

# II

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## BAVLI MENAHOT CHAPTER TWO

FOLIOS 13A-17A

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- A. He who takes the handful of meal offering [with the improper intention] to eat its residue or to burn its handful on the next day —
- B. R. Yosé agrees in this case that it [the sacrifice] is refuse and they who eat it are liable on its account to extirpation [= M. 1:3].
- C. [If he does so with the improper intention] to burn its frankincense on the next day,
- D. R. Yosé says, “It [the sacrifice] is invalid. And extirpation does not apply to it.”
- E. And sages say, “It is refuse. And they are liable on its account to extirpation.”
- F. They said to him, “What is the difference between this case [of the meal offerings and frankincense] and the animal sacrifice?”
- G. He said to them, “The animal sacrifice — its blood and its flesh and its sacrificial parts are [of] one [genre].
- H. “But the frankincense is not from the meal offering [which is flour].”
- I.1** A. [He who takes the handful of meal offering with the improper intention to eat its residue or to burn its handful on the next day — R. Yosé agrees in this case that it [the sacrifice] is refuse and they who eat it are liable on its account to extirpation:].
- B. *How come the framer of the passage includes the language, R. Yosé agrees in this case that it [the sacrifice] is refuse and they who eat it are liable on its account to extirpation?*
- C. *Because he wishes further to go on to say, If he does so with the improper intention to burn its frankincense on the next day, R. Yosé says, “It [the sacrifice] is invalid. And extirpation does not apply to it.” What might you otherwise have supposed? That the operative consideration in the mind of R.*

*Yosé is that he maintains that improper intentionality with regard to only one aspect of the conduct of the rite that permits the priests to eat the residue of the meal offering does not take effect so as to impart to the offering the status of refuse. And even with respect to the opening clause of the paragraph, [13B] we might have supposed that he takes that same view. So we are informed that that is not the case [and his operative consideration is not the one that was assumed]. [What permits the priests to eat the residue is burning of the meal offering and handful of frankincense on the altar. Then they may be eaten. If the priest expressed the improper intention in regard to the frankincense alone, which is only half of the rite that when properly conducted with the right attitude permits the priest to eat the residue, that would be null. Then Yosé should also hold in regard to the opening clause of the paragraph that the offering is not refuse, since the wrongful intention was only in regard to burning of the handful of meal offering, which is only part of the whole of the rite that renders the meal offering permitted to the priests (Cashdan)].*

- II.1 A. If he does so with the improper intention to burn its frankincense on the next day, R. Yosé says, “It [the sacrifice] is invalid. And extirpation does not apply to it.” And sages say, “It is refuse. And they are liable on its account to extirpation.” They said to him, “What is the difference between this case [of the meal offerings and frankincense] and the animal sacrifice?” He said to them, “The animal sacrifice — its blood and its flesh and its sacrificial parts are [of] one [genre]. But the frankincense is not from the meal offering [which is flour]:”**
- B. Said R. Simeon b. Laqish, “R. Yosé takes the position that improper intentionality concerning the conduct of one of the rites that permits the priests to eat the meal offering does not have the power to render refuse another component of the same rites that permit the priests to eat the meal offering. So too, you may say in the case of the two dishes of frankincense that are presented with the showbread, that improper intentionality concerning the conduct of one of the rites that permits the priests to eat the meal offering [in this case, dealing with one of the two dishes of frankincense] does not have the power to render refuse another component of the same rites [the other of the two dishes in context] that permit the priests to eat the meal offering.”
- C. *What is the meaning of the statement, So too, you may say in the case of the two dishes of frankincense that are presented with the showbread, that improper intentionality concerning the conduct of one of the rites that permits the priests to eat the meal offering [in this case, dealing with one of the two dishes of frankincense] does not have the power to render refuse another component of the same rites [the other of the two dishes in context] that permit the priests to eat the meal offering?*
- D. *What might you otherwise have supposed? That the operative consideration of R. Yosé in connection with frankincense is that it is not of the same species as the meal offering, while in the case of two dishes of frankincense, since they are of the same species, improper intentionality concerning the one could well have imparted the status of refuse to the other. So we are informed that that is not the case.*

