, says: If the second animal is sacrificed before the first is slaughtered for non-sacred consumption, the first animal shall be left to die. Although it was sold and rendered non-sacred, its status is that of a sin offering whose owner already achieved atonement with another animal.

[87] The Sages taught: One may not flay the skin of an animal from its feet on a Festival. Although it is permitted to slaughter and skin an animal on a Festival, one may not do so in such a manner to retain the hide intact to enable it to function as a vessel, e.g., a water skin. Similarly, one may not flay a firstborn kosher animal from its feet even on a weekday, and even if the animal is blemished, nor

may one flay from the feet disqualified consecrated animals that have been redeemed, as flaying from the feet is considered degrading.

[88] The Gemara asks: Granted, everyone agrees that one may not flay an animal from its feet on a Festival, as one who does so exerts effort that is not fit for the Festival. But with regard to a firstborn offering, who is the tanna who taught that flaying from its feet is prohibited?

[89] Rav Ḥisda said: It is the opinion of Beit Shammai, who say that a firstborn animal retains its sanctity even after it becomes blemished. As we learned in a mishna (Bekhorot 32b) that Beit Shammai say: An Israelite may not be granted a portion of a blemished firstborn animal along with a priest. Just as Beit Shammai prohibit an Israelite from partaking of even a blemished firstborn animal, they prohibit flaying the skin of a firstborn animal from its feet.

[90] The Gemara asks: With regard to disqualified consecrated animals, who is the tanna who taught that one may not flay them from their feet? Rav Ḥisda says: It is the opinion of Rabbi Elazar, son of Rabbi Shimon. As it is taught in a baraita: If there were two sin offerings before him, where one was designated as a guarantee for the other should it become lost or disqualified, and one was unblemished and one became blemished after it was designated, then the unblemished animal shall be sacrificed and the blemished animal shall be redeemed.

[91] The baraita continues: If the blemished animal was slaughtered after it was redeemed, and this occurred before the blood of the unblemished animal was sprinkled upon the altar, then the meat of the blemished animal is permitted. But if it was slaughtered after the blood of the unblemished animal was sprinkled on the altar, it is prohibited to derive benefit from the blemished animal, as it has the status of a sin offering whose owner achieved atonement with another animal.

[92] Rabbi Elazar, son of Rabbi Shimon, says: Even if the meat of the blemished animal is already cooking in the pot, and the blood of the unblemished sin offering was then sprinkled on the altar, it is prohibited to derive benefit from the meat of the blemished animal, and it goes to the place designated for burning disqualified offerings, as it is considered a sin offering whose owner achieved atonement with another animal. Just as Rabbi Elazar, son of Rabbi Shimon, prohibits the meat of a disqualified sin offering that was redeemed and slaughtered, he likewise prohibits one from flaying it from its feet.

[93] The Gemara objects: And let Rav Ḥisda establish both this halakha and that halakha in accordance with the opinion of Beit Shammai. Why does Rav Ḥisda establish the prohibition against flaying disqualified consecrated animals from the feet specifically in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon? Presumably, just as Beit Shammai prohibit flaying a firstborn from its feet, they also prohibit one from doing so to disqualified consecrated animals.

[94] The Gemara explains: Perhaps when Beit Shammai said that a firstborn animal retains its sanctity even after it is blemished, they said that only with regard to a firstborn, whose sanctity is attained from the womb, i.e., from birth. But with regard to disqualified consecrated animals, perhaps Beit Shammai do not hold that they retain their sanctity after they become blemished and are redeemed.

[95] The Gemara objects from the other angle: But let Rav Ḥisda establish both this halakha and that halakha in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon. Presumably, just as Rabbi Elazar, son of Rabbi Shimon, prohibits one from flaying disqualified consecrated animals from the feet, he also prohibits one from doing so to firstborn animals.

96 The Gemara explains: Perhaps when Rabbi Elazar, son of Rabbi Shimon, said that the sanctity of a blemished consecrated animal remains even if it was already redeemed and is cooking in the pot, he said this only with regard to disqualified consecrated animals, whose sanctity is strong enough to apply to the redemption money paid for these animals. But in the case of a blemished firstborn animal, which cannot be redeemed, Rabbi Elazar, son of Rabbi Shimon, does not hold that it retains its sanctity even after it is blemished.

97 The Gemara objects: But does Rabbi Elazar, son of Rabbi Shimon, not hold in accordance with that which we learned in a mishna (Bekhorot 31a): All disqualified consecrated animals that have been redeemed may be slaughtered in the butchers' market and sold in the butchers' market, where there are many buyers, and their meat is weighed by the litra, like non-sacred meat. Apparently, once you permit the sale of disqualified consecrated meat in the manner of non-sacred meat, one may increase the sale price and sell it at a greater profit. Since the Temple treasury stands to gain from such a sale, it is permitted to handle the disqualified consecrated meat in the manner of non-sacred meat. Here, too, as an animal that may be flayed from its feet would be sold for a higher price, the flaying from the feet of disqualified consecrated animals should be permitted, as the Temple treasury stands to gain from that sale.

98 Rav Mari, son of Rav Kahana, says in response: That which improves the hide damages the meat. If one is careful to remove the entire hide without cutting it, he will inevitably cut away some of the meat, thereby lowering the proceeds from the meat. Consequently, the ability to flay a disqualified consecrated animal from its feet does not increase its overall sale price.

99 In the West, Eretz Yisrael, they said in the name of Rabbi Avin another reason it is prohibited to flay disqualified consecrated animals from their feet: It is because it appears as though one is performing labor with sacrificial animals, which is prohibited.

100 Rabbi Yosei bar Avin says: The prohibition against flaying disqualified consecrated animals from the feet is a rabbinic decree, lest one delay slaughtering the animals until he finds someone to purchase the hide, and in doing so, he will raise many flocks of disqualified consecrated animals, which will likely lead to a transgression of the prohibitions of shearing or working disqualified consecrated animals.

Chapter 5

1 MISHNA: How may one employ artifice to circumvent the obligation to give the firstborn to the priest and utilize the animal for a different offering that he is obligated to bring? The owner approaches an animal that is going to give birth to its firstborn while that animal was still pregnant, and says: That which is in the womb of this animal, if it is male, is designated as a burnt offering. In that case, if the animal gave birth to a male, it will be sacrificed as a burnt offering. And in a case where he says: If it is female, it is designated as a peace offering, if the animal gave birth to a female, it will be sacrificed as a peace offering.

2 In a case where the owner says: If it is male it is designated as a burnt offering, and if it is female it is designated as a peace offering, and the animal gave birth to a male and a female, the male will be sacrificed as a burnt offering and the female will be sacrificed as a peace offering. If the animal gave

birth to two males, one of them will be sacrificed as a burnt offering and the second will be sold to those obligated to bring a burnt offering, who will sacrifice it as a burnt offering; and the money received from its sale is non-sacred.

[3] If the animal gave birth to two females, one of them will be sacrificed as a peace offering and the second will be sold to those obligated to bring a peace offering, who will sacrifice it as a peace offering, and the money received from its sale is non-sacred. If the animal gave birth to a tumtum, whose gender is unknown, or a hermaphrodite, which has both male and female sexual organs, both of which are unfit for sacrifice, Rabban Shimon ben Gamliel says: They are not imbued with sanctity.

[4] GEMARA: Rav Yehuda says: It is permitted to inflict a blemish upon a firstborn before it left the womb and entered into the air of the world, as it has not yet become sanctified as a firstborn. The Gemara raises a difficulty: We learned in the mishna: A person says about an animal that is going to give birth to its firstborn: That which is in the womb of this animal, if it is male, is designated as a burnt offering. This indicates that as a burnt offering, yes, one may designate it in this manner, as the sanctity of a burnt offering is more stringent than that of a firstborn but as a peace offering, no. And yet you say that one may entirely abrogate the animal's sanctity by inflicting a blemish upon it before it is born.

[5] Rav Yehuda could have said to you: That statement, that one is permitted to consecrate a firstborn fetus only with a more stringent sanctity, applies when the Temple is standing and offerings are sacrificed upon the altar. By contrast, when I say that one is permitted to inflict a blemish upon a firstborn and abrogate the firstborn's sanctity, I am referring to today, when offerings are not able to be sacrificed, and therefore the animal cannot be consumed until it becomes blemished.

[6] The Gemara asks: If Rav Yehuda is referring only to today, what is the purpose of stating this halakha? Isn't it obvious? The Gemara answers that Rav Yehuda's statement is necessary, lest you say: Let us issue a decree against inflicting a blemish on a firstborn fetus, lest most of the fetus's head emerge from the womb, which is when the sanctity of the firstborn takes effect, and then one inflicts a blemish upon the animal. That would constitute the unlawful infliction of a blemish upon a sacred animal. Rav Yehuda therefore teaches us that such a decree was not issued.

[7] The Gemara raises a difficulty: But one can say that indeed, a decree should be issued prohibiting inflicting a blemish on a fetus due to that concern. The Gemara explains: Even so, inflicting the blemish on the fetus is preferable to leaving it alone, despite that concern, as otherwise one might come to transgress the prohibitions against shearing the firstborn or working with it. It is prohibited to work or shear a firstborn, even if it is blemished. If the firstborn is born blemished, it may be slaughtered and eaten immediately. By contrast, if it is unblemished, then one must wait for it to become blemished, and there is a concern that one might work or shear the animal in the meantime.

[8] § The latter clause of the mishna teaches that in a case where the owner of an animal that is going to give birth to its firstborn says: If it is female, it is designated as a peace offering, then if the animal gave birth to a female, it will be sacrificed as a peace offering. The Gemara asks: Does a female animal become consecrated with firstborn status, such that the owner must designate the fetus as a peace offering in order to circumvent the obligation of the firstborn? The sanctity of the firstborn takes effect only upon male animals. The Gemara answers: The latter clause of the mishna comes to discuss the offspring of an animal consecrated as a sin offering. Since the offspring of a sin offering

is put to death, the owner may wish to employ artifice to circumvent the sanctity of the mother by consecrating the fetus with a different sanctity.

9 § The mishna teaches: If the animal gave birth to two males, one of them will be sacrificed as a burnt offering and the second will be sold to those obligated to bring a burnt offering, who will sacrifice it as a burnt offering; and the money received from its sale is non-sacred. The Sages say: If the animal that gave birth to two males was consecrated as a sin offering, then it is understandable that the newborn animal which is consecrated to be a burnt offering should be a burnt offering. But with regard to the other, let it retain the sanctity of its mother. Why does the mishna rule that the money received from its sale is non-sacred? The Gemara answers: In the last clause of the mishna, we come to the case of a non-sacred animal that is about to give birth to its firstborn.

10 § The mishna teaches: If the animal gave birth to a tumtum or a hermaphrodite, Rabban Shimon ben Gamliel says: They are not imbued with sanctity. This indicates that they are not imbued with sanctity in any case, even if they are the offspring of a consecrated animal.

11 The Gemara asks: Why aren't they imbued with the sanctity of the mother? The Gemara answers: Rabban Shimon ben Gamliel holds that the offspring of sacrificial animals are imbued with sanctity only as they come into being, i.e., from the moment they are born. As, if it enters your mind that they are sanctified already in the womb of their mother, why are they not imbued with the sanctity of the mother? After all, the sanctity of their mother has taken hold of them. Rather, learn from it that the offspring of sacrificial animals are sanctified only as they come into being.

12 And this tanna disagrees with Rabban Shimon ben Gamliel and holds that the offspring of sacrificial animals are sanctified in the womb of their mother. As the Sages taught in a baraita: It is written with regard to a firstborn: "But the firstborn among animals, which is born as a firstling to the Lord, man shall not consecrate it" (Leviticus 27:26). If that verse were not complete but merely stated: The firstborn shall not consecrate, I would have said that the verse is teaching that a firstborn man shall not consecrate non-sacred items. Therefore, the verse states: "Man shall not consecrate it," i.e., you may not consecrate it, a firstborn animal, but a firstborn man may consecrate non-sacred items.

13 But still, I would say that specifically a firstborn man may not consecrate a firstborn animal with a different sanctity, but others who are not firstborns may consecrate a firstborn animal. Therefore, the verse states: "Among animals," indicating that I am dealing with firstborn animals, not firstborn men, i.e., the verse is teaching that all people are prohibited to consecrate a firstborn animal with a different sanctity that that of a firstborn.

14 The baraita continues: One might have thought that one also cannot consecrate the fetus of an animal pregnant with its firstborn while the fetus is still in the womb of its mother. Therefore, the verse states: "Which is born as a firstling to the Lord," indicating that from the time the animal is born and consecrated to the Lord as a firstborn you cannot consecrate it with a different sanctity, but you may consecrate it with a different sanctity while it is still in the womb.

15 One might have thought that even with regard to the offspring of all other consecrated animals it is so, that one may consecrate them with a different sanctity when they are still in the womb. Therefore, the verse states: "But [akh]," which distinguished between a firstborn animal, which one may consecrate with a different sanctity while it is still in the womb, and the offspring of other consecrated animals, which one may not consecrate with a different sanctity even when they are in

the womb. Evidently, this tanna holds that the offspring of sacrificial animals are sanctified in the womb of their mother.

16 § The mishna teaches that one may employ artifice to circumvent the obligation to give the firstborn to the priest by consecrating the fetus as a burnt offering before the time of birth, which is the point at which the animal becomes sanctified as a firstborn. Rav Amram said to Rav Sheshet: If an owner said with regard to the fetus of an animal pregnant with its firstborn: This fetus will be consecrated as a burnt offering at the same time that the sanctity of the firstborn takes effect, which is when the majority of the animal leaves the womb, what is the status of the offspring? Is the offspring a burnt offering or is it a firstborn?

17 The Gemara explains the dilemma: Is it a burnt offering, as the sanctity of a burnt offering is more stringent than the sanctity of a firstborn and therefore each and every bit that exits the womb becomes a burnt offering, which is entirely consumed upon the altar? Or perhaps it is a firstborn, because normally the sanctity of the firstborn takes effect at the moment of birth, and therefore with regard to each and every bit of the animal that exits the womb, its status is that of a firstborn.

18 The Gemara cites another version of the explanation of the dilemma: Is it a burnt offering because it is imbued with the more stringent sanctity of a burnt offering? Or perhaps it is a firstborn because God declared its sanctity as a firstborn upon exiting from the womb.

19 Rav Sheshet said to Rav Amram: What is your dilemma? Your dilemma is the same as that dilemma which Ilfa raised: With regard to the gleanings left for the poor, which the wealthy may not take, if the owner of a field at the harvest time said: This grain that is now on the stalk will become ownerless property, meaning that even the wealthy can acquire it, at precisely the same time as the halakha of gleanings left for the poor takes effect, which is when the majority of the grain falls off the stalk, what is the status of the grain after it falls off the stalk? Is it gleanings left for the poor or is it ownerless property that even the wealthy may take?

20 The Gemara explains the dilemma: Is it gleanings, as its sanctity is dictated by the hand of Heaven at the moment that the grain falls off the stalk? Or perhaps it is ownerless property, because that status is more inclusive, as both the poor and the wealthy may acquire the grain.

21 And Abaye said in response to Ilfa’s dilemma: What is your dilemma? When there is a conflict between the statement of the Master, i.e., God, who commanded that the grain become gleanings for the poor, and the statement of the student, the one who declared the grain to be ownerless property that may be acquired even by the wealthy, to whose statement should one listen? So too, with regard to Rav Amram’s dilemma, when there is a conflict between the statement of God and the statement of the student, to whose statement should one listen? Accordingly, the fetus is consecrated with the sanctity of a firstborn, not that of a burnt offering.

22 MISHNA: One who says: The offspring of this non-sacred animal is a burnt offering and the animal itself is a peace offering, his statement stands, i.e., is effective. If he says: The animal itself is a peace offering and its offspring is a burnt offering, then since consecration of the mother preceded consecration of the offspring, it is the offspring of a peace offering, whose halakhic status is that of a peace offering; this is the statement of Rabbi Meir.

23 Rabbi Yosei said: If that was his intent from the outset, to designate the offspring as a burnt offering when he designated the mother as a peace offering, then since it is impossible to call it by

two designations simultaneously, his statement stands, and the mother is a peace offering and the offspring a burnt offering. And if it was only after he said: This animal is hereby a peace offering, that he reconsidered and said: Its offspring is a burnt offering, that offspring is a peace offering, as before he reconsidered, the offspring had already assumed the status of the offspring of a peace offering.

[24] GEMARA: Rabbi Yoḥanan says: In the case of one who separated a pregnant animal as a sin offering and that animal later gave birth to a female, both animals are consecrated as sin offerings. If he wishes he may achieve atonement by sacrificing the mother itself, and if he wishes he may achieve atonement by sacrificing the offspring. Since he consecrated the animal when it was already pregnant, his act of consecration took effect with regard to both the mother and the offspring.

[25] What is the reason for this halakha? Rabbi Yoḥanan holds that in the case of one who consecrated a pregnant animal, if he reserved the fetus and designated it as non-sacred, e.g., he said: The fetus is non-sacred and the animal itself is designated as a sin offering, then the offspring is considered reserved and is non-sacred, despite the fact that the mother is consecrated.

[26] The reason is that Rabbi Yoḥanan holds that a fetus is not considered the thigh, i.e., a part, of its mother. Therefore, just as one can reserve the fetus from being consecrated with its mother, so too, one can consecrate the fetus with a separate sanctity than that of the mother. Consequently, this case is like that of one who separates two sin offerings as a guarantee; if he wishes he may gain atonement with one of them, and if he wishes he may gain atonement with the other.

[27] Rabbi Elazar raises an objection from the mishna: If one says: The animal itself is a peace offering and its offspring is a burnt offering, then it is the offspring of a peace offering. And if it enters your mind that if one reserved the fetus from the consecration of the mother it is considered reserved, and its sanctity is independent from that of the mother, why does the mishna state with regard to the offspring that it is the offspring of a peace offering, which indicates that it receives its sanctity from that of the mother? The mishna should teach that the offspring is a peace offering with an independent sanctity.

[28] Rav Tavla said: The discussion of this topic should be held apart from this version of the mishna, as it is incorrect. Didn’t Rav say to the tanna who was reciting mishnayot that he should not recite the mishna with the phrase: It is the offspring of a peace offering, but rather, he should teach: It is a peace offering.

[29] The Gemara raises another objection to Rabbi Yoḥanan’s statement from a baraita: One who says to his Canaanite maidservant: You are hereby still a maidservant but your unborn child is a freeman, and he writes a bill of manumission for the child and places it in her hand, if she was pregnant at that time, then she acquired freedom for the unborn child.

[30] The Gemara explains the objection: Granted, if you say that if one reserved a certain consecration it is not considered reserved, and therefore the sanctity of the mother takes effect on her offspring, and likewise that a fetus is considered the thigh of its mother, it is due to that reason that she acquired freedom for the unborn child. And the explanation is that this case is like that of one who emancipates half of his slave, as that half is thereby emancipated. And whose opinion is this? It is the opinion of Rabbi Meir, as it is taught in a baraita:

[31] With regard to a master who emancipates half of his slave, half of the slave is emancipated, and he is a half-slave half-freeman. Although a slave does not have the ability to acquire items, in this case he does acquire his freedom because his bill of manumission and his ability to acquire himself come at the same time.

[32] But if you say that if one reserved a consecration it is considered reserved, and a fetus is not considered the thigh of its mother, but the mother and the fetus are separate entities, why does the mother acquire freedom for the fetus in a case where the master freed the fetus but not the mother? The Gemara continues: And isn't it taught in a baraita: It appears to be the case that a slave can acquire a bill of manumission for another slave from the hand of his fellow's master who is not also his own master, but not from the hand of his own master, i.e., not if both of them are enslaved to the same person. Here too, how can the mother receive the bill of manumission for the fetus from the hand of their shared master? Rather, conclude from it that if he reserved a consecration it is not considered reserved, and the refutation of the opinion of Rabbi Yoḥanan is indeed a conclusive refutation.

[33] The Gemara suggests: Shall we say that the claim that if one reserved a consecration it is reserved is subject to a dispute between tanna'im? As it is taught in a baraita: With regard to one who says to his pregnant Canaanite maidservant: You are hereby a free woman but your offspring shall remain a slave, the offspring is emancipated like her. This is the statement of Rabbi Yosei HaGelili. And the Rabbis say: His statement is upheld. This is because it is stated: "The woman and her children shall be her master's" (Exodus 21:4).

[34] The Gemara expresses surprise at this ruling: What is the derivation of the verse here that indicates support for the opinion of the Rabbis, who rule in this case that the child of a freed maidservant remains a slave? Rava said: The verse does not support the opinion of the Rabbis; rather, the verse that the baraita states is cited as support for the opinion of Rabbi Yosei HaGelili, as it teaches, i.e., the baraita should be understood as follows: The offspring is emancipated like her, as it is stated: "The woman and her children shall be her master's," which indicates that when the woman belongs to the master her offspring likewise belongs to the master, but if the woman is freed the offspring is also freed.

[35] What, is it not correct to say that the Sages disagree over this point, that Rabbi Yosei HaGelili holds that if he reserved it, it is not considered reserved, and therefore the mother and the fetus are treated as one entity, and the Rabbis maintain that it is considered reserved. If so, this would mean that Rabbi Yoḥanan's opinion is the subject of a dispute between tanna'im.

[36] The Gemara rejects this suggestion: Rabbi Yoḥanan could have said to you that everyone holds that if he reserved it, it is considered reserved, and here this is the reason that Rabbi Yosei HaGelili rules that the offspring is freed with the mother, as Rabbi Yosei HaGelili himself explains: It is that the verse states: "The woman and her children shall be her master's." This verse teaches that the status of the offspring follows the status of the mother with regard to slavery, but not because the fetus is considered a part of its mother.