- E. *But can you really suppose that the operative consideration of R. Yosé in connection with the frankincense of the opening clause is not that it is not of the same species as the meal offering? And lo, it is formulated as the Tannaite version in the concluding clause in so many words: **They said to him, “What is the difference between this case [of the meal offerings and frankincense] and the animal sacrifice?”** He said to them, “The animal sacrifice — its blood and its flesh and its sacrificial parts are [of] one [genre]. But the frankincense is not from the meal offering [which is flour]”!* [Cashdan: the blood and the sacrificial portions of an animal offering all come from one animal; the frankincense is a different substance from the meal offering.]
- F. *What is the meaning of the language, **But the frankincense is not from the meal offering?** It is, “It does not depend on the meal offering,” for it is not correct to maintain, “Just as the correct disposition of the handful is indispensable to the correct disposition of the residue, in the sense that, so long as the handful has not been burned, the residue may not be eaten, so it is indispensable to the frankincense.” That is not the fact. If the priest wants, he may burn this first, and if he prefers, he may burn the other first.*
- G. *And rabbis?*
- H. *When they take the view, improper intentionality concerning the conduct of one of the rites that permits the priests to eat the meal offering [in this case, dealing with one of the two dishes of frankincense] does not have the power to render refuse another component of the same rites [the other of the two dishes in context] that permit the priests to eat the meal offering, that is only in a context in which the two distinct components of the rite that renders the sacrifice permitted to the priests are not set forth in a single utensil of service [e.g., unlike the handful of meal offering and the frankincense, which begin in the same utensil], but in a case in which the two distinct components of the rite that renders the sacrifice permitted to the priests are set forth in a single utensil of service, they are regarded as a single entity in permitting the priests to eat the sacrifice [with the result that improper intentionality concerning the one does affect the other].*
- I.2.** A. Said R. Yannai, “If, after the burning of the handful, the frankincense was picked from the flour and burned upon the altar by a non-priest, the rite is invalid.”
- B. *How come?*
- C. Said R. Jeremiah, “It is because the matter of bringing near pertains to it.” [Cashdan: when the non-priest hands the frankincense to the officiating priest, he has helped to “bring near” the frankincense, and that is essential to the rite and must be done only by a priest, and not, even partially as in this case, by a non-priest.]
- D. *He therefore takes the view that bringing near, even now involving actual walking, is classified as bringing near, and, further, that bringing near by a non-priest is invalid [and invalidates the rite].*
- E. *Said R. Mari, “We too have learned this in a Tannaite formulation [which shows that picking out the incense is integral to the act of service]: **This is the general principle: In every [case in which] one (1) takes the handful of meal offering, or (2) puts it into a utensil, or (3) conveys it, or (4) offers it up, [with the***

**improper intention to eat something which is usually eaten [the residue] or to offer up something which is usually offered up [the meal offering — outside of its proper place, it is invalid. But extirpation does not apply to it. If one does so with the improper intention to eat the residue or to offer up the meal offering outside of its proper time, it is refuse. And they are liable on its account to extirpation.]** Now, it is clear, “taking the handful” corresponds, in the animal offering, to the act of slaughter; “conveying it” corresponds to the same act here; “offering up” in the case of a meal offering is parallel to sprinkling the blood of an animal sacrifice. But what is the act that corresponds in the animal sacrifice to putting the meal offering into a utensil? Should you take the view that it corresponds, in the animal offering, to the act of receiving the blood, are the two actions at all comparable? In the case of the animal offering, the blood flows on its own into the utensil, but in the case of the meal offering, it is the priest who has to take the meal and put it into the utensil. But the fact is that it does not suffice if the priest does not put the handful of meal into the utensil, it is an act of considerable consequence, and therefore it is necessarily a counterpart to the receiving of the blood; here too, since it does not suffice if the priest does not engage in the gathering up of the frankincense, it is an act of considerable consequence, and therefore it is necessarily a counterpart to the “bringing near.”

- F. Not at all. In point of fact it is the counterpart of receiving the blood. And as to your question, “Should you take the view that it corresponds, in the animal offering, to the act of receiving the blood, are the two actions at all comparable? In the case of the animal offering, the blood flows on its own into the utensil, but in the case of the meal offering, it is the priest who has to take the meal and put it into the utensil,” since in both instance, what is put into the utensil is sanctified by being put into the utensil, there is no distinguishing the one from the other, whether it comes on its own into the utensil or the priest puts it into the utensil. [Cashdan: thus between these two components of the service there is a point in common, but gathering up frankincense is not comparable with either of these services and therefore is not regarded as a vital service.]

## 2:2A-E

- A. [If] he slaughtered two lambs [Lev. 23:19, the peace offering at Shabuot], [with the improper intention] to eat one of the loaves [that accompany that rite] on the next day [after the festival] —
- B. [If] he burned the two dishes [of frankincense, with the improper intention to eat one of the rows [on the next day] —
- C. R. Yosé says, “That particular loaf or that particular row to which he gave thought [improperly to eat on the next day] is refuse. And they are liable on its account to extirpation.
- D. “But the second [loaf of bread or row] is invalid. And extirpation does not apply to it.”
- E. And sages say, “Both this and that are refuse, and they are liable on its account to extirpation.”

- I.1** A. Said R. Huna, ““R. Yosé took the position that improper intentionality concerning the conduct of one of the rites that permits the priests to eat the right thigh of the lamb does not have the power to render refuse another component of the same rites that permit the priests to eat the left thigh of the same lamb.
- B. *“What is the operative consideration?*
- C. *“If you wish, I may propose that at issue is a point of reasoning, and if you wish, I shall propose that it is the exegesis of a verse of Scripture.*
- D. *“If you wish, I may propose that at issue is a point of reasoning: namely, improper intentionality should not carry greater effect than actual uncleanness, and if one of the two limbs became unclean, the entirety of the beast is made unclean.*
- E. *“And if you wish, I shall propose that it is the exegesis of a verse of Scripture: ‘And the soul that eats of it shall bear his iniquity’ (Lev. 7:18) — of it, but not of some other part.”*
- F. *R. Nahman objected to R. Huna, ““The penalty of extirpation is incurred only if the improper intention that makes the offering refuse is expressed concerning an olive’s bulk of both [loaves of bread that are offered].’ [Cashdan: if the improper intention pertains to both loaves, even to the extent of only a half-olive’s bulk of each, they are both refuse, and the penalty of extirpation is incurred.] ‘If the improper intention that makes the offering refuse is expressed concerning an olive’s bulk of both [loaves of bread that are offered],’ then that is the case, but ‘if the improper intention that makes the offering refuse is not expressed concerning an olive’s bulk of both [loaves of bread that are offered],’ then that is not the case! Now in accord with which party is this rule formulated? It cannot be rabbis, for in their view, even if the improper intentionality concerned only one loaf, both loaves are deemed refuse [‘**both this and that are refuse, and they are liable on its account to extirpation**’]. So it must follow the position of R. Yosé. But if you say that in that case [of the two limbs, the right and left thigh, they are not regarded as distinct but as a single entity,] deriving as they do from one animal, then it is on that account they join together [so then an improper intention with respect to one limb would make both of them refuse], [but in the Mishnah-passage before us, the two loaves are not combined in one and are two distinct entities]. [14A] But if you maintain that they are classified as two distinct bodies there, then why in the present case are they treated as joined together?” [If the two limbs derive from one body are deemed two entities, so that improper intention concerning one has no affect upon the other, then the two loaves obviously are two entities and do not join together under a single act of intention, so why where improper intentionality concerning an olive’s bulk affected two loaves, are both affected? (Cashdan)]*
- G. *Lo, who is the authority behind this ruling? It is Rabbi, as has been taught on Tannaite authority:*
- H. He who slaughtered the one of the two lambs of the festival of Pentecost intending to eat a half olive’s bulk of one loaf that accompanied the offering on the next day and slaughtered the other of the two lambs intending to eat a half olive’s bulk of a loaf that accompanied the offering on the next day,
- I. Rabbi says, “I say, ‘This act is entirely valid.’”