[37] Rather, certainly we shall say that the opinion that if he reserved it, it is reserved, is subject to a dispute between these tanna'im, as it is taught that there are two baraitot that discuss the case of one who slaughters a sin offering, which is assumed to have been consecrated when it was pregnant, and he found a four-month-old fetus alive inside. It is taught in one baraita: The slaughter of the mother is

also considered a slaughter with regard to the fetus, and therefore the fetus is considered a sin offering. This means that its meat is eaten only by males of the priesthood, and it is eaten only for one day, and it is eaten only inside the curtains. In the Tabernacle in the wilderness this area was surrounded by curtains. The corresponding area in the Temple is the courtyard.

[38] And it is taught in another baraita: The slaughter of the mother is also considered a slaughter for the fetus to the extent that it permits it to be eaten, but the fetus is non-sacred, and therefore it may be eaten by any person, and may be eaten in any place, and may be eaten forever, with no time limit.

[39] What, is it not correct to say that these tanna'im disagree over this point, that the first tanna holds: If he reserved it, it is not considered reserved, and therefore the mother and the fetus are considered one entity and the status of the mother applies to the fetus; and the Sage in the second baraita holds: If he reserved it, it is considered reserved, which means that the fetus is considered an independent entity and is non-sacred. If so, Rabbi Yoḥanan's opinion is the subject of a dispute between tanna'im.

[40] The Gemara rejects this suggestion: Rabbi Yoḥanan could say to you that everyone holds that if he reserved it, it is considered reserved, and therefore a person can consecrate an animal while reserving the fetus as non-sacred. And these tanna'im disagree over this following point: In the case of an animal that was consecrated as a sin offering and only then became pregnant, one Sage holds: The offspring of sacrificial animals become consecrated when they are born and come into being, and as that fetus which was found alive inside the mother was never born, it never became consecrated. And one Sage holds: The offspring of sacrificial animals become consecrated in the womb of their mother, which means that the fetus that was found alive inside the mother was already consecrated.

[41] If you wish, say instead an alternative explanation of the dispute between these two baraitot: It is not difficult for Rabbi Yoḥanan. Everyone holds that if he reserved it, it is considered reserved, and everyone also maintains that offspring of sacrificial animals become consecrated when they are born. Rather, these two baraitot are discussing two different cases. Here, the second baraita is referring to a case where the owner consecrated the animal before it became pregnant and only afterward it became pregnant. Consequently, the offspring is non-sacred, as it was not in the womb when the mother was consecrated, and as it was never born, it was not consecrated at the moment of birth either.

[42] By contrast, there, the first baraita is referring to a case where the animal first became pregnant and afterward the owner consecrated it. Since the owner did not reserve the fetus from the consecration of the mother, the fetus was consecrated as a sin offering together with the mother.

[43] Rava objects to this claim: From where is it known that the reason for the opinion of Rabbi Yoḥanan is that if he reserved it, it is considered reserved? Perhaps Rabbi Yoḥanan maintains that if he reserved it, it is not considered reserved, and this is the reason for the ruling of Rabbi Yoḥanan: It is that one can achieve atonement with the offspring of a pregnant animal he set aside as a sin offering, as he maintains that a person can achieve atonement with the enhancement of consecrated property, and the fetus is considered an enhancement of consecrated property.

[44] Rav Hamnuna said to Rava: Rabbi Elazar was the pupil of Rabbi Yoḥanan, and he sat before Rabbi Yoḥanan, and Rabbi Elazar assumed that the reason for the opinion of Rabbi Yoḥanan was that he held that if he reserved it, it is considered reserved, and he questioned Rabbi Yoḥanan himself about his statement based on that assumption. And Rabbi Yoḥanan did not answer him with this answer, i.e., that the real reason for his opinion is that a person can achieve atonement with an enhancement of consecrated property. And if so, how can you say that the reason for the opinion of

Rabbi Yoḥanan is that a person can achieve atonement with the enhancement of consecrated property? Therefore, it must be that the reason for the opinion of Rabbi Yoḥanan is that he held that if he reserved it, it is considered reserved.

[45] § The mishna teaches: And if it was only after he said: This animal is hereby a peace offering, that he reconsidered and said: Its offspring is a burnt offering, that offspring is a peace offering, as before he reconsidered the offspring had already assumed the status of the offspring of a peace offering. The Gemara asks: If he reconsidered after saying: This animal is a peace offering, it is obvious that he cannot remove the status he already applied to the animal, and that the offspring remains a peace offering. Can one change his mind anytime that he wants?

[46] Rav Pappa said: This halakha is necessary only in a case where he reconsidered and said: Its offspring is a burnt offering, within the time required for speaking a short phrase. Lest you say: The halakhic status of a pause that lasts less than the time required for speaking a short phrase is like that of continuous speech, and therefore the offspring is a burnt offering, and that time he was merely prolonging his thought but not changing his mind; consequently, the mishna teaches us that he changed his mind and it is not considered continuous speech.

[47] MISHNA: If one had two animals standing before him, one a burnt offering and the other a peace offering, and he said with regard to a third, non-sacred animal: This animal is hereby the substitute of the burnt offering, the substitute of the peace offering, that animal is the substitute of the burnt offering. This is the statement of Rabbi Meir. Once he designated it as the substitute of the burnt offering, his initial statement takes effect and the animal assumes the sanctity of the burnt offering.

[48] Rabbi Yosei said: If that was his intent from the outset, when he said that the animal is the substitute of the burnt offering, to state that the animal is also the substitute of the peace offering, then since it is impossible to call two designations simultaneously, i.e., one must first say one designation and then the other, his statement stands, and the animal is half a burnt offering and half a peace offering. And if it was only after he said: This animal is hereby the substitute of the burnt offering, that he reconsidered and said: The substitute of the peace offering, that entire animal is the substitute of the burnt offering.

[49] GEMARA: Rabbi Yitzḥak, son of Rabbi Yosei, says that Rabbi Yoḥanan says, with regard to the disagreement between Rabbi Meir and Rabbi Yosei: Everyone concedes in a case where one says: The consecration of this animal as a substitute for a burnt offering will take effect and afterward the consecration of this animal as a substitute for a peace offering will take effect. In this case, everyone agrees that one attends only to the first statement, i.e., the sanctity of the burnt offering takes effect but the sanctity of the peace offering does not take effect.

[50] Likewise, everyone agrees that in a case where one says: Consecration of this animal as a substitute for a burnt offering shall not take effect unless the consecration of this animal as a substitute for a peace offering shall also take effect, the animal is consecrated as both a burnt offering and a peace offering.

[51] Rabbi Meir and Rabbi Yosei disagree only with regard to a case such as the one in our mishna, where one said: This animal is the substitute of the burnt offering, the substitute of the peace offering. As Rabbi Meir holds: Since if he wanted both sanctities to take effect, he should have said: The substitute of the burnt offering and the peace offering, but instead he said: The substitute of the burnt offering, the substitute of the peace offering, he is considered like one who says: The

consecration of this animal as a substitute for a burnt offering will take effect and afterward the consecration of this animal as a substitute for a peace offering will take effect. Therefore, according to Rabbi Meir only the first sanctity takes effect; the second sanctity cannot take effect because the animal is already consecrated.

[52] And Rabbi Yosei holds that from the outset he intended for both sanctities to take effect, and he did not say: The substitute of the burnt offering and the peace offering, because he reasoned that if he said that, one would say that he intends for the animal to be consecrated with two sanctities, half as a substitution of the burnt offering and half as a substitution of the peace offering. And if so, the animal cannot be sacrificed in the Temple, because it is impossible to sacrifice half the animal as one type of offering and half as another type of offering. Therefore, Rabbi Yosei teaches us that when he says: The substitute of the burnt offering the substitute of the peace offering, he intends for the animal to be both entirely a burnt offering and entirely a peace offering, as he mistakenly thinks that such an animal can be sacrificed in the Temple. But since he intended for both types of sanctity to take effect, the animal is half a burnt offering and half a peace offering.

[53] § The Sages taught in a baraita: In the case of one who had two animals standing before him, one a burnt offering and one a peace offering, and he said with regard to one of his non-sacred animals: This animal, half of it is the substitute of the burnt offering, and half of it is the substitute of the peace offering, that animal is the substitute of the burnt offering and is therefore entirely sacrificed as a burnt offering. This is the statement of Rabbi Meir. And the Rabbis say: It is left to graze until it becomes blemished, and then it is sold, and the owner brings a substitute burnt offering with the payment for half the animal and a substitute peace offering with the payment for half the animal.

[54] The baraita concludes: Rabbi Yosei said: If that was his intent from the outset, then since it is impossible to call two designations simultaneously, his statement stands, and the animal is half a burnt offering and half a peace offering. The Gemara objects: The opinion of Rabbi Yosei is identical to the opinion of the Rabbis. The Gemara explains: Rabbi Yosei taught the entire baraita, and the opinion of the Rabbis in the baraita is Rabbi Yosei’s opinion.

[55] It is taught in another baraita: In a case where one says: This animal, half of it is designated as a burnt offering and half of it is designated as a sin offering, Rabbi Meir holds that we attend only to the first statement that he uttered, and therefore half of the animal becomes consecrated as a burnt offering. Since the animal cannot live if half of its body were removed, the sanctity spreads to the entire animal and it is sacrificed entirely as a burnt offering. This is the statement of Rabbi Meir.

[56] Rabbi Yosei says: Both sanctities take effect, and as an animal cannot be sacrificed as two offerings, it must be left to die. The baraita adds: And Rabbi Meir and Rabbi Yosei agree in a case where one says: Half of this animal is designated as a sin offering and half of it is designated as a burnt offering, that the animal must be left to die.

[57] The Gemara clarifies: That case with regard to which the baraita states that Rabbi Meir and Rabbi Yosei agree, who is conceding to whom? Clearly Rabbi Meir concedes to Rabbi Yosei that in that case the halakha is that the animal must be left to die. The Gemara asks: Isn’t it obvious that Rabbi Meir concedes in that case? Just as in the first case of the baraita where one mentioned the burnt offering first and the sin offering second, Rabbi Meir holds that only the first expression takes effect, so too if one mentioned the sin offering first and the burnt offering second, only the first expression

takes effect; this means that the animal is a sin offering, and therefore it must be left to die, as he is not obligated to bring a sin offering.

[58] The Gemara explains that the ruling of the baraita is necessary, lest you say: If it hadn't taught us the opinion of Rabbi Meir in the latter case, I would say that the reason for the ruling of Rabbi Meir in the first clause of the mishna is not that we attend only to the first statement. Rather, I would say that this is Rabbi Meir's reason: In a case of the sanctity of a sin offering that is mixed with another sanctity in the same animal, the animal is sacrificed, and that is the reason Rabbi Meir rules that the animal is sacrificed as a burnt offering despite the fact that the sanctity of a sin offering is also mixed with it.

[59] And if that is Rabbi Meir's reasoning, then even if one said: Half of this animal is designated as a sin offering, and then said: Half of it is designated as a burnt offering, the animal is sacrificed. Therefore, the baraita teaches us that this is not the reason for Rabbi Meir's opinion. Rather, his ruling is due to the principle that we attend only to the first statement, and therefore Rabbi Meir and Rabbi Yosei agree in the latter clause of the baraita that the animal must be left to die.

[60] It is taught in another baraita: In the case of one who said: This animal, half of it is designated as a burnt offering and half of it is designated as a peace offering, the animal is consecrated but is not sacrificed. The animal grazes until it becomes blemished, at which point it is sold, and the owner brings a burnt offering with the money of half the animal and a peace offering with the money of half the animal. This animal renders a non-sacred animal that it is exchanged for consecrated as a substitute, and its substitute is treated like it, i.e., it is not sacrificed; rather, it grazes until it becomes blemished, and it is then sold, and the owner brings a burnt offering with the money of half the animal and a peace offering with the money of half the animal.

[61] The Gemara asks: In accordance with whose opinion is the baraita taught? It is in accordance with the opinion of Rabbi Yosei, who holds one accountable for both expressions that he uttered. The Gemara asks: Isn't it obvious that Rabbi Yosei holds that in that case the animal is consecrated but is not sacrificed? Why is it necessary to teach this?

[62] The Gemara answers: It was necessary for the baraita to teach that its substitute is also not sacrificed. Lest you say: Granted that the animal itself is not sacrificed, but its substitute is sacrificed, therefore the baraita teaches us that the substitute is also not sacrificed. The Gemara explains the ruling of the baraita: What is different about the animal itself, that it is not sacrificed? It is not sacrificed because its sanctity is deferred from the altar, since it is neither entirely a burnt offering nor fully a peace offering. So too its substitute, whose sanctity comes from the force of deferred sanctity, as it was the substitution of an animal whose sanctity was deferred, may not be sacrificed either.

[63] § Rabbi Yoḥanan says: With regard to an animal that belongs to two partners, if one of the partners consecrated his half of the animal, and then he acquired the other half of the animal from his partner and consecrated it, the animal is consecrated but is not sacrificed. When he originally consecrated his half of the animal, the animal was not fit for sacrifice, as only half of it was consecrated. Although the animal is now fully consecrated, it can never again become fit for sacrifice, since it was once disqualified. And this animal renders a non-sacred animal that it is exchanged for it consecrated as a substitute, and its substitute

[64] is treated like it, as it too is consecrated but not sacrificed. Conclude three halakhot from this statement of Rabbi Yoḥanan: Conclude from it that an animal that was consecrated with a sanctity that inheres in its value is deferred. One who consecrates only half an animal has consecrated that animal with a sanctity that inheres in its value but not with an inherent sanctity, as the animal cannot be sacrificed.

[65] And second, conclude from it that not only can an offering that has already been slaughtered become permanently deferred from the altar, but also living animals that cannot be sacrificed for whatever reason are permanently deferred. And finally, conclude from it that deferral at the outset, when the animal is first consecrated, is considered a permanent disqualification. Not only is an animal that was fit to be sacrificed when initially consecrated and only later disqualified permanently deferred, but the same applies to an animal that was disqualified from the outset, when it was initially consecrated, e.g., if only half of it was initially consecrated.

[66] § With regard to the consecration of an animal with two sanctities, Abaye said: Everyone concedes that in a case where one said: Half the animal is designated as a burnt offering and half of it is designated as an animal tithe, everyone agrees that this animal is consecrated and sacrificed entirely as a burnt offering, not as a tithed animal. The animal tithe is consecrated when it is the tenth of a group of animals that are passed underneath a rod, which is not the case here.

[67] But in a case where one said with regard to his non-sacred animal: Half of this animal is designated as a substitute and half of it is designated as an animal tithe, which consecration takes effect? Both consecrations are invalid: Consecration as a substitute is valid when a consecrated animal is standing before the substitute, which is not the case here, and consecration as an animal tithe is valid through the process of passing a group of animals underneath a rod. What is the status of the animal in this case?

[68] The Gemara explains the dilemma: Is the animal sacrificed as a substitute, as the sanctity of substitution applies to all sacrificial animals? Or perhaps the animal is sacrificed as an animal tithe, as the consecration of the animal tithe is more comprehensive, since if one mistakenly counted the ninth animal to pass underneath the rod as the tenth or the eleventh as the tenth, he consecrates those animals that passed before and after the tenth. The Gemara states that the dilemma shall stand unresolved.

[69] MISHNA: This mishna discusses the language that serves to effect substitution. If one said: This non-sacred animal is hereby in place of that consecrated animal, or if he said: It is the substitute of that consecrated animal, or if one said: It is the exchange for that consecrated animal, that non-sacred animal is a substitute. If he said: This consecrated animal is desacralized, with its sanctity transferred to that non-sacred animal, that non-sacred animal is not a substitute.

[70] And if the consecrated animal was blemished, and he said: This consecrated animal is desacralized, with its sanctity transferred to that non-sacred animal, the consecrated animal is desacralized and assumes non-sacred status, by Torah law. By rabbinic law, the owner is required to conduct an appraisal to ascertain the relative value of the two animals. If the consecrated animal was worth more than the non-sacred animal, he must pay the difference to the Temple treasury.

[71] GEMARA: The mishna teaches that if one said: This non-sacred animal is hereby in place of that consecrated animal, that non-sacred animal is a substitute. The Gemara asks: Is this to say that the phrase: In place of [taḥat], is a term that indicates the associating of one sanctity with another, i.e.,

the transference of substitution? And the Gemara raises a contradiction from a baraita: In a case where one's non-sacred animal was standing before a consecrated animal belonging to Temple maintenance, and he said: This non-sacred animal is hereby the exchange for that consecrated animal, or if he said: It is the substitute of that consecrated animal, he has not said anything, as these terms indicate the transfer of sanctity via substitution, and substitution does not apply to consecrated animals belonging to the Temple maintenance.

[72] But if he said: This non-sacred animal is hereby in place of [taḥat] that consecrated animal, or if he said: This consecrated animal is desacralized, with its sanctity transferred to that non-sacred animal, his statement takes effect, as these terms indicate desacralization, and a consecrated animal belonging to the Temple maintenance can be desacralized, with its sanctity transferred to a non-sacred animal.

[73] The Gemara explains the apparent contradiction: And if it enters your mind that the term taḥat is a term that indicates the associating of one sanctity with another, and therefore it effects substitution, as taught in the mishna, what is different in the first clause of the baraita, which states that the terms exchange and substitute are terms that do not effect desacralization, and what is different in the latter clause of the baraita, which teaches that the term taḥat effects desacralization despite the fact that it indicates substitution?

[74] Abaye said, in response: You find that the term: In place of [taḥat], is sometimes a term that indicates the associating of one sanctity with another, and it is sometimes a term that indicates desacralization. It is a term that indicates the associating of one sanctity with another, as it is written:

[75] "But if the white leprous spot stays in its place [taḥteha]" (Leviticus 13:23). In this verse, the word "taḥteha" indicates that the white leprous spot remains in its place. This usage of the word is fitting for substitution, since when sanctity is transferred by substitution from a consecrated animal to a non-sacred animal, the sanctity of the consecrated animal remains in place, despite the fact that the non-sacred animal is also consecrated.

[76] Yet taḥat is also a term that indicates desacralization, as it is written: "In place of [taḥat] brass I will bring gold, and in place of iron I will bring silver, and in place of wood brass, and in place of stones iron" (Isaiah 60:17). In this verse, taḥat means replacement, which is what occurs in desacralization, where one item is replaced by another. And therefore, the term should be understood in accordance with the context: With regard to animals consecrated for sacrifice upon the altar, which render a non-sacred animal for which they are exchanged a substitute, taḥat is a term that indicates the associating of one sanctity with another. With regard to animals consecrated for Temple maintenance, which do not render a non-sacred animal for which they are exchanged a substitute, taḥat is a term that indicates desacralization.

[77] Rava said: Even with regard to animals consecrated for sacrifice upon the altar, which render a non-sacred animal for which they are exchanged a substitute, you can find that taḥat is a term that indicates desacralization. For example, in a case where a consecrated animal was blemished and can be desacralized because it is unfit to be sacrificed, and one placed that consecrated animal next to a non-sacred animal and said: This animal is in place of [taḥat] that animal. Although the blemished sacred animal can render a non-sacred animal for which it is exchanged consecrated as a substitute, in this context the term taḥat means desacralization.

[78] Rabbi Ashi said: Even in the case of a blemished animal, mentioned by Rava, sometimes you find that taḥat is a term that indicates desacralization and sometimes you find that taḥat is a term that indicates the associating of one sanctity with another. If the owner’s hand is resting on the consecrated animal and he says: This animal is in place of [taḥat] that animal, it is a term of desacralization, as the placement of his hand indicates that his intention is to desacralize the consecrated animal, with its sanctity transferred to that non-sacred animal. If the owner’s hand is resting on the non-sacred animal when he says: This animal is in place of that animal, then taḥat is a term of substitution, as the placement of his hand indicates that his intention is for the non-sacred animal to be consecrated with the same sanctity as the consecrated animal.

[79] Abaye raises a dilemma: If there were standing before him two sacrificial animals that were blemished and two non-sacred animals that were unblemished,and, without placing his hands on any animal, he says: These animals are hereby in place of [taḥat] those animals, what is the halakha?

[80] The Gemara explains the dilemma: Did he intend to say taḥat as association, i.e., to consecrate the two non-sacred animals as substitutes, and therefore he is flogged two sets of lashes for the two violations of the prohibition against consecrating an animal as a substitute? Or perhaps, does one say that since anywhere that there exists both a permitted and a prohibited manner to perform an action, a person does not cast aside the permitted manner and perform the prohibition? If so, here too his intention was to desacralize the two blemished animals, and therefore he is not flogged.

[81] And if you say that anywhere that there exists both a permitted and a prohibited manner to perform an action, a person does not cast aside the permitted manner and perform the prohibition, in a case where there were standing before him two sacrificial animals, one of which was blemished and one of which was unblemished, and two non-sacred animals, one of which was blemished and one of which was unblemished, and he said: These animals are hereby in place of [taḥat] those animals, what is the halakha? Although he certainly intended to transfer the sanctity of the unblemished sacrificial animal to a non-sacred animal by substitution, it is unclear which of the two non-sacred animals he intended to consecrate as a substitute.

[82] Once again, the Gemara explains the dilemma: Did he intend to say that the unblemished non-sacred animal should be consecrated as a substitute in place of the unblemished consecrated animal, and with regard to this pairing he intended to associate the sanctity by substitution, while the blemished non-sacred animal should be consecrated in place of the blemished consecrated animal, and for this pairing he intended to desacralize the consecrated animal. If so, he is flogged only for the first pairing and not for the second pairing.

[83] Or perhaps, he intended that the unblemished non-sacred animal should be consecrated as a substitute in place of the blemished consecrated animal, and the blemished non-sacred animal should be consecrated as a substitute in place of the unblemished consecrated animal, and since he intended to perform substitution in both cases he is flogged for both pairings.

[84] And if you say that anywhere that there exists both a permitted and a prohibited manner to perform an action, one does not perform the prohibition, this would resolve the previous dilemma, as his intention must have been to desacralize the blemished consecrated animal, and therefore he is not flogged two sets of lashes, one can raise the following dilemma: In a case where there were three sacrificial animals before him, one of which was blemished while the other two were unblemished,

and three non-sacred animals, all of which were unblemished, and he said: These animals are hereby in place of [taḥat] those animals, what is the halakha?

[85] The Gemara explains the dilemma: Do we say that since he intended for the unblemished non-sacred animals to be consecrated as substitutes in place of the unblemished consecrated animals, i.e., to associate their sanctity, so too he intended to consecrate the unblemished non-sacred animal as a substitute in place of the blemished consecrated animal, i.e., to associate its sanctity, and he therefore is flogged three sets of lashes? Or perhaps, here too one applies the principle that anywhere that there exists both a permitted and a prohibited manner to perform an action, a person does not perform the prohibition. If so, his intention with regard to this latter blemished consecrated animal was to desacralize it, and therefore he is not flogged for transferring its sanctity to a substitute.

[86] And if you say that here too, since this man has not yet been established as one who regularly transgresses a prohibition, until he has done so three times, therefore it is assumed that he does not cast aside the permitted manner and perform the prohibition, Rav Ashi therefore raises the following dilemma: If there were four sacrificial animals standing before him, one of which was blemished and the other three were unblemished, and four non-sacred animals, all of which were unblemished, and he said: These animals are hereby in place of [taḥat] those animals, what is the halakha?

[87] Again, the Gemara clarifies the dilemma: Here, since it is certain that he intended for three unblemished non-sacred animals to be consecrated as substitutes in place of the three unblemished consecrated animals, this man has been established as one who regularly transgresses a prohibition. Therefore, it is assumed that he also intended for one of the unblemished non-sacred animals to be consecrated as a substitute in place of the blemished consecrated animal, which means he is liable to be flogged four sets of lashes for the four substitutions.

[88] Or perhaps, even though in this case he has been established as one who transgresses the prohibition, nevertheless even such a person does not cast aside the permitted manner and perform the prohibition. And if so, his intention with regard to this latter blemished animal was to desacralize it. The Gemara concludes that all of these dilemmas shall stand unresolved.

[89] § The mishna teaches: If the consecrated animal was blemished, and he said: This consecrated animal is desacralized, with its sanctity transferred to that non-sacred animal, the consecrated animal is desacralized. The owner is required to conduct an appraisal to ascertain the relative value of the two animals, and if the consecrated animal was worth more than the non-sacred animal, he must pay the difference to the Temple treasury.

[90] Rabbi Yoḥanan says: The consecrated animal is desacralized by Torah law even if the consecrated animal was worth one hundred dinars and the non-sacred animal was worth only one peruta. But by rabbinic law, the owner is required to conduct an appraisal to ascertain the relative value of the two animals and to pay the difference to the Temple treasury, so that the Temple treasury not suffer a loss. And Reish Lakish says: Even the requirement to conduct an appraisal, to ascertain the relative value of the two animals and to pay the difference to the Temple treasury, applies by Torah law.

[91] What are we dealing with here, i.e., what is the case that is subject to the disagreement between Rabbi Yoḥanan and Reish Lakish? If we say that they disagree in a case where the difference in value between the two animals was exactly one-sixth, which is the difference in value that constitutes exploitation by Torah law, and the halakha is that such a transaction is valid but one must return the

difference in value, would Reish Lakish say that even in such a case the requirement to conduct an appraisal to ascertain the relative value of the two animals applies by Torah law?

[92] But didn’t we learn in a mishna (Bava Metzia 56a): These are matters that, even if the disparity between the value and the payment is one-sixth, are not subject to the halakhot of exploitation: Slaves, documents, lands, and consecrated property.Since consecrated property is not subject to the halakhot of exploitation, why would Reish Lakish say that one must repay the difference in value between the two animals to the Temple treasury by Torah law?

[93] Rather, Rabbi Yoḥanan and Reish Lakish disagree with regard to a case of nullification of a transaction, i.e., where the difference in value between the two animals was greater than one-sixth. Would Rabbi Yoḥanan say in such a case that one is required to conduct an appraisal to ascertain the relative value of the two animals by rabbinic law?

[94] But didn’t Rabbi Yirmeya say this ruling with regard to non-sacred lands, and Rabbi Yona said it with regard to consecrated property, and both of them said it in the name of Rabbi Yoḥanan: They are not subject to the halakhot of exploitation, in the case of a disparity of one-sixth. But they are subject to nullification of a transaction, in the case of a greater disparity. If so, according to the opinion of Rabbi Yona, Rabbi Yoḥanan maintains that when the disparity between the value and the payment is greater than one-sixth, the transaction is nullified by Torah law. But in that case, why would Rabbi Yoḥanan rule here that only by rabbinic law is he required to calculate the difference and pay its value?

[95] The Gemara answers: Actually, they disagree in a case of nullification of a transaction, i.e., more than one-sixth, and one should reverse attribution of the opinions; the opinion previously attributed to Rabbi Yoḥanan is actually that of Reish Lakish, and the opinion attributed to Reish Lakish is the ruling of Rabbi Yoḥanan.

[96] The Gemara asks: But how can you say that one should reverse the attribution of the opinions of Rabbi Yoḥanan and Reish Lakish? This works out well according to the one who says that Rabbi Yoḥanan holds that consecrated property is not subject to the halakhot of exploitation if the disparity between the value and the payment is one-sixth, but it is subject to nullification of the transaction if the disparity between the value and the payment is greater than one-sixth. According to this opinion, that of Rabbi Yona, it is apparent all the more so that lands are subject to nullification if the disparity is greater than one-sixth.

[97] But according to the one who said that Rabbi Yoḥanan holds that only lands are subject to nullification if the disparity is greater than one-sixth, but with regard to consecrated property there is no nullification of a transaction, i.e., Rabbi Yirmeya, how can he reverse attribution of that opinion, and claim that Rabbi Yoḥanan maintains that he is required to pay the difference in value by Torah law?

[98] Rabbi Yirmeya said: According to my opinion, do not reverse attribution of the opinions of Rabbi Yoḥanan and Reish Lakish. In other words, Rabbi Yoḥanan maintains that he is required to pay the difference in value by rabbinic law. This is consistent with Rabbi Yirmeya’s ruling that Rabbi Yoḥanan holds that there is no nullification of a transaction in the case of consecrated property. Only Rabbi Yona would reverse attribution of the opinions of Rabbi Yoḥanan and Reish Lakish in order for Rabbi Yoḥanan’s opinion to be consistent with his statement, as cited by Rabbi Yona, that there is nullification of a transaction in the case of consecrated property.

[99] It has been established that Rabbi Yona maintains that according to Rabbi Yoḥanan consecrated property is subject to nullification of a transaction, whereas Rabbi Yirmeya disputes that claim. The Gemara suggests: Shall we say that they disagree with regard to a statement of Shmuel, as Shmuel said: Consecrated property worth one hundred dinars [maneh] that one desacralized, with its sanctity transferred to a coin worth one peruta, is desacralized. Since consecrated property is not subject to nullification of a transaction, it is desacralized by coins worth any sum. The suggestion is that Rabbi Yona is not of the opinion that the halakha follows the ruling of Shmuel, and Rabbi Yirmeya is of the opinion that the halakha follows the ruling of Shmuel.

[100] The Gemara rejects this suggestion: No; both this Sage and that Sage are of the opinion that the halakha follows the ruling of Shmuel. The difference between them is that Rabbi Yona maintains that when Shmuel stated his halakha, he was referring to consecrated property that one desacralized after the fact, but he did not say that one may do so ab initio; and Rabbi Yirmeya maintains that Shmuel rules that it is permitted to desacralize consecrated property with coins worth any sum, even ab initio.

[101] If you wish, say instead, with regard to the dispute between Reish Lakish and Rabbi Yoḥanan: Actually, do not reverse the attribution of their respective opinions. In fact, they disagree with regard to a disparity of one-sixth, and Reish Lakish holds that one is required to pay the difference value by Torah law. And as for that which poses a difficulty for you with regard to the opinion of Reish Lakish, that it is taught in the mishna: These are matters that are not subject to the halakhot of exploitation: Slaves, documents, lands, and consecrated property, which indicates that one is required to pay the difference in value by rabbinic law, that mishna should be understood in accordance with the explanation of Rav Ḥisda.

[102] As Rav Ḥisda said: What is the meaning of the phrase: Are not subject to the halakhot of exploitation? This means that they are not subject to the standard principles of exploitation at all; rather, more stringent halakhot apply in these cases. As, even if the disparity is less than the measure of exploitation, i.e., less than one-sixth, one may renege on the transaction, and in the case of consecrated property he is required to pay the value of the disparity.

[103] § With regard to a case in which there was a disparity between the assessed value of property and its actual value, where one must pay the difference to the Temple treasury, Ulla said: The Sages said that one must pay the value of the disparity to the Temple treasury only if the value of the consecrated property was initially assessed by only two people and afterward three other people determined that the consecrated property was worth more. But in a case where the value of the consecrated property was initially assessed by three people, as required by halakha, and that amount was paid to the Temple treasury, even if afterward one hundred people came and assessed the value of the consecrated property at a higher value, one need not return the disparity of value to the Temple treasury.

[104] The Gemara asks: Is that so? But didn’t Rav Safra say: Where did one say the ruling that one hundred witnesses are like two witnesses, and two witnesses are like one hundred witnesses? That principle applies specifically to the matter of testimony. But with regard to the matter of assessments, we follow the majority of opinions. If so, in Ulla’s case, one should follow the assessment of the one hundred and pay the disparity to the Temple treasury.

[105] And furthermore, even in a case where three people initially assessed the value of the consecrated property, and afterward three other people assessed the consecrated property at a higher value, don’t

we follow the latter assessment? Isn’t there is a principle that the Temple treasury of consecrated property always has the advantage?

106 The Gemara answers: Ulla holds that the halakha that the owner is required to conduct an appraisal, to ascertain the relative value of the two animals and to pay the difference to the Temple treasury, applies by rabbinic law, not by Torah law, and the Sages were lenient with regard to all rabbinic laws. Therefore, even if one hundred people assessed the value of the consecrated property at a higher value than the earlier assessment, one is not required to pay the disparity in value to the Temple treasury.

107 MISHNA: If one said: This non-sacred animal is hereby in place of a burnt offering, or: It is in place of a sin offering, he has said nothing, as he did not say that it was in place of a specific offering. If he said: It is in place of this sin offering, or: It is in place of this burnt offering, or if he said: It is in place of a sin offering that I have in the house, or: It is in place of a burnt offering that I have in the house, and he had that offering in his house, his statement stands, i.e., is effective.

108 If he said with regard to a non-kosher animal and with regard to a blemished animal: These animals are hereby designated as a burnt offering, he has said nothing. If he said: These animals are hereby designated for a burnt offering, the animals should be sold, and he brings a burnt offering purchased with the money received from their sale.

109 GEMARA: The mishna teaches that if one said: This non-sacred animal is hereby in place of a burnt offering, he has said nothing. Rav Yehuda said that Rav said: The mishna is not in accordance with the opinion of Rabbi Meir, as, if it is in accordance with the opinion of Rabbi Meir, didn’t Rabbi Meir say: A person does not utter a statement for naught. In other words, if one issues a statement that cannot be fulfilled as stated, it is interpreted in a manner that renders it relevant. Consequently, when he said: This non-sacred animal is in place of a burnt offering, he must have been referring to a burnt offering that he had in his house.

110 § The mishna teaches: If he said with regard to a non-kosher animal and with regard to a blemished animal: These animals are hereby designated for a burnt offering, the animals should be sold, and he brings a burnt offering purchased with the money received from their sale. The Gemara infers: The reason that these animals are sold is that they are non-kosher and blemished animals, which are not fit to be sacrificed, and therefore they do not require the development of a blemish for them to be sold. But in the case of one who separates a female animal for a guilt offering or for a burnt offering, which may be brought only from males, since a female animal is fit to be sacrificed as a different type of offering, the animal does require the development of a blemish for it to be sold.

111 Consequently, Rav Yehuda said that Rav said: The mishna is not in accordance with the opinion of Rabbi Shimon, as we learned in a mishna (19b) that Rabbi Shimon says: In the case of one who designates a female animal for a guilt offering, since a female is unfit to be sacrificed as that offering, its halakhic status is like that of a blemished animal in the sense that it does not become inherently sacred; rather, only its value is sacred. Therefore, it may be sold without it having developed a blemish, and a guilt offering is purchased with the money received from its sale.

Chapter 6

[1] MISHNA: With regard to all animals whose sacrifice on the altar is prohibited, if they are intermingled with animals whose sacrifice is permitted, they prohibit the entire mixture of animals in any amount, regardless of the ratio of permitted to prohibited animals. These are the animals whose sacrifice is prohibited: An animal that copulated with a person, and an animal that was the object of bestiality, and the set-aside, and one that was worshipped, and an animal that was given as payment to a prostitute or as the price of a dog, or an animal crossbred from a mixture of diverse kinds, or an animal with a wound that will cause it to die within twelve months [tereifa], or an animal born by caesarean section.

[2] Which is the animal that is set-aside? It is an animal that is set aside for idol worship. The animal itself is prohibited, but that which is upon it, e.g., its jewelry and garments, is permitted to be sold in order to purchase an animal to be sacrificed. And which is the animal that was worshipped? It is any animal that a person worships as an object of idol worship. In this case, the sacrifice of both the animal itself and an animal purchased using the money from the sale of that which is upon it is prohibited. And the consumption of both this, the animal designated for idol worship, and that, the animal worshipped, is permitted.

[3] GEMARA: The Master said in the mishna, with regard to all animals whose sacrifice on the altar is prohibited, that if they are intermingled with animals whose sacrifice is permitted, they prohibit the entire mixture in any amount. This teaches that they are not nullified by a majority. This is difficult, as we already learn this in a mishna (Zevaḥim 70b): All the sacrificial animals that were intermingled with an animal from which deriving benefit is prohibited, e.g., sin offerings that were disqualified and left to die, or if they were intermingled with an ox that is sentenced to be stoned, even if the ratio is one in ten thousand, deriving benefit from them all is prohibited and they must all die.

[4] And the use of the word “even” in the phrase: Even one in ten thousand, was difficult for us: What is it saying? This word indicates that the novelty of the mishna’s ruling is that even if one permitted animal was intermingled with ten thousand prohibited animals they are all prohibited. Yet, this is less of a novelty than in the reverse case, since if in a situation where a minority of prohibited items became intermingled with a majority of permitted animals they are all prohibited, all the more so when the prohibited items are the majority.

[5] And we explained that this is what the tanna is teaching: With regard to animals that are fit for the altar, if there was intermingled with them an animal from which deriving benefit is prohibited, e.g., one of the five sin offerings that are left to die if they are rendered disqualified, or if they were intermingled with an ox that is sentenced to be stoned, even if one prohibited animal was intermingled in ten thousand permitted animals, deriving benefit from them is prohibited and they must all die. If so, the halakha of the mishna here was already taught in tractate Zevaḥim. Why, then, is its repetition necessary here?

[6] The Gemara answers that it was necessary, as it might enter your mind to say that this halakha applies only there, with regard to the specific examples mentioned in the mishna in Zevaḥim, as the five sin offerings that are condemned to die and an ox that is sentenced to be stoned are items from which deriving benefit is prohibited. But here, where the animals are not items from which deriving benefit is prohibited, but are merely prohibited to be sacrificed, you might say: Let them be nullified

by a majority of permitted animals. Therefore, the mishna teaches us that even animals that are merely prohibited to be sacrificed prohibit other animals in any amount.

[7] The Gemara asks: But we already learn in a mishna (Zevaḥim 71a) the halakha of an animal that copulated with a person, and an animal that was the object of bestiality, and the other examples listed in the mishna here as well: If sacrificial animals were intermingled with an animal that copulated with a person, or with an animal that was the object of bestiality, or with the set-aside, with the animal worshipped, or with one of the other animals mentioned here, they shall graze until they become unfit for sacrifice and then sold, and from the money received the owner shall bring another offering with the monetary value of the higher-quality animal among them from the same species as the offering with which they were intermingled. This indicates that even in the case of an animal that may not be sacrificed, but from which one may derive benefit, it nevertheless renders other animals prohibited when intermingled.

[8] Rav Kahana said: I said this halakha before Rav Shimi bar Ashi, and he said to me that it was necessary for the mishna here to repeat this ruling. The reason is that one mishna is referring to a case where the previously fit animals became intermingled while they were still non-sacred, and their owners subsequently consecrated them. And the other mishna in Zevaḥim is referring to a situation where they became intermingled when they were already consecrated, as can be inferred from the opening phrase of that mishna: All the offerings (Zevaḥim 70b), which indicates that they are already offerings.

[9] The Gemara adds: And both mishnayot are necessary, as had the tanna taught us this halakha only with regard to sacrificial animals, one might say that the reason is because they are repulsive, i.e., when the sacrificial animals became intermingled with the other animals they were immediately disqualified from being sacrificed on the altar. But with regard to animals that became intermingled when they were still non-sacred, at which stage they are not considered repulsive to the altar, as the altar does not yet have a claim to them, one might say: Let them be nullified in the mixture, after which all the animals could be dedicated to the altar. Therefore, the mishna here teaches that even if the animals became intermingled when they were non-sacred, nevertheless the entire mixture is prohibited.

[10] The Gemara asks: But we also learn this halakha, that the entire mixture is prohibited with regard to non-sacred items, in another mishna (Avoda Zara 74a): And these are items that are prohibited in themselves and that deem other items prohibited if they became intermingled with them in any amount: Wine used for a libation in idol worship, and an object of idol worship, and birds for the purification of a leper (see Leviticus 14:1–6), and hides with a tear opposite the heart, a sign of the practice of sacrificing hearts of live animals for idol worship.

[11] And in addition, the shaved-off hair of a nazirite (Numbers 6:18); and a firstborn donkey (Exodus 13:13); and meat that was cooked in milk (Exodus 23:19; 34:26; Deuteronomy 14:21), and an ox that is to be stoned; and a heifer whose neck is broken as part of the ritual performed when a murder victim’s body is found outside a town, and it is not known who caused his death (Deuteronomy 21:1–9); and non-sacred meat from an animal that was slaughtered in the Temple courtyard, and the scapegoat of Yom Kippur (Leviticus 16:7–10), all of these are prohibited in themselves and they deem mixtures prohibited in any amount.

[12] Once again the Gemara answers that both mishnayot are necessary, as had the tanna taught us this halakha only there, in tractate Avoda Zara, one would have said that it is only in that case, where they are items from which deriving benefit is prohibited, that they are not nullified; but here, let them be nullified.

[13] And had the tanna taught us this halakha only here, I would have said that the mixture is prohibited in this case, as this mishna is dealing with offerings that have been rendered repulsive to the Most High. But with regard to use by an ordinary person [hedyot], say: Let these other items from which deriving benefit is prohibited be nullified by a majority. Therefore, the mishna in Avoda Zara teaches us that even items not designated for use upon the altar render other items prohibited, and are not nullified by a majority.

[14] § The mishna's list of disqualified animals includes an animal that copulated with a person, and an animal that was the object of bestiality. The Gemara asks: From where do we derive that these animals are prohibited as offerings to the Most High? The Gemara answers that this is as the Sages taught with regard to the verse: "You shall bring your offering from the cattle, even from the herd or from the flock" (Leviticus 1:2). The limitation indicated by the phrase "from the cattle" serves to exclude an animal that copulated with a person and an animal that was the object of bestiality from eligibility as an offering.

[15] The Gemara objects: That claim requires elucidation, as couldn't this be derived through an a fortiori inference: And if a blemished animal, with which no transgression was committed, is disqualified from the altar, with regard to an animal that copulated with a person and an animal that was the object of bestiality, with which a transgression was committed, is it not logical that they should be prohibited to be sacrificed on the altar?

[16] The Gemara explains: The case of one who violates the prohibition of plowing with an ox and a donkey together (Deuteronomy 22:10) shall prove that the above claim is invalid. This is a case where a transgression was committed with the ox, and yet it is permitted to sacrifice it upon the altar.

[17] The Gemara rejects this response: What is notable about the prohibition of one who plows with an ox and a donkey? It is notable in that one is not liable to die for this violation, and therefore it is logical that this ox is not prohibited to be sacrificed. Will you say the same with regard to the prohibitions of an animal that copulated with a person and an animal that was the object of bestiality, where the person involved is liable to die? Therefore, the animals should be prohibited to be sacrificed on the altar.

[18] The Gemara explains that this claim is indeed valid, and therefore you should retract from that which you cited as a refutation of the a fortiori inference. In other words, one can learn by a fortiori inference that an animal that copulated with a person and an animal that was the object of bestiality cannot be used as offerings. Nevertheless, this is applicable only to those animals with which a transgression was committed that was seen by two witnesses, and the transgressor was therefore liable to death by the court, as in this case the proof from one who plows with an ox and a donkey is invalid, as explained in the previous paragraph.

[19] From where is it derived that the same applies if a transgression was committed with them on the basis of the testimony of one witness or on the basis of the admission of the owners? For this purpose, the interpretation of the phrase "from the cattle" is necessary.

[20] Rabbi Shimon says: I infer an a fortiori inference in the following manner: And if a blemished animal, concerning which the testimony of two witnesses does not disqualify it from being eaten by an ordinary person, and nevertheless the admission of one witness, i.e., the Sage who rules that its blemish disqualifies it for the altar, disqualifies it from sacrifice, with regard to an animal that copulated with a person and an animal that was the object of bestiality, concerning which the admission of two witnesses disqualifies it from being eaten by an ordinary person, is it not logical that the admission of one witness should disqualify it from sacrifice?

[21] Therefore, the verse states: “From the cattle,” to exclude an animal that copulated with a person and an animal that was the object of bestiality from eligibility as offerings. The Gemara asks: But why is this derivation necessary? This halakha was just inferred through an a fortiori inference, by Rabbi Shimon. The Gemara explains that in fact the halakha of an animal that copulated with a person and an animal that was the object of bestiality cannot be inferred by a fortiori inference according to the Rabbis who disagree with Rabbi Shimon.

[22] Rav Ashi said: One cannot derive the halakha of an animal that copulated with a person and an animal that was the object of bestiality by an a fortiori inference from a blemished animal, because one can say that the refutation of the a fortiori inference is found in the basic case itself, i.e., there is a problem with this comparison: What is notable about a blemished animal? It is notable in that its blemish is conspicuous, and it should perhaps be disqualified for this reason.