- J. *What is the operative consideration? It is because the priest specified a half, then another half. But if he had said, "An olive's bulk deriving from both of them," it would have joined together."*
- K. *[Reverting to G:] now in accord with whom does Rabbi make this ruling? It cannot be in accord with the position of rabbis, for, from their viewpoint, even though the improper intentionality concerned only one of the two loaves alone, both of them would be refuse. And it cannot be R. Yosé, for if you do, our question [But if you maintain that they are classified as two distinct bodies there, then why in the present case are they treated as joined together?] simply surfaces once more!*
- L. *In point of fact, Rabbi has to accord with the position of rabbis, and do not phrase matters as, "The penalty of extirpation is incurred only if the improper intention that makes the offering refuse is expressed concerning an olive's bulk of both [loaves of bread that are offered]," but rather, "The penalty of extirpation is incurred only if the improper intention that makes the offering refuse is expressed concerning an olive's bulk of both [loaves of bread that are offered], and even though the intentionality concerned an olive's bulk of one loaf alone."*
- M. *Then Rabbi must intend to rule out the position of R. Meir, who has said, "Improper intentionality with regard to only one aspect of the conduct of the rite that permits the priests to eat the residue of the meal offering does take effect so as to impart to the offering the status of refuse." So he informs us that [Meir's position] is not valid.*
- N. *If that is the case, then why formulate matters in the language of, "In point of fact"? [Cashdan: that term is used when a view is set forth that rejects all other views.] Now, to be sure, if you had come to the conclusion that the intent of the passage is that both loaves and both lambs are at issue, [Cashdan: the intention that makes the offering refuse must be expressed when both lambs are slaughtered and must pertain to both loaves] thus taking the position of R. Yosé and rejecting the positions of both R. Meir and rabbis, then the language, "In point of fact" is quite proper. But if you want to say only that the framer of the passage concurs with rabbis and reject only the opinion of R. Meir, then why use the language, "in point of fact"? Furthermore, lo, said R. Ashi [in criticizing the view of Huna], "Come and take note: **Rabbi says in the name of R. Yosé the Galilean, "If one had an intention that imposes the status of refuse concerning an action that is done in connection with a rite on the outer altar, that indeed imposes the status of refuse upon the sacrifice. But if one had an intention that imposes the status of refuse concerning an action that is done in connection inner altar, he has not imposed upon an offering the status of refuse. How so? If one was standing outside and slaughtered and received the blood on the professed intention of tossing the blood on the next day, he has not imposed the status of refuse. For that is an intentionality formed at the outer altar concerning an action that is done on the inner altar. So he has not imposed the status of refuse. If he was standing inside and said, 'Lo, I am sprinkling the blood with the expressed intentionality of burning up the sacrificial parts that are to be burned, or to pour out the residue of the blood, only tomorrow, he has not imparted to the offering the status of refuse, for this is an***



intentionality expressed at the inner altar concerning something that is carried out at the outer altar. But if he was standing at the outer altar and said, ‘Lo, I am slaughtering this beast with the intention of pouring out the residue of the blood tomorrow, or of offering up the sacrificial parts tomorrow, he has imparted the status of refuse to the offering. For this is an intentionality expressed at the outer altar concerning something that is done at the outer altar” [T. **Zeb. 5:4A-G, 5:5A-D**]. Now in the latter instance, in which the intentionality concerning pouring out the residue of the blood, what is it exactly that is made refuse? Should you maintain that the blood is made refuse, does blood become refuse at all? Lo, we have learned in the Mishnah: **These are things on account of which they are not liable because of [transgression of the law of] refuse** [if the offering itself is refuse, the following are not affected, so if the priest took a handful intending to eat the residue the next day, the entire offering is refuse, but there is no liability for eating the handful itself. The status of refuse applies only to what is subject to eating only through a valid rite performed at some other aspect of the sacrifice, for instance, the rest of the meal offering is ordinarily permitted to be eaten when the handful is taken out, but the handful itself is not permitted through anything else the same is so of incense, frankincense, and the rest (Freedman, Zebahim)]: **frankincense [Lev. 2: 1-2], (3) and the incense offering [Exo. 30:7-8], (4) and the meal offering of the priests [Lev. 6:16], (5) and the meal offering of the anointed priest [Lev. 6:15], (6) and the meal offering [which accompanies] the drink offerings [Num. 15: 2ff.], (7) and the blood [M. Zeb. 4:3A]**. So it must be the meat that is affected and made into refuse. Now, if in that case, in which the officiating priest has not expressed an improper intentionality to the meat itself, R. Yosé takes the position that nonetheless the meat is made refuse, how much the more so in the present case, in which the priest did express an intentionality with regard to the meat of the offering, is the meat made refuse!”: [Cashdan: thus the intention that leads to the condition of refuse that is expressed in connection with the right thigh will certainly render the left thigh refuse, against the view of Huna.]