[23] Shall you say the same with regard to an animal that copulated with a person and an animal that was the object of bestiality, whose blemish is not conspicuous? Since its blemish is not conspicuous, one can claim that it should be fit for the altar, despite the fact that a transgression was performed with it. Therefore the verse states: “From the cattle,” to exclude an animal that copulated with a person and an animal that was the object of bestiality from eligibility to be brought as an offering.

[24] § The Gemara returns to discuss the baraita that interprets the verse: “You shall bring your offering from the cattle, even from the herd or from the flock” (Leviticus 1:2). The phrase “from the herd” serves to exclude an animal that is worshipped. The Gemara asks: Why is this verse necessary? Could this not be derived through an a fortiori inference: And if an animal given as payment to a prostitute for services rendered or given as payment for the price of a dog, which is more lenient in that their coating, i.e., the decorative part added to the animal, is permitted to be used on the altar, e.g., for fashioning golden plates for the altar, and yet they themselves are prohibited, then with regard to an animal that is worshipped, which is more stringent in that even its coating is prohibited, is it not logical that it itself should be prohibited to the Temple?

[25] The Gemara responds: Or perhaps one can reverse this reasoning: And if animals used as payment to a prostitute or as the price of a dog, whose halakhot are stringent, as they themselves are prohibited to be sacrificed on the altar, and yet their coating is permitted, with regard to an animal that is worshipped, whose halakha is more lenient, as it is permitted to be sacrificed upon the altar, since the Torah does not explicitly state that it may not be sacrificed, certainly its coating should be permitted for use in the Temple.

[26] The Gemara rejects this a fortiori inference with the claim that if so, you have nullified the requirement of the verse: “The graven images of their gods shall you burn with fire; you shall not covet the silver or the gold that is on them, nor take it to you” (Deuteronomy 7:25). This verse is clearly referring to the coatings of items worshipped, in addition to the idols themselves.

[27] The Gemara refutes this claim: I shall establish the clause: “You shall not covet the silver or the gold that is on them,” as referring to a coating of an entity that is not alive. But with regard to the coating of an entity that is alive, since such entities themselves are permitted to be sacrificed on the altar, one might have thought that even its coating should be permitted. Therefore, the verse states: “From the herd,” to exclude an animal that is worshipped. Once it has been derived that a worshipped living creature is prohibited to be sacrificed on the altar, it follows that its coating is also prohibited.

[28] Rav Ḥananya objects to this: According to this explanation, the only reason that the coating of an animal that was worshipped is prohibited is that the verse excluded it, from which it may be inferred that if the verse had not excluded it, then the coating would be permitted. But isn’t it written that idolatry must be entirely eradicated: “And you shall break down their altars, and dash in pieces their pillars, and burn their Asherim with fire; and you shall hew down the graven images of their gods; and you shall destroy their name out of that place” (Deuteronomy 12:3). This teaches that not only must the idols themselves be destroyed, but also everything made in their name, including their coating, must be destroyed.

[29] The Gemara answers: That phrase: “And you shall destroy their name,” does not teach this halakha. Rather, it comes to teach that one should give a derogatory nickname to idol worship, and not call them by their original names. For example, if idolaters refer to a place of worship as: House of Elevation [beit galya], one calls it: House of Annihilation [beit karya]. If the place is called: Face of the Molekh [penei haMolekh], one calls it: Face of a Dog [penei kelev], and if it is called: All-seeing Eye [ein kol], one calls it: Eye of a Thorn [ein kotz].

[30] The baraita teaches that the phrase “from the cattle” (Leviticus 1:2) excludes an animal that copulated with a person and an animal that was the object of bestiality from eligibility to be brought as an offering, while the phrase “from the herd” excludes an animal worshipped as an object of idolatry. The Gemara asks: But perhaps I can reverse these derivations, as follows: The phrase “from the cattle” serves to exclude an animal that was worshipped, and the phrase “from the herd” serves to exclude an animal that copulated with a person and an animal that was the object of bestiality.

[31] The Gemara answers: There, with regard to the phrase “from the cattle [behema],” the derivation is based on the context of the verse, as the halakha of an animal that copulated with a person and an animal that was the object of bestiality is written with regard to a domesticated animal: “And if a man lie with a beast [behema], he shall surely be put to death, and you shall slay the beast. And if a woman approach any beast [behema] and lie down with it, you shall kill the woman, and the beast” (Leviticus 20:15–16). By contrast, the prohibition of idol worship is written with regard to an animal of the herd: “They made a calf in Horeb, and worshipped a molten image. Thus they exchanged their glory for the likeness of an ox that eats grass” (Psalms 106:19–20).

[32] § The baraita further teaches that the phrase “from the flock” (Leviticus 1:2) serves to exclude an animal set aside for idol worship, while the conjunction “or” at the beginning of the phrase “or from the flock” (Leviticus 1:2) serves to exclude an animal that gored and killed a person. Rabbi Shimon said: If it is stated that an animal that copulated with a person is disqualified as a sacrifice, why is it stated that an animal that gored is disqualified? And if it is stated that an animal that gored is disqualified, why is it stated that an animal that copulated with a person is disqualified? How do the transgressions differ?

[33] Rabbi Shimon explains: It is because there is a stringency pertaining to an animal that copulated with a person that does not pertain to one that gored, and vice versa. Rabbi Shimon elaborates: There is a stringency pertaining to an animal that copulated with a person, as with regard to an animal that copulated with a person, the Torah renders an animal that is a victim of forced copulation like one that acted willfully, which is not so with regard to an animal that gored, which is exempt if others induced it to gore.

[34] By contrast, there is a stringency pertaining to an animal that gored, as with regard to an animal that gored, its owner pays a ransom; which is not so with regard to the owner of an animal that copulated with a person. Therefore, the Torah had to state that an animal that copulated with a person is disqualified, and it also had to state that an animal that gored is disqualified.

[35] § The baraita teaches that the prohibition of sacrificing an animal that copulated with a person and an animal that was the object of bestiality on the altar is derived from the phrase “from the cattle.” The Gemara notes: And this tanna cites that halakha from here, as it is taught in a baraita: With regard to an animal that copulated with a person and an animal that was the object of bestiality that were consecrated, they are considered like sacrificial animals whose temporary blemish preceded their consecration.

[36] The baraita continues: And animals with a temporary blemish cannot be sacrificed at present, nor can they be redeemed. Rather, they require a permanent blemish for one to redeem them on account of that blemish, as it is stated with regard to the disqualification of blemished animals from the altar: “Neither from the hand of a foreigner shall you offer the bread of your God of any of these, because their corruption is in them, there is a blemish in them; they shall not be accepted for you” (Leviticus 22:25).

[37] The Gemara asks: What is the biblical derivation here? How is this verse relevant to an animal that copulated with a person and an animal that was the object of bestiality? The Gemara answers that the baraita is incomplete and this is what it is teaching: From where is it derived that an animal that copulated with a person and an animal that was the object of bestiality are prohibited to be sacrificed? The verse states: “Because their corruption is in them, there is a blemish in them,” and the school of Rabbi Yishmael taught a principle with regard to the derivation of verses: Anywhere that the term corruption is stated, it is a reference only to a matter of sexual immorality and idol worship.

[38] Corruption refers to a matter of sexual immorality, as it is written with regard to the generation of the flood, which was steeped in sexual immorality: “And God saw the earth, and, behold, it was corrupt; for all flesh had corrupted its way upon the earth” (Genesis 6:12). Corruption also refers to idol worship, as it is written: “Lest you deal corruptly, and make you a graven image even the form of any figure” (Deuteronomy 4:16). Since the term corruption is also used with regard to blemished animals, the following may be derived: In any case in which a blemish disqualifies an animal from the altar, a matter of sexual immorality, such as an animal that copulated with a person or an animal that was the object of bestiality, or their use as an object of idol worship, also disqualifies them.

[39] The Gemara asks: And according to the tanna of the school of Rabbi Yishmael, who says that the disqualifications of an animal that copulated with a person and an animal that was the object of bestiality, the set-aside, and the worshipped animal, are derived from the case of blemished animals, what does he derive from the verse: “From the cattle, even from the herd or from the flock” (Leviticus 1:2), which is the source of these disqualifications according to the earlier baraita? The

Gemara answers that he requires these three terms to exclude sick, old, and filthy animals, which may not be sacrificed.

40 The Gemara asks: And the first tanna, who derives from these verses the halakha of an animal that copulated with a person and an animal that was the object of bestiality, from where does he derive the ruling that sick, the old, and filthy are disqualified from being sacrificed on the altar? The Gemara answers: He derives it from the verse: “And if his offering be of the flock, whether of the sheep or of the goats” (see Leviticus 1:10). The Gemara comments: And according to the tanna of the school of Rabbi Yishmael, that these halakhot are not derived from that verse, it is because it is the manner of the verse to say this, i.e., to state the general category of flock before specifying sheep and goats.

41 § The mishna teaches: Which is the animal that is set-aside? It is an animal that is set aside for idol worship. Reish Lakish says: Only an animal that has been set aside for seven years is prohibited to be sacrificed on the altar, i.e., one that is set aside to be used for idol worship at the end of seven years.

42 As it is stated with regard to Gideon: “And it came to pass the same night, that the Lord said to him: Take your father’s bullock, and the second bullock of seven years, and throw down the altar of Baal that your father has, and cut down the Asherah that is by it; and build an altar to the Lord your God…and take the second bullock, and sacrifice a burnt offering with the wood of the Asherah that you shall cut down” (Judges 6:25–26). This indicates that it was common practice to prepare a bullock for seven years as an object of idol worship.

43 The Gemara asks: And there, was that bullock prohibited merely as set-aside? It was also actually worshipped. Rav Aḥa bar Ya’akov says: This bullock was set aside to be worshipped, but in practice, they did not worship it. Rava says: Actually, they did worship it, and therefore it should have been prohibited as idolatry. But this case is a novelty, in accordance with a statement of Rabbi Abba bar Kahana. As Rabbi Abba bar Kahana says: Eight prohibited matters were permitted to Gideon on that night when he destroyed his father’s idolatry (see Judges, chapter 6): The prohibition against slaughtering sacrificial animals outside the Tabernacle; and the prohibition against sacrificing offerings at night; and the prohibition of non-priests performing the service, as Gideon was not a priest;

44 and the prohibition against sacrificing without service vessels; and the prohibition against utilizing vessels that had been previously used for the service of a tree worshipped as idolatry [asheira]; and the prohibition against using the wood of an asheira, as God commanded Gideon to sacrifice the burnt offering with the wood of an asheira that he will cut down (Judges 6:26); and the prohibition of sacrificing an animal set aside for idolatry; and the prohibition against using an animal that was worshipped as an idol.

45 § The Gemara continues to discuss the halakha of an animal set aside for idol worship. Rav Tovi bar Mattana says that Rabbi Yoshiya says: From where is the halakha of set-aside derived in the Torah? As it is stated with regard to the offerings: “My food that is presented to Me for offerings made by fire, of a pleasing aroma to Me, you shall safeguard it to sacrifice to Me in its due season” (Numbers 28:2), which refers to anything that is safeguarded. The Gemara initially assumes that Rabbi Yoshiya meant that any sacrifice must be safeguarded, i.e., set aside and not sacrificed immediately after its consecration.

[46] Abaye objects to this: If that is so, then in a case where one brought a lamb that was weak as an offering, and its owner clearly did not safeguard it, so too will you say that it is unfit for sacrifice? Nowhere is it stated that an animal is disqualified for the altar because it has not been treated well. Rabbi Yoshiya said to Abaye: You misunderstood my intention; I say that the verse: "You shall safeguard it to sacrifice to Me in its due season," should be interpreted as follows: You shall safeguard it only for Me, but not to another master. And which is this other master to which one could sacrifice? You must say that this is an object of idol worship.

[47] The Gemara continues to discuss the definition of an animal that has been set aside for idolatry. Rava bar Rav Adda says that Rav Yitzḥak says: An animal that has been set aside for idol worship is prohibited, i.e., still considered set aside, only until it has been used for work by the attendants of that idolatry. But once it has been used it is no longer prohibited, as it will not be sacrificed to the idol afterward. Ulla says that Rabbi Yoḥanan says: An animal that has been set aside for idol worship is prohibited only until it has been handed over to the attendants of idol worship for fattening for it to be eaten, even if it has not been used for any form of work. But after it has been handed over it is not prohibited, as it will not be sacrificed.

[48] The Sage Baha says that Rabbi Yoḥanan says: A set-aside animal is prohibited only until its owner feeds it vetches of idolatry after it has been given to the attendants of idolatry. Rabbi Abba said to Baha: Do you dispute the statement of Ulla, who defined set-aside differently according the opinion of Rabbi Yoḥanan? Baha said to Rabbi Abba: No, I do not disagree with Ulla, as Ulla too, when he stated his definition, also was referring to a case where they fed it vetches of idolatry.

[49] Rabbi Abba said: Baha knows how to explain this halakha, but had he not ascended from Babylonia to there, Eretz Yisrael, he would not have known this explanation, as Eretz Yisrael caused him to grow wise. Rav Yitzḥak said to Rabbi Abba: That is not the case, as Baha was from here and there, i.e., he became wise because he studied Torah in both places.

[50] The Gemara continues to discuss the issue of set-aside. Rabbi Ḥananya Terita taught before Rabbi Yoḥanan: An animal that has been set aside for idolatry is prohibited only until an action has been performed upon it. He taught it and then said its explanation: What is the meaning of an action? It means until it is sheared and used for labor by the attendants of the idol.

[51] § The mishna teaches: Which is the animal that is worshipped as idolatry? It is any animal that one worships. The mishna proceeds to state: The consumption of both this, the animal designated for idol worship, and that, the animal worshipped, is permitted. The Gemara asks: From where are these matters derived?

[52] Rav Pappa said that the verse states, with regard to offerings: "And one lamb of the flock, out of two hundred, from the well-watered pastures of Israel, for a meal offering, and for a burnt offering, and for peace offerings, to make atonement for them" (Ezekiel 45:15). The expression: "From the well-watered pastures of Israel," means that one brings offerings only from that which is permitted to Israel. And if it enters your mind that a set-aside animal and one worshipped as idolatry are prohibited in consumption to an ordinary person, why do I need a verse to exclude them from sacrifice to the Most High, as that would be obvious. Rather, they must be permitted in consumption to an ordinary person.

[53] The Gemara asks: And is it true that anywhere that an item is prohibited to an ordinary person, a verse is not necessary to teach that it may not be used as a sacrifice? But there is the case of an

animal with a condition that will cause it to die within twelve months [tereifa], which is prohibited in consumption to an ordinary person, and yet a verse excludes it from sacrifice to the Most High.

[54] As it is taught in a baraita: It was previously derived from the verse: “You shall bring your offering from the cattle, even from the herd or from the flock” (Leviticus 1:2), that certain animals are prohibited to be sacrificed on the altar (see 28a). When it says below, in the next verse: “If his offering is a burnt offering of the herd,” there is apparently no need for the verse to state this, as it was already stated earlier. Rather, this serves to exclude a tereifa from being brought as an offering.

[55] The Gemara answers: In this case the derivation was necessary, as it might enter your mind to say: This statement, that a tereifa may not be sacrificed, applies where it became a tereifa and afterward was consecrated as an offering. But if it was consecrated and only afterward became a tereifa, I would say that it should be permitted to the Most High, despite the fact that it is prohibited in consumption. Consequently, the derivation from the verse is necessary.

[56] The Gemara asks: But isn’t the halakha, that an animal which became a tereifa after it was consecrated is prohibited to be sacrificed, derived from here, a verse that deals with the animal tithe: “And all the tithe of the herd or the flock, whatsoever passes under the rod, the tenth shall be holy to the Lord” (Leviticus 27:32). The phrase: “Whatsoever passes under the rod,” indicates that the halakha of animal tithe applies only to an animal that can pass under the rod, excluding a tereifa, e.g., if its leg was cut above the knee, which cannot pass under the rod. From this paradigm case of a tereifa, the exception is expanded to apply to all tereifot.

[57] The Gemara answers: That derivation from animal tithe was also necessary, as it might enter your mind to say: This statement, that a tereifa may not be sacrificed, applies where it did not have a period of fitness to be sacrificed before it became a tereifa, e.g., where it was born a tereifa from its mother’s womb. But in a case where it had a period of fitness and emerged into the air of the world and only afterward became a tereifa, I would say that it should be permitted to the Most High. Therefore, the phrase: “Whatsoever passes under the rod,” teaches us that even such an animal is prohibited to be sacrificed on the altar.

[58] MISHNA: And which is the case of an animal used as payment to a prostitute, which is prohibited as a sacrifice? It is the case of one who says to a prostitute: Here is this lamb as your fee. Even if they were one hundred lambs that he gave her, all of them are considered as payment to a prostitute and are prohibited. And likewise, in the case of one who says to another: Here is this lamb and in return your maidservant will lie with my slave and engage in intercourse with him, Rabbi Meir says: Its halakhic status is not that of payment to a prostitute, and the Rabbis say: Its halakhic status is that of payment to a prostitute.

[59] GEMARA: The Master said in the mishna: And even if they were one hundred lambs, all of them are considered as payment to a prostitute, and are prohibited. The Gemara asks: What are the circumstances? If we say that this is referring to a prostitute who takes one hundred animals as payment for her services, it is obvious that all one hundred animals are prohibited, as what difference is it to me if she was paid one lamb or if she was paid one hundred lambs? What, then, is the novelty of the mishna here?

[60] The Gemara answers: No, it is necessary in a case where the prostitute takes one lamb as payment, and he gave her one hundred lambs. The mishna is teaching that in this case the extra lambs are not

considered a gift. Rather, all the lambs are prohibited, as they all come from the source of a payment to a prostitute.

61 The Gemara continues to discuss the issue of payment to a prostitute. The Sages taught in a baraita: If a man gave her an animal as payment but did not engage in intercourse with her, or if he engaged in intercourse with her but did not give her payment, her payment is permitted. The Gemara asks: In a case where he gave her an animal as payment but did not engage in intercourse with her, do you call this her payment? It cannot be considered payment unless the act of intercourse was actually performed. And furthermore, in the second case, where he engaged in intercourse with her but did not give her payment, what did he give her that it is called a permitted payment?

62 Rather, this is what the baraita is teaching: If he gave her payment and only afterward, when some time had elapsed, engaged in intercourse with her; or if he engaged in intercourse with her and only afterward gave her payment, in these two cases her payment is permitted. The Gemara asks: But in the case where he gave her the lamb and later engaged in intercourse with her, let the status of payment to a prostitute take effect upon it retroactively. Rabbi Elazar says:

63 This is referring to a case where the prostitute first sacrificed the lamb as an offering, before she engaged in intercourse with the man who gave it her. In this case, the lamb is not considered payment to a prostitute. The Gemara asks: What are the circumstances? If we say that the man transferred ownership of the lamb to her immediately, and only afterward engaged in intercourse with her, it is obvious that this lamb is permitted to be sacrificed on the altar, as it belongs to her and up to that point the man had not yet engaged in intercourse with her. Therefore, the lamb is not considered payment at all.

64 But rather, this must be referring to a case where he said to her: The lamb shall be acquired by you only at the time of intercourse, and yet she went ahead and sacrificed it beforehand. But in this case, can she legally sacrifice the lamb? The Merciful One states: “And when a man shall sanctify his house to be holy to the Lord” (Leviticus 27:14), which teaches that just as his house is in his possession, so too any item that a person wishes to sanctify must be in his possession. In this case, by contrast, the lamb does not belong to her until they engage in intercourse.

65 The Gemara responds: No, it is necessary in a case where he said to her: The lamb shall be acquired by you only at the time of intercourse, but if you need it in the meantime, acquire it for yourself from now. The baraita teaches that in such a case the lamb is permitted to be sacrificed on the altar.

66 § Rav Oshaya raises a dilemma: If she first consecrated the lamb before they engaged in intercourse but had not yet sacrificed it, what is the halakha? The Gemara suggests: Resolve the dilemma from that which Rabbi Elazar said, as Rabbi Elazar said above: The baraita is referring to a case where the prostitute first sacrificed the lamb as an offering. It can be inferred that it is not considered payment only if she actually sacrificed it, as the lamb is not extant at the time of intercourse. But if she merely consecrated it and had not yet sacrificed it, the lamb is prohibited, i.e., it is considered payment to a prostitute and therefore prohibited to be sacrificed upon the altar.

67 The Gemara responds: Rav Oshaya raises this inference itself as a dilemma, as follows: May one infer from Rabbi Elazar’s statement that it is only if she sacrificed it before their intercourse and it is no longer in existence at the time of intercourse that it is permitted; but if she had merely consecrated it at the time of intercourse, the lamb is prohibited.

[68] Or perhaps one can argue otherwise: Since we learned in a mishna (Kiddushin 28b) that a declaration to the Most High, i.e., consecrating an item through speech, is equivalent to transferring an item to an ordinary person, therefore if she verbally consecrated the lamb before she engaged in intercourse with the man, it should be permitted to be sacrificed on the altar, as once she has dedicated the animal to God it no longer belongs to her. And all the more so the animal should be permitted if she actually sacrificed it. No answer is found, and the Gemara states that the dilemma shall stand unresolved.

[69] § The baraita teaches: If he engaged in intercourse with her and afterward gave her payment, her payment is permitted. The Gemara asks: But isn't it taught in another baraita: If he engaged in intercourse with her and afterward gave her payment, her payment is prohibited to be sacrificed on the altar, and this is the case even if he gave it to her as much as twelve months later.

[70] Rav Ḥanan bar Rav Ḥisda said: It is not difficult, as this second baraita is referring to a situation where he set aside a particular lamb and said to her before engaging in intercourse: Engage in intercourse with me for this lamb. In this case that lamb is considered hers as soon as they engage in intercourse, even if it was not actually given to her until much later. Therefore, it is prohibited to be sacrificed on the altar as payment to a prostitute. By contrast, that first baraita is referring to a case where he said to her: Engage in intercourse with me for a lamb, without specification. Since he did not designate a lamb for her services at the time, the lamb he gives her later is not considered payment.

[71] The Gemara objects: Even if he said to her: Engage in intercourse with me for this lamb, it should not be prohibited for sacrifice on the altar, as it lacks the formal act of acquisition of pulling, without which she does not acquire the animal. The Gemara explains that this baraita is referring to a gentile prostitute, who does not acquire by pulling, as this method of acquisition cannot be performed by gentiles. And if you wish, say instead that this baraita is referring even to a Jewish prostitute, such as a case where the lamb is located in her courtyard, and she acquires it by means of her domain.

[72] The Gemara asks: If the lamb is in her courtyard, why does the baraita state that he gave it to her after twelve months? He gave it to her at the outset, before they engaged in intercourse, and she acquired it at that time via her courtyard. The Gemara answers that the baraita is referring to a case where he established the lamb for her as designated payment, and said to her: If by such and such a day I give you money as your payment, all is well, and you will return the lamb to me. And if I have not given you money by that date, then the lamb itself shall be your payment.

[73] § The Gemara continues to discuss the definition of payment to a prostitute that is prohibited to be sacrificed on the altar. Rav says: Both the payment given for intercourse of a male with a male, and the payment given for intercourse with any of those with whom relations are forbidden, have the status of payment to a prostitute and are therefore prohibited. Such an animal may not be used as a sacrifice, except for payment to one's menstruating wife.

[74] What is the reason that payment to one's menstruating wife is permitted? The reason is that it is written "prostitute," with regard to this prohibition: "You shall not bring the hire of a prostitute or the price of a dog into the House of the Lord your God, for both of them are an abomination to the Lord your God" (Deuteronomy 23:19), and this woman, his menstruating wife, is not a prostitute.

[75] And Levi says: Even the payment for intercourse with one's menstruating wife is considered payment to a prostitute and is prohibited to be sacrificed on the altar. What is the reason? It is written

“abomination” in the above verse, and this intercourse with one’s menstruating wife is also called an abomination, as it is written with regard to those with whom relations are forbidden, including a menstruating wife: “For whoever shall do any of these abominations” (Leviticus 18:29).

[76] The Gemara objects: And according to the opinion of Levi as well, isn’t it written “prostitute,” with regard to this payment, and one’s wife is not a prostitute. The Gemara answers that Levi could have said to you: That term teaches that this prohibition applies only to a female prostitute who receives payment from a man, and not to a male prostitute who is paid by a woman. The Gemara further asks: And according to the opinion of Rav, who derives from the word “prostitute” that one’s menstruating wife is excluded, from where does he derive that halakha that the prohibition applies only to a female prostitute who receives payment from a man and not to a male prostitute who receives payment from a woman?

[77] The Gemara explains that Rav derives it from that which Rabbi Yehuda HaNasi said. As it is taught in a baraita that Rabbi Yehuda HaNasi says: The only payment to a prostitute that is prohibited for sacrifice on the altar is any payment given to one with whom intercourse is a transgression for him and is never permitted. But with regard to an animal given as payment by a husband to his menstruating wife for intercourse, and payment that he gave to a prostitute as a fee for her neglect of other paid labor that she could have been performing at that time, but not as payment for intercourse, and an animal that a woman gave him as his payment, all these are permitted to be sacrificed on the altar.

[78] Rabbi Yehuda HaNasi adds: Even though there is no proof for the matter, that an animal given by a woman to a man for services rendered is not considered payment to a prostitute, nevertheless there is an allusion to the matter in the verses: “To all prostitutes gifts are given; but you have given your gifts to all your lovers, and have bribed them to come unto you from every side in your harlotries. And the contrary is in you from other women, in that you did solicit to prostitution, and you were not solicited; and in that you gave hire, and no hire is given to you, thus you are contrary” (Ezekiel 16:33–34). This indicates that it is contrary to the manner of prostitution for the woman to pay the man to engage in intercourse with her.

[79] The Gemara asks: And Rav, this word “abomination” (Deuteronomy 23:19), from which Levi derives his ruling that an animal given by a husband for intercourse with his menstruating wife is considered payment to a prostitute, what does he do with it? The Gemara answers that Rav requires this word for that which Abaye said. As Abaye said: With regard to a gentile prostitute, her payment is prohibited.

[80] What is the reason? It is written here, with regard to payment to a prostitute, “abomination,” and it is written there, with regard to forbidden sexual relations: “For whoever shall do any of these abominations” (Leviticus 18:29). Just as there the verse is referring to those with whom relations are forbidden and with whom betrothal does not take effect, so too, the prohibition of payment to a prostitute is referring to a woman with whom betrothal does not take effect, including a gentile.

[81] And Abaye further stated with regard to a gentile prostitute: A priest who engaged in intercourse with her is not flogged for engaging in intercourse with her due to the prohibition with regard to priests: “They shall not take a woman who is a prostitute” (Leviticus 21:7). What is the reason? It is because the verse states: “And he shall not profane his seed among his people” (Leviticus 21:15). This verse indicates that the prohibition of profaning his seed applies only to a priest who engages in

intercourse with a woman whose offspring are attributed to him, i.e., a Jew, where the lineage of the children is determined by the identity of the father. This excludes a priest who engaged in intercourse with a gentile woman, whose offspring are not attributed to him, but to her, as their child is a gentile.

[82] Abaye further stated: With regard to one who engages in intercourse with an unmarried Jewish prostitute, her payment is permitted to be sacrificed on the altar. What is the reason? It is that betrothal takes effect with her, and payment is prohibited only in the case of a prostitute with whom betrothal is ineffective. And a priest who engaged in intercourse with her is flogged due to the prohibition against engaging in intercourse with a prostitute. What is the reason? It is because his offspring from this relationship are attributed to him.

[83] And Rava says: With regard to both this, a gentile prostitute, and that, a Jewish prostitute, her payment is prohibited, and a priest who engaged in intercourse with her is flogged due to the prohibition against having intercourse with a prostitute. What is the reason? It is that these two cases are derived from one another: Just as engaging in intercourse with a Jewish prostitute is forbidden to a priest by a prohibition, so too his engaging in intercourse with a gentile prostitute is forbidden by a prohibition. And just as payment to a gentile prostitute is prohibited, so too payment to a Jewish prostitute is prohibited.

[84] The Gemara raises an objection to the opinion of Abaye from a baraita: With regard to both a gentile prostitute and a Jewish prostitute, their payment is prohibited. This is apparently a conclusive refutation of the opinion of Abaye. The Gemara explains that Abaye could have said to you: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Akiva, who said: Betrothal does not take effect with regard to those liable for violating prohibitions.

[85] And this baraita teaches us that according to the opinion of Rabbi Akiva the halakha of payment to a prostitute applies to every prostitute with whom betrothal does not take effect, similar to the case of widow who is paid for engaging in intercourse with a High Priest, with whom betrothal does not take effect. This case is mentioned in the last clause of the baraita, cited below in the Gemara.

[86] The Gemara objects: And according to the opinion of Rava, what is different about the case specified in the continuation of the baraita, where it teaches: For example, a widow who is paid for engaging in intercourse with a High Priest? In Rava’s opinion even payment to an unmarried woman is considered payment to a prostitute. The Gemara answers that this teaches that even one who engaged in intercourse with an unmarried woman is similar in this regard to a widow who engages in intercourse with a High Priest: Just as in the case of a widow who engages in intercourse with a High Priest, they are flogged only if witnesses warned them that the act is prohibited and is punishable, so too with regard to one who engages in intercourse with a prostitute, it is not considered payment unless he says to her: This lamb is for you for services rendered, indicating that the intercourse is an act of prostitution.

[87] The Gemara adds that this serves to exclude the opinion of Rabbi Elazar, as Rabbi Elazar says: With regard to any unmarried man who engaged in intercourse with an unmarried woman not for the sake of marriage, he has thereby caused her to become a prostitute. Rava, in contrast, holds that intercourse with an unmarried woman once does not render her a prostitute, unless he specifies that it is an act of prostitution by saying: This lamb is for services rendered. But Rava concedes that in a case where this woman was a prostitute from the outset, so too her payment is automatically prohibited even if she is unmarried.

[88] The Gemara cites another version of Abaye's answer to the objection from the baraita that teaches that payment to both a gentile prostitute and a Jewish prostitute is prohibited: When that baraita is taught, it is referring to those with whom relations are forbidden and with whom betrothal does not take effect. By contrast, when Abaye said that payment to a Jewish prostitute is not prohibited, he was referring to a case where betrothal does take effect.

[89] The Gemara objects: But isn't it taught in the last clause of the baraita: For example, a widow who is paid for engaging in intercourse with a High Priest, or a divorcée or a woman who has performed ḥalitza [ḥalutza] who is paid for engaging in intercourse with an ordinary priest, her payment is prohibited? But these are cases where betrothal takes effect. The Gemara answers: In accordance with whose opinion is this baraita?

[90] It is in accordance with the opinion of Rabbi Elazar, who says: With regard to an unmarried man who engaged in intercourse with an unmarried woman not for the purpose of marriage, he has thereby caused her to become a prostitute. It is for this reason that her payment is prohibited to be sacrificed on the altar. By contrast, Abaye holds in accordance with the opinion of the Rabbis, who disagree with Rabbi Elazar. The Gemara asks: If the baraita is in accordance with the opinion of Rabbi Elazar, why mention specifically the prohibition of a widow who is paid for engaging in intercourse with a High Priest? Let it teach that payment is prohibited even in the case of an unmarried man who engaged in intercourse with an unmarried woman.

[91] The Gemara answers that it was necessary for the tanna to cite the example of a widow who is paid for engaging in intercourse with a High Priest, as it might enter your mind to say: Since the case of an unmarried man who engaged in intercourse with an unmarried woman, which is not a forbidden relationship by Torah law, is the paradigm example of prohibited payment to a prostitute, perhaps in a situation where the relationship is forbidden by Torah law, the payment should not be prohibited. Therefore, the baraita teaches us that payment to a prostitute is prohibited to be sacrificed on the altar even when the relationship is forbidden by Torah law, as in the case of a widow who is paid for engaging in intercourse with a High Priest.

[92] § The mishna teaches: With regard to one who says to another: Here is this lamb and in return your maidservant will lie with my slave and engage in intercourse with him, Rabbi Meir, or according to a different version of the text, Rabbi Yehuda HaNasi, says: The lamb's halakhic status is not that of payment to a prostitute, and the Rabbis say: Its halakhic status is that of payment to a prostitute. The Gemara raises an objection with regard to the opinion of the Rabbis: But a maidservant is permitted to a Canaanite slave. Since this is not an act of prostitution, why should the payment be prohibited? Rav Huna said: He means to say that the lamb is given for the maidservant to lie with him, the master, not the slave. And as for that which it teaches: Lie with my slave, he employs a euphemism.

[93] The Gemara asks: If that is so, what is the reason for the opinion of Rabbi Yehuda HaNasi, who maintains that this payment is not prohibited? Shmuel bar Rav Yitzḥak said: Actually, the mishna is not employing a euphemism, and the master meant: My slave. And as for the difficulty that a maidservant is permitted to a slave, when the mishna teaches this case it is referring to a Hebrew slave, which is why Rabbi Yehuda HaNasi rules that the payment is permitted.

[94] The Gemara asks: If so, what is the reason for the ruling of the Rabbis? After all, a maidservant is permitted to a Hebrew slave. The Gemara answers: Here we are dealing with a case where the

Hebrew slave does not have a wife and children, and in that situation the Canaanite maidservant is not permitted to the Hebrew slave. As it is taught in a baraita: If a Hebrew servant does not have a wife and children when he is enslaved, his master may not give him a Canaanite maidservant. If he has a wife and children, his master may give him a Canaanite maidservant. By contrast, Rabbi Yehuda HaNasi maintains that the master may give a Canaanite maidservant to his Hebrew slave even if the slave does not have a wife and children, and therefore the relationship is not considered an act of prostitution.

95 MISHNA: And which is the case where an animal has the halakhic status of the price of a dog, and it is therefore prohibited to sacrifice the animal on the altar? It is the case of one who says to another: Here is this lamb in place of a dog.

96 And likewise, this prohibition applies in the case of two partners who divided their common property, which included nineteen lambs and one dog, and one took ten lambs and the other one took nine lambs and a dog. Sacrifice of the ten lambs taken by the partner in exchange for the nine lambs and the dog is prohibited, and sacrifice of the nine lambs that were taken by the partner with the dog is permitted.

97 With regard to lambs given as payment to another for engaging in intercourse with his dog, or as the price of a prostitute to purchase her as his maidservant, their sacrifice is permitted, as it is stated: “As both of them are an abomination to the Lord your God” (Deuteronomy 23:19), from which it is inferred: Two are prohibited, payment to a prostitute and the price of a dog, and not four, i.e., the additional two cases of payment for intercourse with a dog and the price of a prostitute, which are permitted. Furthermore, with regard to the two prohibited cases of payment to a prostitute and the price of a dog, sacrifice of their offspring is permitted, as it is stated “them,” and not their offspring.

98 GEMARA: With regard to the definition of the price of a dog, the Sages taught: “The price of a dog” (Deuteronomy 23:19), this is referring to an animal given in exchange for a dog. In this context the word “price” means an item given in exchange for another item, not money. And likewise the verse states: “You sell Your people without wealth, and have not set their prices high” (Psalms 44:13). The phrase “without wealth” indicates that the term “their prices” means an item given in exchange, rather than money.

99 The Gemara objects: You can say instead that the verse: “Price of a dog,” is referring to payment to a prostitute, payment for intercourse with a dog, as well as the price of a dog. The Gemara explains that one cannot explain the verse in this manner, as if so, there are three categories of items that may not be sacrificed to the altar, whereas the verse states: “Both of them,” indicating that there are two categories, and not three.

100 The Gemara rephrases its objection: Did we say that payment to a prostitute, payment for intercourse with a dog, and the price of a dog should all be prohibited? We said that perhaps the phrase: The price of a dog, means the payment for intercourse with a dog, and not the price, i.e., the animal given in exchange for a dog. According to this suggestion, the verse indeed mentions only two categories: Payment given to a prostitute for services rendered, and payment for intercourse with a dog.

101 The Gemara responds: If that is so, let the verse state: You shall not bring the payment to a prostitute or a dog, as in this formulation the word “payment” refers both to the prostitute and the dog. From the fact that it is written: “The payment of a harlot or the price of a dog,” one can learn

from here that the verse is referring to two different matters: Payment to a prostitute, and an animal exchanged for a dog.

[102] § The mishna teaches: With regard to two partners who divided their common property, and one took ten lambs and the other one took nine lambs and a dog, sacrifice of the ten lambs taken by the partner in exchange for nine lambs and a dog is prohibited. The Gemara asks: Why should all ten lambs be prohibited? Let us remove one of the lambs corresponding to the dog, and all the rest of these lambs will be permitted. The Gemara answers: Here we are dealing with a case where the value of the dog is worth more than each one of the ten lambs seperately. Therefore, one cannot set aside one of the lambs in exchange for the dog. And consequently, one casts this addition of the value of the dog between all of the lambs. As a result, all ten lambs are prohibited, since the price of the dog is included in each of them.

[103] § The mishna further teaches with regard to animals given as payment to another for engaging in intercourse with a dog, or as the price of a prostitute to purchase her as his maidservant, that their sacrifice is permitted. Rava from Parzakya said to Rav Ashi:

[104] From where is this matter that the Sages stated, that there is no prostitution with regard to an animal derived? I.e., from where is it derived that a woman who copulates with an animal is not considered a prostitute, in accordance with the ruling of the mishna that payment for intercourse with an animal is permitted? Rav Ashi said to Rava from Parzakya: There was nothing preventing the verse from writing: You shall not bring the payment of a prostitute or a dog into the House of the Lord your God. Since the verse states: “You shall not bring the payment of a prostitute or the price of a dog,” this indicates that these are two different cases, and there is no prostitution with regard to an animal.

[105] The Gemara adds that this is also taught in a baraita: From where is it derived with regard to the payment of a lamb to another for engaging in intercourse with a dog, or as the price of a prostitute to purchase her as his maidservant, that their sacrifice is permitted? As it is stated: “For even both of them are an abomination to the Lord your God” (Deuteronomy 23:19), from which it is inferred: Two are prohibited, payment to a prostitute and the price of a dog, and not four, i.e., payment for intercourse with a dog and the price of a prostitute, which are permitted. Furthermore, sacrifice of their offspring is permitted, as it is stated: “Even both of them,” which indicates that it is “them” that are forbidden, and not their offspring.

[106] The Gemara discusses other cases of offspring of animals with regard to sacrifice on the altar. Rava says: The offspring of a female animal that was the object of bestiality when it was pregnant is prohibited to be sacrificed on the altar, like its mother. The reason is that it is considered as though it, the mother, and its offspring both were the object of bestiality. Likewise, if a pregnant cow gores and kills a Jew, its offspring is prohibited to be sacrificed, like its mother, as it is as though it, the mother, and its offspring both gored.

[107] But the offspring of a set-aside animal and an animal worshipped as an idol are permitted to be sacrificed on the altar. What is the reason? It is that only the mother was set aside, and not the offspring. Likewise, they worshipped only its mother, not the offspring. There are those who say a different version of Rava’s statement: The offspring of a set-aside animal and the offspring of an animal worshipped as an idol are prohibited. What is the reason? It is that it is beneficial to the owner

if its girth is large, as a pregnant animal is more impressive than an ordinary one. Consequently, its offspring is also considered set-aside and worshipped, and it is therefore prohibited.

[108] Rav Aḥadevoi bar Ami says that Rav says: With regard to one who betroths a woman with the excrement of an ox that is sentenced to be stoned, if the excrement is worth at least one peruta, the woman is betrothed. Although it is not permitted to derive benefit from the ox itself, one may derive benefit from its excrement. But if one betroths her with the excrement of calves that were used for idol worship, she is not betrothed, as even their excrement is prohibited. The Gemara explains: What is the reason for the difference between the excrement of an ox that is stoned and the excrement of calves used for idolatry? If you wish, say that this is learned from a verse; if you wish, say instead that it is derived by means of a logical argument.

[109] The Gemara elaborates: If you wish, say it is derived by means of a logical argument: With regard to calves used for idol worship, a calf's additional girth due to the excrement stored in its body is beneficial to the owner, as fatter animals are more impressive. Therefore, the excrement is considered part of the offering and is prohibited. By contrast, with regard to an ox that is stoned, its additional girth is not beneficial to him, as he gains nothing from it, and consequently it is not considered part of the animal.

[110] If you wish, say that this is learned from a verse: It is written with regard to an animal used for idol worship: "And you shall not bring an abomination into your house, and be [vehayita] accursed like it" (Deuteronomy 7:26). This teaches that anything that you create [mehayye] from the idol is prohibited like the idol itself. But with regard to an ox that is stoned, it is written: "The ox shall surely be stoned, and its flesh shall not be eaten" (Exodus 21:28). This teaches that only its flesh is forbidden, but its excrement is permitted.

[111] MISHNA: If one gave money to a prostitute as her payment, it is permitted to purchase an offering with that money, as the money itself is not sacrificed. If he paid her with wine, or oil, or flour, or any other item the like of which is sacrificed on the altar, sacrifice of those items is prohibited. If he gave her consecrated items for her services, their sacrifice is permitted. Since they were already consecrated, they do not belong to him, and one cannot prohibit an item that is not his.

[112] If he paid her with non-sacred birds, their sacrifice is prohibited. The mishna elaborates: As, by right, it should be inferred a fortiori: If in the case of consecrated items, which a blemish disqualifies, the prohibition of payment to a prostitute and the price of a dog do not take effect with regard to them; with regard to a bird, which a blemish does not disqualify, is it not right that the prohibition of payment to a prostitute and the price of a dog should not take effect with regard to them? Therefore, the verse states: "You shall not bring the payment of a prostitute, or the price of a dog, into the House of the Lord your God for any vow" (Deuteronomy 23:19). This serves to include the bird in the prohibition.

[113] The mishna adds a principle: With regard to all animals whose sacrifice on the altar is prohibited, sacrifice of their offspring is permitted. Rabbi Eliezer says: The offspring of an animal with a wound that will cause it to die within twelve months [tereifa]shall not be sacrificed on the altar. Rabbi Ḥanina ben Antigonus says: A kosher animal that suckled from a tereifa is disqualified from sacrifice on the altar. With regard to all sacrificial animals that became tereifot, one may not redeem them and render them non-sacred, as their consumption is forbidden and one does not redeem sacrificial animals to feed them to dogs, as this is considered a degradation of sacrificial animals.

114 GEMARA: The Sages taught: If one gave wheat to a prostitute and she made the wheat into flour, or if he gave her olives and she made them into oil, or if he gave her grapes and she made them into wine, it is taught in one baraita that these products are prohibited to be used as an offering in the Temple, and it is taught in another baraita that they are permitted, as the physical change transforms them into new objects. Rav Yosef said that Guryon of Aspork teaches in a baraita: Beit Shammai prohibit these products and Beit Hillel permit them. If so, the two baraitot cited above reflect a dispute between Beit Shammai and Beit Hillel.

115 The Gemara explains that Beit Shammai and Beit Hillel both derive their ruling from the verse: “You shall not bring the hire of a harlot, or the price of a dog, into the House of the Lord your God for any vow; for even both of them are an abomination to the Lord your God” (Deuteronomy 23:19). Beit Hillel, who permit these items after they have undergone a physical change, maintain that the word “them” teaches that this prohibition applies only to the original items, but not to their offspring. Likewise, it applies only to them, i.e., the items in their original form, but not to their changed status.

116 Beit Shammai maintain that one indeed derives: “Them,” but not their offspring. But they maintain that the word “even” serves to include in the prohibition items in their changed status. The Gemara asks: And according to the opinion of Beit Hillel, isn’t it written “even”? How do they interpret that word? The Gemara responds: The word “even” is in fact difficult according to Beit Hillel.

117 The Sages taught in a baraita, with regard to the verse: “You shall not bring the hire of a harlot, or the price of a dog, into the House of the Lord your God,” that this excludes a red heifer, which is not brought to the House of the Lord, i.e., the Temple, but is slaughtered outside Jerusalem on the Mount of Olives. This is the statement of Rabbi Elazar. And the Rabbis say: This verse serves to include in the prohibition beaten plates of gold in the Temple, if the gold was used as payment to a prostitute or as the price of a dog.

118 The Gemara asks: Who are the Rabbis cited here? Rav Ḥisda says: It is the opinion of Rabbi Yosei, son of Rabbi Yehuda, as it is taught in a baraita: If one gave a prostitute gold as her payment, Rabbi Yosei bar Yehuda says: One may not fashion hanging beaten plates of gold for the Temple from it, even for the area behind the Hall of the Ark Cover, i.e., the eleven cubits of space behind the Holy of Holies up to the wall of the Temple courtyard, which was at the western end of the Sanctuary. Athough this area is of lesser sanctity than the rest of the Temple, one may not place there any gold given as payment to a prostitute.

119 § The mishna teaches: If he gave her consecrated items for her services, their sacrifice is permitted, whereas if he paid her with non-sacred birds, their sacrifice is prohibited. The prohibited status of birds is derived from the verse: “You shall not bring the hire of a harlot, or the price of a dog, into the House of the Lord your God for any vow,” despite an a fortiori inference from consecrated animals that indicates they should be permitted.

120 The Gemara objects: But if these birds are disqualified as sacrifices, let the prohibitions of payment to a prostitute and the price of a dog apply to consecrated animals, by the following a fortiori inference: If in the case of birds, which a blemish does not disqualify, the status of a prostitute’s payment and a dog’s price applies to them, then with regard to consecrated items, which a blemish does disqualify, is it not logical that the status of a prostitute’s payment and a dog’s price

should apply to them? Therefore, the verse states: “For any vow.” This serves to exclude those animals that have already been vowed to be sacrificed.

121 The Gemara objects: The only reason consecrated animals are disqualified is that the verse excludes them, through the word “vow.” But had the verse not excluded them, I would say that if one gives a prostitute sacrificial animals, or gives these animals in exchange for a dog, the prohibition of payment to a prostitute or a dog’s price applies to them. But this conclusion is problematic, as a consecrated animal is not his property, and there is an established principle that one cannot render an item prohibited if it does not belong to him. How then could one render it prohibited by giving it to a prostitute?

122 Rav Hoshaya says: This is referring to one who registers the prostitute for his Paschal offering (see Pesaḥim 61a), giving her a portion in it as payment for her services, and it is in accordance with the opinion of Rabbi Yehuda HaNasi, who maintains that a Paschal offering is considered one’s personal property for the purposes of allowing additional people to register for it. As it is taught in a baraita: The verse states, with regard to the Paschal offering: “And if the household be too little for a lamb, then he and his neighbor next to his house shall take one” (Exodus 12:4). The phrase “if the household be too little” is interpreted to mean that the household cannot afford the basic necessities of the Festival.

123 Based on this interpretation, the phrase “for a lamb [mihyot miseh]” is interpreted to mean: Sustain him from the lamb [haḥyeihu miseh], i.e., he may use the Paschal offering as a means of supporting himself. He takes money from his neighbor in return for registering that neighbor for a portion of his Paschal offering and uses the money to purchase his needs. This halakha applies only if one lacks sufficient means to purchase food to eat, but not if he lacks merely sufficient means to purchase other items.

124 Rabbi Yehuda HaNasi says: This lenient halakha applies even if one lacks sufficient means to purchase other necessary items, as, if he does not have sufficient funds he may register others with him for his Paschal offering and for his Festival peace offering. And his money that he receives for registering that person is non-sacred, as it is on this condition of registering others in exchange for the money which he receives from them that the Jewish people consecrate their Paschal offerings.

125 § The mishna teaches: With regard to all animals whose sacrifice on the altar is prohibited, sacrifice of their offspring is permitted. Rav says: This ruling that with regard to all animals whose sacrifice on the altar is prohibited, sacrifice of their offspring is permitted, is not unanimous but is the opinion of the Rabbis. And indeed it is taught with regard to this case: And Rabbi Eliezer prohibits their offspring to be sacrificed on the altar.

126 Rav Huna bar Ḥinnana says that Rav Naḥman says: This dispute applies in a case where the animals became pregnant and then were the objects of bestiality, thereby becoming prohibited to sacrifice on the altar. As Rabbi Eliezer holds that a fetus is considered the thigh of its mother and regarded as part of the animal, and is consequently prohibited like its mother. And the Rabbis hold that a fetus is not considered the thigh of its mother. But if the animals were the objects of bestiality and then became pregnant, everyone agrees that they are permitted.

127 Rava says: This dispute applies in a case where the animals were the objects of bestiality and then became pregnant, as Rabbi Eliezer holds that when both this permitted factor and that prohibited factor cause a certain situation, the resulting item is prohibited. Since the mother of this offspring is

prohibited, the offspring is likewise prohibited, despite the fact that its father is permitted. And the Rabbis hold that when this permitted factor and that prohibited factor cause a result, it, i.e., the offspring, is permitted like its father.

128 But in a case where the animals became pregnant and then were the object of bestiality, everyone agrees that they are prohibited. And the Gemara adds that Rava conforms to his standard line of reasoning in this regard, as Rava said: The offspring of a female animal that was the object of bestiality when it was pregnant is prohibited to be sacrificed on the altar, as it is considered as though it, the mother, and its offspring were both the object of bestiality. Likewise, the offspring of a pregnant cow that gores and kills a person is prohibited, because it is as though it, the mother, and its offspring both gored.

129 Some state another version of the previous discussion: Rav Huna bar Ḥinnana says that Rav Naḥman says: This dispute applies in a case where the animals were the object of bestiality when they already had the status of sacrificial animals. As Rabbi Eliezer holds that the offspring are also prohibited to be sacrificed on the altar, as their sacrifice is considered a degradation of consecrated items, and degradation of consecrated items is significant. And the Rabbis hold that the offspring may be sacrificed, as they maintain that this is not considered a degradation of consecrated items. But in a case where the animals were the object of bestiality when they were non-sacred, and were subsequently consecrated, since their status was changed by their consecration, everyone agrees that they are permitted.

130 In contrast, Rava says that Rav Naḥman says: This dispute applies in a case where the animals were the object of bestiality when they were non-sacred, as Rabbi Eliezer holds that even the sacrifice of this offspring is considered degrading to sacrificial animals, and degradation of sacrificial animals is significant, and therefore they are prohibited. And the Rabbis hold that since their status was changed by their consecration, they are permitted. But in a case where the animals were the object of bestiality when they already had the status of sacrificial animals, everyone agrees that they are prohibited.

131 § The mishna teaches that with regard to the offspring of a tereifa, Rabbi Eliezer prohibits it to be sacrificed on the altar, whereas the Rabbis permit it. The Gemara explains: There is a dispute as to whether a tereifa is capable of giving birth. According to the one who says that a tereifa can give birth, you find this dispute between Rabbi Eliezer and the Rabbis in a case where the animal first became a tereifa and then became pregnant.

132 The Gemara elaborates: And this is the matter over which they disagree, as Rabbi Eliezer holds that when both this permitted factor and that prohibited factor cause a certain situation, the resulting item is prohibited. Here too, as the mother of this offspring is prohibited, the offspring is likewise prohibited, despite the fact that its father is permitted. And the Rabbis hold that when both this permitted factor and that prohibited factor cause a situation, the resulting item is permitted. Therefore, the offspring in this case is permitted like its father.

133 By contrast, according to the one who says that a tereifa cannot survive, i.e., cannot give birth, you find this dispute in a case where the animal first became pregnant and then became a tereifa. And this is the point over which they disagree, as Rabbi Eliezer holds that a fetus is considered the thigh of its mother, and therefore just as its mother is prohibited to be sacrificed on the altar as a tereifa, the

same applies to its offspring. And the Rabbis hold that a fetus is not considered the thigh of its mother, and consequently there is no reason to prohibit it to be sacrificed on the altar.

[134] § The Gemara continues to discuss the dispute between Rabbi Eliezer and the Rabbis. Rav Huna says: The Rabbis concede to Rabbi Eliezer in the case of a chick that emerges from the egg of a tereifa dove that it is prohibited to be sacrificed on the altar. What is the reason that the Rabbis rule stringently here? The Rabbis disagree with Rabbi Eliezer and claim that the offspring of a tereifa is permitted only with regard to the offspring of an animal, which grows from its own space, i.e., even when it is in its mother's womb it develops as an independent entity. But with regard to an egg of a tereifa hen, which grows from the body of the hen, even the Rabbis concede that the chick which emerges from this egg may not be sacrificed on the altar.

[135] Rava said to Rav Huna: That which is taught in a baraita supports your opinion: With regard to a full ladle [tarvad] of worms that come from a living person who subsequently died, Rabbi Eliezer holds that it transmits ritual impurity in the same manner as a corpse, as a full ladle is the minimum amount of dust from the dead that imparts impurity; and the Rabbis deem it pure. Rava analyzes this baraita: The Rabbis disagree with Rabbi Eliezer only with regard to worms, which are merely a secretion. But with regard to an egg, which is part of the hen's body, even the Rabbis concede that in the case of a tereifa, the chick that emerges from the egg is prohibited to the altar.

[136] Abaye said to Rava: No proof can be brought from here for the opinion of Rav Huna, as on the contrary, the opposite is reasonable: Rabbi Eliezer disagrees with the Rabbis only with regard to worms, as he maintains that worms are considered part of a person even if they emerged from him while he was still alive, as a person is called a worm while he is still alive, as it is written: And the hope of man is a worm, and the son of man, that is a maggot (see Job 25:6).

[137] But with regard to a chick that emerges from an egg, one can say: When does the chick grow out of and emerge from the egg? It does so when the egg rots, and when it rots it is considered merely dust and is no longer attributed to the hen that laid it. Therefore, despite the fact that the hen is a tereifa, even Rabbi Eliezer should concede that the chick that emerges from its egg is permitted to be sacrificed. And furthermore, it is explicitly taught in a baraita that Rabbi Eliezer concedes to the Rabbis with regard to the chick that emerged from the egg of a tereifa animal that it is permitted to be sacrificed on the altar, which is not in accordance with the opinion of Rav Huna. Rava said to Abaye: If this baraita is taught, it is taught, and I cannot take issue with it.

[138] § The mishna teaches that Rabbi Ḥanina ben Antigonus says: A kosher animal that suckled from a tereifa is disqualified from being sacrificed on the altar. The Gemara asks: What is the reason? If we say that it is because the kosher animal was fattened from the tereifa animal, if that is so, then in a case where its owner fed it vetches of idolatry, so too, should one say that it is prohibited? Feeding an animal vetches of idolatry renders it prohibited only if the animal has been set aside for idolatry; a regular animal is not prohibited by this action.

[139] Rather, Rabbi Ḥanina Terita taught the meaning of the mishna before Rabbi Yoḥanan: This is referring to a case where one gave the kosher animal to suckle from the tereifa warm, i.e., fresh, milk every morning. Since the kosher animal can maintain its existence based upon this suckling for a twenty-four-hour period, until the next suckling, it survives only due to the tereifa animal. Consequently, the kosher animal is prohibited to be sacrificed on the altar.

140 § The mishna further teaches: With regard to all sacrificial animals that became tereifa, one may not redeem them and render them non-sacred, as their consumption is prohibited, and one does not redeem sacrificial animals to feed them to dogs. The Gemara asks: From where are these matters derived? As the Sages taught with regard to the verse: “Notwithstanding you may slaughter and eat flesh within all your gates” (Deuteronomy 12:15). This verse, which is referring to disqualified consecrated animals that have been redeemed, is expounded as follows: “You may slaughter,” but you may not shear their wool; “and eat,” but you may not give to your dogs to eat; “and eat flesh,” but not their milk. From here it is derived that one does not redeem sacrificial animals to feed them to dogs.

141 There are those who state a different version: “You may slaughter and eat,” this teaches that you have permission to derive benefit from them only from the time of slaughter and onward, i.e., those benefits that come after slaughter, such as the consumption of its flesh, are permitted. But one may not derive benefit from their shearing or their milk, as these occur even when the animal is alive. It can be inferred from here that the tanna of this baraita maintains that one may redeem sacrificial animals to feed them to dogs, as this occurs after the slaughter.

Chapter 7

1 MISHNA: There are elements that apply to animals consecrated for the altar that do not apply to items consecrated for Temple maintenance, and there are elements that apply to items consecrated for Temple maintenance that do not apply to animals consecrated for the altar.

2 One element exclusive to animals consecrated for the altar is that animals consecrated for the altar render an animal exchanged for them a substitute, and items consecrated for Temple maintenance do not render an animal exchanged for them a substitute. In addition, if one slaughters an animal consecrated for the altar with the intention to eat it beyond its designated time, or if he ate the offering after its designated time, or if he ate the offering while ritually impure, he is liable to receive karet for eating it due to violation of the prohibitions of piggul, notar, and eating while ritually impure, respectively.

3 If animals consecrated for the altar became pregnant and then became blemished and gave birth after redemption, their offspring and their milk are forbidden after their redemption. And one who slaughters them outside the Temple courtyard is liable to receive karet. And the Temple treasurer does not give compensation to craftsmen from money designated for purchasing animals consecrated for the altar. And in all these instances, that is not so with regard to money consecrated for Temple maintenance.

4 There are elements that apply to items consecrated for Temple maintenance that do not apply to animals consecrated for the altar, in that unspecified consecrations are designated for Temple maintenance; consecration for Temple maintenance takes effect on all items; and one is liable to bring a guilt offering and pay an additional payment of one-fifth for misuse of consecrated property, not only for the items themselves, but for their by-products, e.g., milk of a consecrated animal or eggs of a consecrated chicken; and there is no benefit for the owner from items consecrated for

Temple maintenance, in contrast to some animals consecrated for the altar, e.g., a peace offering, from which there is benefit for the owner.

[5] GEMARA: The Gemara questions the statement of the mishna that an item consecrated for the altar renders an animal exchanged for it a substitute: And is it an established principle that anything consecrated for the altar renders an animal exchanged for it a substitute? But there are offerings brought from birds, i.e., doves and pigeons, which are consecrated for the altar, and yet they do not render an animal exchanged for them a substitute, as we learned in a mishna (Temura 13a): Meal offerings and bird offerings do not render an animal exchanged for them a substitute. The Gemara responds: When this halakha of the mishna was taught, it was taught only with regard to animal offerings.

[6] The Gemara raises a difficulty: But there is the offspring of an animal consecrated for the altar, which is consecrated for the altar, and yet we learned in a mishna (Temura 12a): The offspring of an animal consecrated for the altar does not render an animal exchanged for it a substitute. The Gemara responds: In accordance with whose opinion is this mishna here (31a)? It is in accordance with the opinion of Rabbi Yehuda, who says: The offspring of an animal consecrated for the altar renders an animal exchanged for it a substitute.

[7] The Gemara objects: But there is the case of a substitute itself, which is consecrated for the altar, and yet we learned in that mishna (12a): A substitute does not render an animal exchanged for it a substitute. The Gemara responds: When this principle, that all animals consecrated for the altar render an animal exchanged for them a substitute, was taught in the mishna, it was taught only with regard to the principal offering, i.e., an animal initially consecrated as an offering, not an animal consecrated by extension, e.g., a substitute.

[8] The Gemara comments: Now that you have arrived at this qualification of the established principle, one does not need to resolve the difficulty from the case of offspring of consecrated animals by saying that the mishna is in accordance with the opinion of Rabbi Yehuda. Rather, you may even say that the mishna is in accordance with the opinion of the Rabbis, who maintain that the offspring of an animal does not render an animal exchanged for it a substitute, since when this principle was taught in the mishna it was taught only with regard to the principal offering.

[9] § The mishna teaches that the Temple treasurer does not give craftsmen compensation from money designated for purchasing animals consecrated for the altar. The Gemara asks: It may be inferred from the mishna that consecrations for Temple maintenance are given to craftsmen. From where is this halakha derived? Rabbi Abbahu said: It is derived from a verse, as the verse states, with regard to the mitzva to build the Tabernacle: “And let them make Me a sanctuary, that I may dwell among them” (Exodus 25:8). The verse indicates that the Tabernacle can be constructed from that which is Mine, i.e., consecrated property. Consequently, consecrated property may be used to pay the wages of a craftsman for work performed in the service of the Tabernacle.

[10] § The mishna teaches that there are elements that apply to items consecrated for Temple maintenance that do not apply to animals consecrated for the altar, as unspecified consecrations are designated for Temple maintenance rather than for the altar. Additionally, consecration for Temple maintenance takes effect on all items, but not all items may be consecrated for the altar. The Gemara discusses these halakhot: The Master said in the mishna that unspecified consecrations are designated for Temple maintenance, and consecration for Temple maintenance takes effect on all items. Who is

the tanna whose ruling is stated in this mishna? Rabbi Ḥiyya bar Abba said that Rabbi Yoḥanan said: The mishna is not in accordance with the opinion of Rabbi Yehoshua.

[11] This is as it is taught in a mishna (Shekalim 4:7): In the case of one who consecrates his possessions without specification, and among the consecrated property there was an animal suitable for sacrifice upon the altar, male or female, what should be done with it? Rabbi Eliezer says: Males that are suitable to be brought as a burnt offerings should be sold for the needs of burnt offerings, i.e., to individuals obligated to bring a burnt offering. And females should be sold for the purpose of being used for peace offerings. And the money received from their sale is allocated with the rest of his property for Temple maintenance.

[12] Rabbi Yehoshua says: The males are not sold; rather, they themselves should be sacrificed as burnt offerings, and the females should be sold for the purpose of being used for peace offerings and they will be offered as such, and one should purchase and bring burnt offerings with the money received from their sale. And the rest of the property, which is unsuitable for sacrificial use, is allocated for Temple maintenance. Evidently, Rabbi Yehoshua maintains that unspecified consecrations are not necessarily designated for Temple maintenance.

[13] The Gemara notes: And this explanation of the dispute between Rabbi Eliezer and Rabbi Yehoshua, stated by Rabbi Ḥiyya bar Abba in the name of Rabbi Yoḥanan, disagrees with the explanation of Rav Adda bar Ahava. As Rav Adda bar Ahava says that Rav says: With regard to a herd that is entirely male, even Rabbi Eliezer concedes that suitable animals are brought as burnt offerings, as a person does not set aside his ability to consecrate to the altar an animal fit to be consecrated for the altar and instead consecrate it for Temple maintenance. Even if the owner consecrated these animals without specification, it is presumed that he consecrated them for sacrifice upon the altar.

[14] Rabbi Eliezer and Rabbi Yehoshua disagree only with regard to a case where one consecrates a herd that has one-half males and one-half females. And their dispute is as follows: Rabbi Eliezer holds that one does not divide his vow, i.e., state a single vow that must be fulfilled in different ways, and therefore, from the fact that the females are not consecrated as burnt offerings, as burnt offerings must be male, it must be that the males are also not consecrated as burnt offerings.

[15] And Rabbi Yehoshua holds that a person does divide his vow. Accordingly, the males, which are fit to be brought as burnt offerings, are consecrated for the altar, whereas the females are sold to those who must bring peace offerings, and the money from their sale is used to purchase burnt offerings. According to this interpretation, Rabbi Eliezer concedes that one does not consecrate for Temple maintenance an animal fit for the altar. Consequently, the mishna is not in accordance with the opinion of Rabbi Eliezer either.

[16] The Gemara adds: Some say another version of the explanation of the dispute between Rabbi Eliezer and Rabbi Yehoshua. Rav Adda bar Ahava says that Rav says: In a case where one consecrated without specification only the type of animal that is suitable as an offering, even Rabbi Eliezer concedes that all the animals are consecrated for the altar. Accordingly, the males are brought as burnt offerings, and the females are sold to those who require peace offerings, and the money from their sale is used to purchase burnt offerings. The reason is that a person does not set aside his ability to consecrate for the altar an animal fit to be consecrated for the altar and instead consecrate it for Temple maintenance.

[17] They disagree only with regard to a case where there is other property that was consecrated with the animals. And their dispute is as follows: Rabbi Eliezer holds that a person does not divide his vow. Consequently, from the fact that the other property is not consecrated for the altar, as it is not fit for sacrifice, it must be that the animals are also not consecrated for the altar. And Rabbi Yehoshua holds that a person divides his vow. Accordingly, the animals are consecrated for the altar, while the other property is consecrated for Temple maintenance. According to this explanation as well, the mishna is not in accordance with the opinions of either Rabbi Yehoshua or Rabbi Eliezer.

[18] The Gemara discusses the two versions of the explanation of Rav Adda bar Ahava, in light of the statement of Rabbi Eliezer in the mishna cited above in Shekalim (4:7): And the money from their sale is allocated with the rest of his property for Temple maintenance. The Gemara asks: Granted, according to the latter version, that Rabbi Eliezer maintains that when one consecrates animals and other property he does not divide his vow, and as some of his property is unfit for the altar, all of his property is consecrated for Temple maintenance, this explanation is consistent with that which Rabbi Eliezer teaches: The money from their sale is allocated with the rest of his property for Temple maintenance, i.e., the money from their sale is consecrated for Temple maintenance due to the consecration of his other property.

[19] But according to the first version, that Rabbi Eliezer maintains that one does not divide his vow even when he consecrates only animals, i.e., he does not consecrate some as burnt offerings and others as peace offerings, let the mishna teach: The money from their sale is allocated for Temple maintenance, without mentioning the rest of his property. The Gemara responds: Indeed, the mishna should be taught in such a manner, and this is also taught in a baraita: And the money from their sale is allocated for Temple maintenance.

[20] § The mishna teaches that consecration for Temple maintenance takes effect on all items. This emphasis indicates that it takes effect even on items that one might otherwise have thought are not consecrated. The Gemara asks: What does the mishna mean to add by this emphasis? Ravina said: It means to add shavings and fallen leaves of a tree that was consecrated for Temple maintenance.

[21] The mishna further teaches that one is liable for misuse of items consecrated for Temple maintenance and for their by-products, but one is not liable for misuse of by-products of animals consecrated for the altar. The Gemara elaborates: When the mishna states that one is not liable for misuse of by-products of animals consecrated for the altar, this serves to add what? Rav Pappa said: It serves to add that one is not liable for misuse of by-products of animals consecrated for the altar, such as milk from sacrificial animals and eggs of pigeons.

[22] This is as it is taught in a baraita: With regard to milk of sacrificial animals and eggs of pigeons, one may not derive benefit from them ab initio, but if one derived benefit from them, he is not liable for misuse. In what case is this statement said? It is said with regard to milk and eggs of animals consecrated for the altar. But with regard to animals consecrated for Temple maintenance, e.g., if one consecrated a chicken for Temple maintenance, one is liable for misusing its eggs, or if one consecrated a female donkey for Temple maintenance, one is liable for misusing its milk.

[23] And even according to the one who said that one is liable for misusing by-products of animals consecrated for the altar, this statement applies only to by-products that are fit for the altar, but with regard to by-products that are not fit for the altar, e.g., eggs and milk, one is not liable for misusing them.

[24] MISHNA: While the previous mishna enumerated differences between consecration for the altar and consecration for Temple maintenance, this mishna enumerates halakhot that apply to both. With regard to both animals consecrated for the altar and items consecrated for Temple maintenance, one may not alter their designation from one form of sanctity to another form of sanctity. But one may consecrate animals already consecrated for the altar by a consecration of their value, and that value is donated to the Temple treasury for maintenance. And one may dedicate them for the purpose of giving their value to the priests. And if animals consecrated either for the altar or for Temple maintenance died, they must be buried. Rabbi Shimon says: Although that is the halakha with regard to animals consecrated for the altar, if animals consecrated for Temple maintenance died, they can be redeemed.

[25] GEMARA: Rav Huna says: With regard to animals consecrated for the altar, if one associated such objects of his vow with dedications for the priests, i.e., he vowed to give their value as a dedication to the priests, he has done nothing. What is the reason? The verse states: “Notwithstanding, no devoted item that a man may devote unto the Lord of all that he has, whether of man or animal, or of his ancestral field, shall be sold or redeemed; every dedicated item is most holy unto the Lord” (Leviticus 27:28). The verse is interpreted to mean that any dedicated item that is most holy, i.e., that was consecrated for the altar and then dedicated to the priests, that item should be for the Lord, and the priests are not entitled to it.

[26] The Gemara raises an objection to the statement of Rav Huna from a baraita: With regard to items consecrated for Temple maintenance that one associated with another sanctity, whether with a consecration for the altar, whose sanctity is more stringent than consecration for Temple maintenance, or with a dedication to the priests, he has done nothing. The reason is that one cannot remove the sanctity of an item consecrated for Temple maintenance, and he has no ownership of value in it. As for the benefit of discretion, i.e., the right to choose the priest that will receive the offering, this is not relevant to items consecrated for Temple maintenance, and therefore it cannot be suggested that his act of consecration was with regard to the benefit of discretion.

[27] Similarly, in the case of a dedication to priests that one associated with another sanctity, whether with a consecration for the altar or with a consecration for Temple maintenance, he has done nothing. One does not have any rights to an item dedicated to the priests, not even the benefit of discretion, as the dedicated item must be given to the members of the priestly watch serving in the Temple at the time of its dedication.

[28] The Gemara explains the objection: Since the baraita teaches only that one may not associate with another sanctity items consecrated for Temple maintenance or dedications to priests, it may be inferred with regard to animals consecrated for the altar that one associated with dedications to priests, that what he did is done, i.e., it takes effect. If so, this baraita is apparently a conclusive refutation of the statement of Rav Huna.

[29] The Gemara responds: Rav Huna could have said to you that one cannot draw such an inference from the baraita, as it is possible that the tanna chose to discuss only those two instances while omitting the case of an animal consecrated for the altar. And as for the fact that the tanna omitted this latter case, he omitted it due to this reason, that the halakha differs depending on the case: With regard to animals consecrated for the altar that one associated with a consecration for Temple

maintenance, what he did is done, and he must pay the Temple treasury a consecration of value, but if he associated it with a dedication to priests, he has done nothing.

30 The Gemara objects: But if so, let the tanna teach explicitly that one who associates an animal consecrated for the altar with a dedication to the priests has done nothing, alongside these other cases of items consecrated for Temple maintenance and dedications to priests. The Gemara explains: The tanna teaches instances where there are two types of consecration with which the item cannot be associated, e.g., an item consecrated for Temple maintenance, which cannot be associated with either a consecration for the altar or a dedication to the priests. By contrast, the tanna does not teach a case where there are not two instances with which the item cannot be associated, i.e., an animal consecrated for the altar. Although an animal consecrated for the altar cannot be associated with a dedication to the priests, it can be associated with a consecration for Temple maintenance.

31 The Gemara raises another objection to the statement of Rav Huna from that which we learned in the mishna: One may consecrate animals already consecrated for the altar by a consecration of their value, and one can dedicate them. The Gemara asks: What, is it not correct to say that when the mishna is referring to a consecration of their value, this is a consecration for Temple maintenance, and when it states that one dedicates them, this is referring to dedications to a priest? Evidently, one can associate an animal consecrated for the altar with a dedication to priests.

32 The Gemara responds: No, this is not the meaning of the mishna. Rather, both this and that are referring to consecrations for Temple maintenance. And the mishna is teaching that there is no difference whether he expresses a term of consecration, i.e., if he states: This animal is consecrated for Temple maintenance, in which case the animal is consecrated for Temple maintenance, and there is no difference if he expresses a term of dedication, i.e., he states: This animal is dedicated for Temple maintenance, as in this case too, the animal is consecrated for Temple maintenance.

33 The Gemara raises a difficulty: But this is not how it is taught in a baraita. As it is taught in a baraita: One can consecrate animals consecrated for the altar by a consecration of its value, that is, a consecration for Temple maintenance, and one can dedicate them by a dedication to priests. And furthermore, isn’t it taught in another baraita with regard to animals consecrated for the altar that one subsequently consecrated their value as dedications to the priests, that what he did is done? The Gemara concludes: The refutation of the opinion of Rav Huna is a conclusive refutation.

34 The Gemara raises a difficulty: But Rav Huna says a verse as the source for his opinion. Since his opinion is refuted, how should the verse be interpreted? Ulla said: That verse is not interpreted in the manner of Rav Huna. The verse states: “Notwithstanding, no dedicated item that a man may devote unto the Lord of all that he has, whether of man or animal, or of his ancestral field, shall be sold or redeemed; every dedicated item is most holy unto the Lord” (Leviticus 27:28). The emphasis that “every dedicated item” is most holy indicates that a dedication to the priests takes effect on every item, even with regard to animals consecrated for the altar.

35 Since Ulla holds that animals consecrated for the altar may be associated with a dedication to priests, evidently he also holds that they may be associated with a consecration for Temple maintenance, as even Rav Huna agrees they may be associated with such a consecration. The Gemara therefore asks: And did Ulla actually say this? But didn’t Ulla say that one who associates a burnt offering with a consecration for Temple maintenance has only the delay of

[36] the treasurers alone preventing the offering from being sacrificed. In other words, the owner of an offering must stand over the animal when it is sacrificed, and in the case of a burnt offering that was associated with a consecration for Temple maintenance, the Temple treasurer is the owner. Evidently, Ulla maintains that the offering does not require an appraisal for a consecration of its value before it may be sacrificed, despite the fact that it was associated with a consecration for Temple maintenance.

[37] The Gemara responds: Actually, this halakha, that one who associates an animal consecrated for the altar with a consecration for Temple maintenance must give the value of the animal for Temple maintenance, was instituted by the Sages; by Torah law, there is only the delay attributed to the treasurers. This is also the opinion of Ulla. And as for the verse that Ulla cites as a source for the halakha that an animal consecrated for the altar can be associated with dedications to priests (Leviticus 27:28), it is mere support for this rabbinic law. The verse actually comes to teach that one is subject to the halakhot of misuse in the case of dedications to priests.

[38] The Gemara asks: If the term in the verse "every dedicated item" serves to teach only that one is subject to the halakhot of misuse in the case of dedications to priests, why does one need this verse at all? After all, an expression of most holy is written in the verse, as it states: "Is most holy unto the Lord," and the halakhot of misuse apply to all sanctified items.

[39] The Gemara rejects this claim: And according to your reasoning, that liability for misuse in the case of dedications to priests is derived from the term "is most holy," then consider that which Rabbi Yannai said: The halakhot of misuse are written explicitly in the Torah only in the case of one who misuses a burnt offering, as it is stated with regard to the guilt offering brought for misuse: "If anyone commit a trespass, and sin through error, in the holy items of the Lord" (Leviticus 5:15). The verse indicates only that one is liable for misuse of burnt offerings, which are exclusively for the Lord. But the fact that the halakhot of misuse apply to a sin offering or a guilt offering, from which the priests or owners partake, is derived only from that which Rabbi Yehuda HaNasi taught.

[40] This is as it is 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…all the fat is the Lord's" (Leviticus 3:16). The word "all" serves to include the portions of offerings of lesser sanctity in the halakhot of misuse; all the more so is it the case that offerings of the most sacred order, e.g., a sin offering or guilt offering, are included.

[41] The Gemara concludes its reasoning: Why, then, do I need a verse to include these offerings? After all, an expression of "most holy," is written with regard to a sin offering and guilt offering. Rather, it must be that even though "most holy" is written with regard to them, nevertheless, a verse is required to include them in the halakhot of misuse. With regard to dedications as well, even though "most holy" is written with regard to them, a verse is required to include them in the halakhot of misuse.

[42] § The Gemara earlier cited a statement of Ulla with regard to one who associates a burnt offering with a consecration for Temple maintenance. The Gemara discusses the matter itself: One who consecrates a burnt offering for Temple maintenance has only the delay attributed to the treasurers alone preventing the offering from being sacrificed. The Gemara raises an objection to this opinion from a baraita: In the case of one who consecrates a burnt offering for Temple maintenance, it is prohibited to slaughter it until it is redeemed.

[43] The Gemara explains that this baraita is referring to the halakha by rabbinic law; by Torah law, a burnt offering cannot be consecrated by means of a consecration of value, and only the presence of the treasurers is required for it to be sacrificed. The Gemara adds: This too stands to reason, from the fact that the latter clause of the baraita teaches: If he transgressed and slaughtered it before redeeming it what he did is done and he is not required to redeem it. But if the burnt offering must be redeemed by Torah law, how can the baraita state that what he did is done? Evidently, the burnt offering is redeemed by rabbinic law.

[44] The Gemara asks: Rather, what will you say? Will you say that the baraita is referring to the halakha by rabbinic law? If so, say the last clause of the baraita: And anyone who derives benefit from this burnt offering misuses consecrated property on two counts of misuse, one for deriving benefit from an animal consecrated for the altar and one for deriving benefit from an item consecrated for Temple maintenance. But if the burnt offering is consecrated with a consecration of value by rabbinic law, why does one who derives benefit from this burnt offering misuse consecrated property on two counts of misuse? The Gemara explains that this is what the baraita is saying: And if the consecration of value of this burnt offering was by Torah law, it is fit to be liable for misuse on two counts of misuse.

[45] § The mishna cites a dispute between Rabbi Shimon and the Rabbis with regard to animals consecrated for the altar and animals consecrated for Temple maintenance. The Rabbis hold that if they died and were not redeemed, they cannot be redeemed and they must be buried, whereas Rabbi Shimon maintains that this is the halakha only with regard to animals consecrated for the altar; animals consecrated for Temple maintenance can be redeemed.

[46] With regard to this dispute, Rabbi Yoḥanan says: According to the Rabbis, both animals consecrated for the altar and animals consecrated for Temple maintenance were included in the halakha of standing and valuation, as it states in the Torah with regard to the redemption of consecrated animals: “And if it be any unclean animal, of which they may not bring an offering unto the Lord, then he shall set the animal before the priest. And the priest shall value it, whether it be good or bad; as you the priest values it, so shall it be” (Leviticus 27:11–12). Any consecrated animal that cannot be stood before the priest, e.g., one that died, is not included in the halakha of standing and valuation and must be buried.

[47] And Reish Lakish says: According to the Rabbis, animals consecrated for Temple maintenance were included in the halakha of standing and valuation, as that verse is discussing animals consecrated for Temple maintenance. Accordingly, if an animal consecrated for Temple maintenance died and was not redeemed, it must be buried without redemption. But animals consecrated for the altar were not included in the halakha of standing and valuation, as the verse is not referring to such animals. Accordingly, if they died they are redeemed.

[48] The Gemara adds: And both this one and that one, Rabbi Yoḥanan and Reish Lakish, agree that according to Rabbi Shimon, animals consecrated for Temple maintenance were not included in the halakha of standing and valuation, and therefore if they died they are redeemed; and animals consecrated for the altar were included in the halakha of standing and valuation, and if they died they are not redeemed. And according to both Rabbi Yoḥanan and Reish Lakish, everyone agrees, both the Rabbis and Rabbi Shimon, that if one consecrated for the altar an animal that was blemished from the

outset, the animal was not included in the halakha of standing and valuation and it may be redeemed if it died.

49 The Gemara raises an objection to the explanation of Reish Lakish: We learned in the mishna: Rabbi Shimon says that animals consecrated for Temple maintenance that died can be redeemed. The Gemara analyzes this statement of Rabbi Shimon: Granted, according to the explanation of Rabbi Yoḥanan, who said that according to the Rabbis, both this and that, i.e., animals consecrated for the altar and for Temple maintenance, were included in the halakha of standing and valuation and if they died they are not redeemed; this is why it was necessary for Rabbi Shimon to explain that specifically in the case of animals consecrated for Temple maintenance that died, they can be redeemed. This serves to emphasize that Rabbi Shimon disagrees with the Rabbis only with regard to animals consecrated for Temple maintenance, not those consecrated for the altar.

50 But according to the explanation of Reish Lakish, that the Rabbis hold that only animals consecrated for Temple maintenance may not be redeemed if they died, why must Rabbi Shimon explain that he is referring to animals consecrated for Temple maintenance? Let him say simply: If they died they can be redeemed, and it would be obvious that he is speaking of animals consecrated for Temple maintenance, for if he were referring to animals consecrated for the altar, even the Rabbis agree that they may be redeemed.

51 The Gemara answers: Reish Lakish could have said to you that Rabbi Shimon did not know what the first tanna said, i.e., he was unsure whether the statement of the first tanna, the Rabbis, that the animal must be buried without redemption, is referring to animals consecrated for Temple maintenance or to animals consecrated for the altar. And therefore, this is what Rabbi Shimon is saying to the first tanna: If your statement is referring to animals consecrated for the altar, that they are included in the halakha of standing and valuation and must be buried if they died without redemption, then I concede to you. By contrast, if your statement is referring to animals consecrated for Temple maintenance, then I disagree with you and rule that if they died they can be redeemed.

52 The Gemara notes that it is taught in a baraita in accordance with the opinion of Rabbi Yoḥanan: The verse states: “And if it be any non-kosher animal, of which they may not bring an offering unto the Lord, then he shall set the animal before the priest. And the priest shall value it” (Leviticus 27:11–12). The Sages teach that the verse is speaking of blemished animals, that they can be redeemed. The verse indicates that one redeems a blemished animal by means of standing and valuation.

53 The baraita continues: Do you say that the verse is speaking of blemished animals; or perhaps it is referring only to a non-kosher animal, and it is teaching that a non-kosher animal that was consecrated for Temple maintenance is redeemed through standing and valuation. The baraita answers: When it says later in that passage: “And if it be of a non-kosher animal, then he shall redeem it according to your valuation” (Leviticus 27:27), a non-kosher animal is thereby stated as subject to redemption.

54 But if the halakha of standing and valuation is already mentioned with regard to a non-kosher animal, how do I realize the meaning of the verse: “And if it be any non-kosher animal, of which they may not bring an offering unto the Lord, then he shall set the animal before the priest. And the priest shall value it.” The verse is referring to blemished animals, which are unfit for sacrifice just like non-kosher animals, and it teaches that they can be redeemed.

[55] The baraita continues: One might have thought that any blemished animal can be redeemed, even for a temporary blemish. Therefore, the verse states: “Non-kosher animal, of which they may not bring an offering,” which indicates that only a blemished animal that may not be sacrificed at all, i.e., one with a permanent blemish, is redeemed. This animal with a temporary blemish is thereby excluded, as it may not be sacrificed today, but it may be sacrificed tomorrow.

[56] The Gemara concludes its reasoning: And the Merciful One states that one should perform standing and valuation for a blemished animal, in accordance with the verse “Then he shall set the animal before the priest. And the priest shall value it.” Since the verse requires that the animal have a permanent blemish to be redeemed, it must be referring to an animal consecrated for the altar, as all animals consecrated for Temple maintenance may be redeemed, even unblemished ones. Furthermore, as this is an unattributed baraita that appears in the Sifra, it is in accordance with the opinion of Rabbi Yehuda, the disputant of Rabbi Shimon, and therefore it follows the opinion of the Rabbis of the mishna. It may therefore be concluded from the baraita that the Rabbis hold that one redeems an animal consecrated for the altar with standing and valuation, as maintained by Rabbi Yoḥanan.

[57] § The Gemara analyzes the opinion of Reish Lakish. Rav Giddel said that Rav said: What is the reasoning of Reish Lakish, who said that according to the Rabbis, animals consecrated for Temple maintenance were included in the halakha of standing and valuation, whereas animals consecrated for the altar were not included in the halakha of standing and valuation? The reasoning is that the verse states: “Then he shall set the animal before the priest. And the priest shall value it, whether it be good or bad” (Leviticus 27:12).

[58] Rav explained: What is an item for which the halakha is not divided between good and bad, i.e., where there is no difference between unblemished and blemished animals? You must say that this is an item consecrated for Temple maintenance, which has the same sanctity whether blemished or unblemished. And the verse states: “And the priest shall value it.” The restrictive term “it” serves to exclude animals consecrated for the altar from the halakha of standing and valuation.

[59] The Gemara asks: And according to Rabbi Yoḥanan, who says that according to the Rabbis, animals consecrated for the altar are also included in the obligation of standing and valuation, the term “it” serves to exclude what? The Gemara responds: It serves to exclude from the halakha of standing and valuation an animal that was blemished from the outset and was consecrated for the altar.

[60] The Gemara raises a difficulty: But this is problematic according to the tanna of the school of Levi, who said that even an animal that was blemished from the outset is included in the halakha of standing and valuation. As Levi taught: Everything was included in the halakha of standing and valuation, even an animal blemished from the outset. And Levi taught likewise in his baraita: Even an undomesticated animal, and even birds that are not brought as offerings, e.g., geese, are included in the halakha of standing and valuation. But isn’t it written “it,” which must serve to exclude some animal from the obligation of standing and valuation? If so, how can Levi teach that everything is included? The Gemara concludes: Indeed, this poses a difficulty.

[61] The Gemara discusses the opinion of Rabbi Shimon in the mishna. Rav Yehuda said that Rav said: What is the reasoning of Rabbi Shimon, who said that animals consecrated for the altar were included in the halakha of standing and valuation, and therefore if they died without redemption they

are buried, but animals consecrated for Temple maintenance were not included in this halakha? As the verse states: “Then he shall set the animal before the priest. And the priest shall value it, whether it be good or bad” (Leviticus 27:11–12). What is an item for which the halakha is divided between good and bad, i.e., between an unblemished and blemished animal? You must say that this is an animal consecrated for the altar, and the verse states: “And the priest shall value it,” which serves to exclude animals consecrated for Temple maintenance from the halakha of standing and valuation.

62 The Gemara asks: If so, that the verse is referring to a consecration for which there is a distinction between good and bad, then it should have stated: And the priest shall value it between good and bad, to indicate that this distinction is made. The term “whether it be good or bad” indicates that the two types have the same halakha, as claimed by the Rabbis. The Gemara concludes: This poses a difficulty for the opinion of Rabbi Shimon.

63 § The Gemara raises an objection to the opinions of Rabbi Yoḥanan and Reish Lakish from a baraita: With regard to consecrated animals that died, if they were unblemished they are not redeemed and shall be buried, and if they were blemished they can be redeemed. In what case is this statement said? It is said with regard to animals consecrated for the altar. But with regard to animals consecrated for Temple maintenance, both unblemished and blemished animals shall be buried. This is the statement of the Rabbis.

64 Rabbi Shimon says: Both in a case where the animals that died were consecrated for the altar and in a case where they were consecrated for Temple maintenance, if they were unblemished they can be buried, and if they were blemished they can be redeemed. This is apparently a conclusive refutation of the statement of Rabbi Yoḥanan, from the first clause of the baraita, as Rabbi Yoḥanan holds that according to the Rabbis, both animals consecrated for the altar and those consecrated for Temple maintenance are included in the halakha of standing and valuation and are buried if they died.

65 The Gemara answers that Rabbi Yoḥanan could say to you: What are we dealing with here? We are dealing with an animal that was blemished from the outset. In such a case, the Rabbis rule that the animal was not included in the halakha of standing and valuation and is therefore redeemed if it dies. But a consecrated animal that subsequently developed a blemish and died must be buried.

66 The Gemara adds: So too, it is reasonable that the baraita is discussing animals blemished from the outset, as, if you say that it is referring to animals whose consecrations preceded their blemishes, then Rabbi Shimon should disagree with the Rabbis on this point and maintain that such blemished animals consecrated for the altar should be buried, not redeemed. After all, Rabbi Shimon holds that animals consecrated for the altar are included in the halakha of standing and valuation. Rather, must one not conclude from this that the baraita is dealing with an animal that is blemished from the outset?

67 The Gemara raises a difficulty: But if the baraita is referring to animals blemished from the outset, and for this reason the Rabbis hold that the animal is redeemed, then it may be inferred that the Rabbis maintain that if the animal developed a blemish after its consecration and died, it must be buried. If so, let us say that the baraita is a conclusive refutation of the opinion of Reish Lakish, who maintains that according to the Rabbis, animals consecrated for the altar were not included in the halakha of standing and valuation and are redeemed if they died.

68 The Gemara responds: Reish Lakish interprets the baraita as referring to animals whose consecrations preceded their blemishes. Consequently, the statement of the Rabbis is in accordance

with his opinion that animals consecrated for the altar were not included in the halakha of standing and valuation and are therefore redeemed if they died. The Gemara asks: If so, then the earlier question recurs, as Rabbi Shimon should disagree with the statement of the Rabbis and say that such blemished animals consecrated for the altar are buried.

69 The Gemara answers: Reish Lakish reverses the text of that baraita, i.e., he maintains that in that baraita, Rabbi Shimon explicitly states that animals consecrated for the altar are buried, whether they are unblemished or blemished. And he raises his objection to the opinion of Rabbi Yoḥanan from another baraita, like this: With regard to consecrated animals that died, whether they were unblemished or blemished, they shall be buried. With regard to what case is this ruling stated? It is stated with regard to animals consecrated for the altar, but in the case of animals consecrated for Temple maintenance, they can be redeemed. This is the statement of the Rabbis.

70 The baraita continues: Rabbi Shimon says: With regard to animals consecrated for Temple maintenance that died, if they were unblemished they shall be buried, and if they were blemished they can be redeemed. This is apparently a conclusive refutation of the opinion of Rabbi Yoḥanan, from the latter clause of the statement of the Rabbis in this baraita. According to the baraita, the Rabbis rule that animals consecrated for the altar are redeemed, whereas according to Rabbi Yoḥanan, the Rabbis maintain that animals consecrated for the altar are buried.

71 The Gemara answers that Rabbi Yoḥanan could say to you: What are we dealing with here? We are dealing with an animal that was blemished from the outset. The Gemara notes: So, too, it is reasonable that the baraita is referring to animals blemished from the outset, as, if you say that it is dealing with animals whose consecrations preceded their blemishes, and the Rabbis hold that animals consecrated for Temple maintenance are buried whereas those consecrated for the altar are redeemed, then Rabbi Shimon should disagree with the statement of the Rabbis on both accounts, rather than disagreeing merely in the case of animals consecrated for Temple maintenance.

72 The Gemara asks: But if so, let us say that the baraita is a conclusive refutation of the opinion of Reish Lakish, as Rabbi Shimon does not disagree with the Rabbis in the case of animals consecrated for the altar. The Gemara answers that Reish Lakish could say to you: What are we dealing with here? We are dealing with animals whose consecrations preceded their blemishes. The Gemara reiterates: But in that case, Rabbi Shimon should disagree with the Rabbis. The Gemara responds: Reish Lakish could say to you: Indeed, Rabbi Shimon disagrees with the Rabbis even with regard to animals consecrated for the altar. The baraita mentions Rabbi Shimon’s opinion only with regard to consecrations for Temple maintenance, but he also disagrees with regard to consecrations for the altar.

73 § The Gemara further discusses the dispute between Rabbi Yoḥanan and Reish Lakish. Rabbi Yirmeya said to Rabbi Zeira: According to Reish Lakish, who says that according to the Rabbis, animals consecrated for the altar were not included in the halakha of standing and valuation, and it is taught with regard to animals consecrated for the altar

74 that blemished animals can be redeemed; and we established that according to Reish Lakish, the baraita is dealing with animals whose consecrations preceded their blemishes, which means that although the animal has inherent sanctity because it was consecrated when unblemished, nevertheless it can be redeemed; let us conclude from the baraita that one may redeem sacrificial animals in order to feed them to dogs.

[75] The Gemara rejects this suggestion: One cannot arrive at this conclusion from the baraita, since when the baraita states that the animals died it is not referring to deaths due to natural causes. Rather, what are we dealing with here? With a case where one transgressed the prohibition against slaughtering the blemished animals and slaughtered them before they were redeemed, an act that nevertheless renders them permitted for human consumption after redemption.

[76] As it is taught in a baraita: With regard to all sacrificial animals that developed a blemish and one slaughtered them, Rabbi Meir says that they shall be buried, as he holds in accordance with the opinion of Rabbi Shimon that animals consecrated for the altar were included in the halakha of standing and valuation and must be buried if they died. And the Rabbis say: Since an animal consecrated for the altar is not included in the halakha of standing and valuation, even if one slaughtered it, it can be redeemed.

[77] Rabbi Yirmeya further said to Rabbi Zeira: According to Rabbi Shimon, who said that animals consecrated for Temple maintenance were not included in the halakha of standing and valuation and are redeemed if they died, why does he state, in the last baraita cited earlier, that unblemished animals consecrated for Temple maintenance shall be buried and not redeemed? Rabbi Zeira responds: It is because they are fit for sacrifice upon the altar.

[78] The Gemara explains the significance of the fact that these animals, which were consecrated for Temple maintenance, are fit for the altar. As it is taught in a baraita: One who associates unblemished animals, i.e., consecrates them by means of associating their sanctity with sanctified items, for Temple maintenance, when they are redeemed by the treasurer they are redeemed only for the altar, i.e., they are sold to those who must bring an offering, and the animals are sacrificed upon the altar. They may be redeemed only for the altar, not for any non-sacred use, as any consecrated item that is fit to be sacrificed on the altar may never leave the custody of the altar.

[79] § The Gemara continues to analyze the opinions of Rabbi Yoḥanan and Reish Lakish. Rav Pappa said to Abaye, and some say that Rava said to Abaye: According to Rabbi Yoḥanan, who interprets the above baraita as referring to an animal blemished from the outset, and who further claims that everyone, i.e., Rabbi Shimon and the Rabbis, holds that an animal blemished from the outset was not included in the halakha of standing and valuation, one may ask: And do they both agree that an animal blemished from the outset was not included in that halakha?

[80] But didn’t we learn in a mishna (Bekhorot 14a): All the sacrificial animals in which a permanent blemish preceded their consecration are not sanctified as offerings; rather, they are sold and the money received is used to purchase valid offerings. And once they are redeemed, they are obligated in, i.e., subject to accounting their offspring, a firstborn; and in the priestly gifts of the foreleg, jaw, and maw; and they emerge from their sacred status and assume complete non-sacred status in order to be shorn and to be utilized for labor.

[81] And their offspring and their milk are permitted after their redemption. And one who slaughters them outside the Temple courtyard is exempt from karet, even if the animal was not yet redeemed, and those animals do not render an animal exchanged for them a substitute. And if these animals died before they were redeemed, they may be redeemed.

[82] And Rav Yehuda says that Rav says, with regard to this mishna: This statement, that one who consecrates a blemished animal for the altar may redeem it if it dies, is in accordance with the statement of Rabbi Shimon, who says that animals consecrated for the altar were included in the

halakha of standing and valuation, but animals consecrated for Temple maintenance were not included. As we learned in the mishna that Rabbi Shimon says: If animals consecrated for Temple maintenance died, they can be redeemed, since they were not included in the halakha of standing and valuation. But animals consecrated for the altar that died are buried, as they were included in this halakha.

[83] And Rabbi Shimon concedes with regard to an animal that was blemished from the outset, which was consecrated for the altar and died, that it is redeemed. What is the reason? As the verse states: "Then he shall set the animal before the priest. And the priest shall value it" (Leviticus 27:11–12). The emphasis of "it" serves to exclude an animal that was blemished from the outset from the halakha of standing and valuation. But the Rabbis say: Every animal consecrated for the altar, even one that was blemished from the outset, was included in the halakha of standing and valuation, and must be buried if it dies. This apparently contradicts the opinion of Rabbi Yoḥanan, who says that according to the Rabbis an animal that was blemished from the outset was not included in the halakha of standing and valuation.

[84] Abaye said to Rav Pappa, or Rava: The statement of Rav Yehuda in the name of Rav does not pose a difficulty for Rabbi Yoḥanan, as Rav was not referring to the Rabbis of the mishna, who disagree with Rabbi Shimon. Rather, who is the tanna referred to here as the Rabbis? It is a tanna of the school of Levi. The other rabbi questioned Abaye's answer: If so, that even the Rabbis of the mishna hold that an animal that was blemished from the outset is redeemed, why did Rav Yehuda say that Rav said that this mishna in tractate Bekhorot is in accordance with the statement of Rabbi Shimon, and nothing more? This statement indicates that the mishna is in accordance with the opinion of Rabbi Shimon alone. He should have said that this mishna is in accordance with the statement of Rabbi Shimon and those who disagree with him, i.e., the Rabbis.

[85] Abaye said to him: The reason that Rav Yehuda does not teach in this manner, i.e., he does not say that the mishna is in accordance with the opinion of the Rabbis, is because Rav holds in accordance with the opinion of Reish Lakish, who said that according to the Rabbis of the mishna, only animals consecrated for Temple maintenance were included in the halakha of standing and valuation; animals consecrated for the altar were not included, and are therefore redeemed.

[86] And admittedly the first clause of the mishna can be explained in accordance with the opinion of the Rabbis, as it teaches that if they died they can be redeemed. This ruling is in accordance with the Rabbis, as an animal that was blemished from the outset is considered as one consecrated for the altar, since as it was consecrated in order to be sold to purchase a valid offering. But the latter clause of the mishna, which discusses a case where the consecration of the animal preceded the development of a blemish, is not in accordance with the opinion of the Rabbis, as it teaches that if they died they shall be buried. According to Reish Lakish and Rav, the Rabbis hold that in such a case the animal is redeemed. Consequently, the mishna cannot be in accordance with the opinion of the Rabbis.

[87] And if you wish, say instead that Rav holds in accordance with the opinion of Rabbi Yoḥanan, that the Rabbis maintain that all consecrations were included in the halakha of standing and valuation and are buried if they died, and the mishna is in fact in accordance with the opinion of the Rabbis. And as for that which posed a difficulty for you, that Rav Yehuda should have said that this mishna is in accordance with the statement of Rabbi Shimon and those who disagree with him, say: Indeed he

said so, that the mishna is in accordance with the opinion of Rabbi Shimon and those who disagree with him.

[88] MISHNA: And these are the items that are buried from which deriving benefit is forbidden: In the case of a sacrificial animal that miscarried, the fetus shall be buried. If the animal miscarried a placenta, the placenta shall be buried. And the same halakha applies to an ox that is stoned for killing a person; and a heifer whose neck is broken when a corpse is found between two cities and the killer is unknown; and the birds brought by a leper for purification; and the hair of a nazirite who became ritually impure, who shaves his head before beginning a new term of naziriteship.

[89] And the same halakha applies to the firstborn of a donkey that, if it is not redeemed with a sheep, has its neck broken; and a forbidden mixture of meat cooked in milk; and non-sacred animals that were slaughtered in the Temple courtyard. Rabbi Shimon says: Non-sacred animals that were slaughtered in the Temple courtyard shall be burned, like sacrificial animals that were disqualified in the courtyard. And likewise, an undomesticated animal that was slaughtered in the Temple courtyard, although it is not similar to the animals sacrificed in the Temple, shall be burned by rabbinic decree.

[90] And these are the items that are burned: Leavened bread on Passover shall be burned. And the same halakha applies to ritually impure teruma. And with regard to the fruit that grows on a tree during the three years after it was planted [orla], and diverse kinds of food crops sown in a vineyard, those items whose appropriate manner of destruction is to be burned, e.g., foods, shall be burned; and those items whose appropriate manner of destruction is to be buried, e.g., liquids, shall be buried. And one may ignite a fire with bread and with oil of impure teruma, even though the priest derives benefit from that fire. And with regard to all sacrificial animals that were slaughtered with the intent to sacrifice or consume them beyond their designated time or outside their designated place, those animals shall be burned.

[91] With regard to a provisional guilt offering brought by one who is uncertain as to whether he committed a sin that renders him liable to bring a sin offering, if he discovers that he did not sin, the offering shall be burned, as its legal status is like that of an unfit offering. Rabbi Yehuda says: It shall be buried. A sin offering of the bird that comes due to an uncertainty, e.g., in the case of a woman who miscarried and she is uncertain whether it was a fetus, shall be burned, as it may not be eaten due to the uncertainty and because the nape of its neck was pinched and it was not slaughtered. Rabbi Yehuda says: One should cast it into the Temple courtyard drain, as the young bird will decompose and be drawn into the stream outside the Temple.

[92] The principle is: All items that are buried shall not be burned, and all items that are burned shall not be buried. Rabbi Yehuda says: If one wished to impose a stringency upon himself by burning items that are to be buried, he is permitted to burn them. The Rabbis said to Rabbi Yehuda: One is not permitted to change the method of destruction, as this could lead to a leniency, since it is permitted to derive benefit from the ashes of items that require burning, whereas it is not permitted to derive benefit from the ashes of items that require burial.

[93] GEMARA: Among the items from which benefit is prohibited, the mishna states that the hair of a nazirite shall be buried. With regard to this halakha, Tavi raised a contradiction before Rav Naḥman: We learned in the mishna that the hair of a nazirite shall be buried; but one can raise a contradiction from another mishna (Orla 3:3): One who weaves one sit, the distance between one’s index and middle fingers, of the wool of a firstborn animal, from which deriving benefit is prohibited in

accordance with the halakha of all sacrificial animals, in a garment, the garment shall be ignited. Similarly, if one weaves from the hair of a nazirite, or from the hair of a firstborn donkey, in a sack, the sack shall be ignited.

94 Rav Naḥman said to Tavi: There is no contradiction. Here, the ruling of the mishna that teaches that the hair of a nazirite is buried, is stated with regard to a nazirite who became ritually impure, and who must therefore shave his head and begin a new naziriteship. And there, the ruling of the mishna that states that the hair is burned, is stated with regard to the hair of a ritually pure nazirite, who shaves his head upon successful completion of his naziriteship. At this stage his hair is burned, in accordance with the verses: “And this is the law of the nazirite, when the days of his consecration are fulfilled…And the nazirite shall shave his consecrated head at the door of the Tent of Meeting, and shall take the hair of his consecrated head and put it on the fire that is under the sacrifice of peace offerings” (Numbers 6:13–18).

95 Tavi said to Rav Naḥman: You have answered the contradiction with regard to a nazirite and a nazirite. But the contradiction with regard to a firstborn donkey and a firstborn donkey still poses a difficulty, as the mishna here states that the animal and its hair are buried, whereas the mishna in tractate Orla teaches that its hair is burned. Rav Naḥman was silent and said nothing to Tavi about the contradiction. Instead, he said to him: Have you heard anything with regard to this from others? Tavi said to him: This is what Rav Sheshet said in response to the contradiction: Here, where the mishna states that the hair of a firstborn donkey is burned, it is referring to a case where the hair was weaved in a sack, whereas there, where the mishna rules that the hair is buried, it is referring to the hair by itself.

96 The Gemara notes that these responses of Rav Naḥman and Rav Sheshet were also stated by other Sages. Rabbi Yosei, son of Rabbi Ḥanina, says: Here, in tractate Orla, the mishna is referring to a case where the hair of the nazirite or firstborn donkey was weaved in a sack, whereas there it is referring to the hair of the nazirite or firstborn donkey itself. And Rabbi Elazar says: Here, in tractate Orla, the mishna is referring to a ritually pure nazirite, and there the mishna is referring to the hair of a ritually impure nazirite.

97 Rav Naḥman said to Rav Sheshet: Even if there is a difference between the hair itself and hair weaved in a sack, let the hair that was weaved in a sack be nullified by the majority, i.e., the other materials weaved into the sack, and therefore the sack need not be burned. Rav Pappa said: That mishna is dealing with a case where one used the prohibited hair to weave an ornamental design of a bird into the sack. Such a design is considered significant in its own right, and consequently it is not nullified by the majority. The Gemara asks: Why should the entire sack be burned on account of the bird design? Let him remove any designs weaved into the sack with the prohibited hair, and the remaining materials should be permitted.

98 Rabbi Yirmeya said: In accordance with whose opinion is this mishna in tractate Orla? It is in accordance with the opinion of Rabbi Yehuda, who said that if one wished to impose a stringency upon himself by burning items that are to be buried, he is permitted to do so. Rav Naḥman said to him: We raised a difficulty that one should remove the bird designs, and you establish that the mishna is in accordance with the opinion of Rabbi Yehuda? Even according to Rabbi Yehuda, in a case where one can remove the prohibited portion of the sack and use the rest of it, why would he burn it, even as a stringency?

[99] Rabbi Yirmeya responded: This is what I meant to say: If it is possible to remove it from the sack, fine; and if not, there is a third answer to the contradiction that Tavi raised before Rav Naḥman: Interpret the mishna in accordance with the opinion of Rabbi Yehuda, who said that if one wished to impose a stringency upon himself by burning items that are to be buried, he is permitted to do so.

[100] § The mishna teaches: And these are the items that are burned: Leavened bread. The Gemara comments: The Master said in the mishna that leavened bread on Passover shall be burned. If so, the tanna taught us an unattributed mishna in accordance with the opinion of Rabbi Yehuda, who said that the eradication of leavened bread can be performed only by means of burning. By contrast, the Rabbis rule that leavened bread may be eradicated through any manner of destruction.

[101] The mishna further teaches that ritually impure teruma shall be burned. And with regard to orla and diverse kinds of food crops sown in a vineyard, those items whose appropriate manner of destruction is to be burned shall be burned, and those items whose appropriate manner of destruction is to be buried shall be buried. The Gemara elaborates: How so, i.e., what is an item whose appropriate manner of destruction is to be burned? Foods are items whose appropriate manner of destruction is by burning; and liquids are items whose appropriate manner of destruction is by burial.

[102] The mishna also teaches: A sin offering of the bird that comes due to an uncertainty shall be burned; Rabbi Yehuda says that one should cast it into the Temple courtyard drain. With regard to the opinion of Rabbi Yehuda, the Gemara notes that it is taught in a baraita that Rabbi Yehuda says: With regard to a sin offering of the bird that comes due to an uncertainty, one should cast it into the Temple courtyard drain. And how is this performed? He severs the animal limb by limb and then tosses all the limbs into the drain, and each limb rolls out continuously with the liquids in the drain to the Kidron River outside Jerusalem.

[103] § The mishna teaches that all items that are buried shall not be burned, and all items that are burned shall not be buried. The Gemara asks: What is the reason that items that are buried may not be burned? The Gemara responds: This is because with regard to items that are buried, their ashes are prohibited, but with regard to items that are burned, their ashes are permitted. Accordingly, due to a concern that one who burns an item that should be buried might derive benefit from the ashes, the Sages prohibited the burning of any item that is buried.

[104] The Gemara asks: And is the halakha with regard to items that are buried that their ashes are prohibited? But isn’t it taught in a baraita: With regard to the blood of a menstruating woman and the flesh of a corpse, which normally render one ritually impure whether they are dry or wet, in a case where they dried up and crumbled, they are ritually pure. What, is it not correct to infer from the baraita that they are ritually pure and one is permitted to derive benefit from them, despite the fact that a corpse is an item that is buried? The Gemara rejects this inference: No, the baraita means that they are pure only in the sense that they do not render one ritually impure, but it is nevertheless prohibited to derive benefit from them.

[105] Rav Pineḥas raises an objection from another baraita: With regard to a burnt offering of the bird whose blood was squeezed onto the wall of the altar in the appropriate manner, its crop and its feathers, which do not ascend upon the altar, have been removed from the halakhot of misuse. What, is it not correct to infer from this that they have been removed entirely from the halakhot of misuse and are no longer consecrated? And therefore one is permitted to derive benefit from them, despite the fact that the crop and feathers are buried, as they are tossed to the eastern side of the altar and are

swallowed in their place. Evidently, it is permitted to derive benefit from items that are buried. The Gemara rejects this claim: No, the baraita means that they have been removed from the halakhot of misuse, but one is nevertheless prohibited to derive benefit from them.

[106] The Gemara asks: And is it the halakha with regard to consecrated items that are burned that their ashes are permitted? But isn't it taught in a baraita: With regard to all prohibited items that must be burned, their ashes are permitted, except for wood from a tree used as part of idolatrous rites [ashera]. And ash of consecrated property is prohibited forever.

[107] Before summarizing the question, the Gemara explains why the baraita teaches the halakhot with regard to an ashera and consecrated property separately: And the tanna did not combine them into one phrase and teach them together, because an ashera can become permitted, as it has the option of nullification by a gentile, whereas consecrated property never has the option of nullification. The Gemara concludes its question: In any event, the baraita teaches that the ash of consecrated property is prohibited forever.

[108] Rami bar Ḥama said: In general, it is permitted to derive benefit from the ash of burnt consecrated property. But this is the halakha either in a case where the consecrated property has been disqualified in some manner, as in the mishna, when its sanctity is weakened, or in a case where one would be liable for misuse of consecrated property when burning it. In such a situation, it is the misuse which causes the consecrated property to become non-sacred. By contrast, the baraita is dealing with a case where the ash remains prohibited, for example, if a fire fell by itself onto consecrated wood. Since it cannot be known who burned the wood, as there is no person who misused the wood in order that its ash should change to non-sacred status, the ash is therefore prohibited.

[109] Rav Shemaya said: When this baraita was taught, it was taught with regard to the removal of the ashes every morning, i.e., the rite in which the priest removes some of the ashes from upon the altar and places them on the ground beside the altar. In this instance, the halakha is that the ash is prohibited forever.

[110] As it is taught in a baraita with regard to the removal of the ashes: The verse states: "And he shall take up the ashes to which the fire has consumed the burnt offering on the altar, and he shall put them beside the altar" (Leviticus 6:3). The term "and he shall put them" indicates that he shall place them down gently, rather than cast them down. Additionally, the emphasis on "them" in the term "and he shall put them" teaches that he shall put all of them. Finally, it is derived from the superfluous "and" in the term "and he shall put them" that he shall not scatter the ashes. The ruling of the baraita that all of the ashes must be placed in the ground indicates that even after the consecrated item is burned, the ashes remain sanctified and are prohibited.