- O. And furthermore, has not Rabina objected [to the view of Huna] on the basis of the following: “Come and take note: He who took out the handful of meal offering announcing the intention of eating the residue or to burn the handful on the next day, in such a case R. Yosé concurs that the priest has imparted the status of refuse on the offering, and people are liable on its account to extirpation. If it was to offer up the handful, however, what is it that is made refuse? If we say that it was to render the handful of meal refuse, is it subject to being made refuse at all? And have we not learned in the Mishnah: **These are things on account of which they are not liable because of [transgression of the law of] refuse: frankincense [Lev. 2: 1-2], (3) and the incense offering [Exo. 30: 7-8], (4) and the meal offering of the priests [Lev. 6:16], (5) and the meal offering of the anointed priest [Lev. 6:15], (6) and the meal offering [which accompanies] the drink offerings [Num. 15: 2ff.], (7) and the blood [M. Zeb. 4:3A]**. So it is obvious that the residue is what is made refuse. Now, if in that case, in which the officiating priest has not expressed an improper intentionality to residue at all, R. Yosé takes the position that nonetheless the residue is made refuse, how much the

more so in the present case, [14B] in which the priest did express an intentionality with regard to the meat of the offering, is the meat made refuse!”

P. Rather, said R. Yohanan, “This is the operative consideration behind the ruling of R. Yosé: Scripture itself has treated the two loaves as a single entity, and Scripture also treats them as two distinct entities.

Q. *“They are deemed as a single entity, in that one cannot be presented without the other; they are treated as two entities, in that the All-Merciful has held that each must be prepared on its own. Now if they were reckoned as a single entity, [where the intention was to eat one olive’s bulk of two loaves, in which case the two loaves are treated as a single entity and both are held to be refuse], they are thereby united, since Scripture treats them as a single entity; if they are treated as two distinct entities [when the intention concerned only one loaf alone, the other not being subjected to this intention], then they remain two distinct entities, since Scripture has treated them as two distinct entities.”*

**I.2.** A. R. Yohanan raised this question: “If the officiating priest expressed in regard to the loaves of the thank offering, or in regard to the baked meal offering an intention that imposes the status of refuse, what is the law?” [At issue are the forty cakes, ten of each of four types, that accompany the thank offering, Lev. 7:12,13. What if the officiating priest has expressed an improper intentionality with respect to cakes of one kind? Does Yosé here also differ from rabbis and treat the others as valid, or would he concur with them, since all of the four kinds are subject to the same rite that renders the lot of them permissible to the priests? Along these same lines, the baked meal offering was either ten unleavened cakes or ten unleavened wafers, Lev. 2:4; Simeon maintains it may be five of each. Within the latter position, would Yosé now concur with rabbis that an intentionality concerning one affects the other as well? (Cashdan).]

B. *R. Tahalipa, the Westerner, repeated to him the following Tannaite formulation: “And so do you say with reference to the loaves of the thank offering, and so do you say with reference to the baked meal offering.”*

**I.3.** A. *Our rabbis have taught on Tannaite authority:*

B. **He who slaughters an animal sacrifice with the expressed intention of eating a half olive’s bulk of the meat on the next day, and at the time of tossing the blood gave further thought to burn a half olive’s bulk of the sacrificial parts on the next day — the offering is refuse, and liability to extirpation is incurred on account of that intentionality, for slaughtering the animal and tossing the blood are acts that are deemed to join together [T. Zeb. 2:14A-C].**

C. *There are those who interpret this rule in the following manner: it is in particular the act of slaughter and the act of tossing the blood that join together, for both of them are acts that serve to permit the priests to eat their share of the offering, but if this were with regard to the acts of receiving and conveying the blood, that would not be the case. And there are those who say that the rule applies to these acts of service, which do not take place consecutively, and all the more so to those acts of service [receiving, conveying the blood] which do take place consecutively.*



- D. *Is that so? But lo, Levi repeated the following Tannaite rule: Four acts of service do not join together for the purposes of joining intentionalities that yield the status of refuse: the act of slaughter, tossing the blood, receiving the blood, and conveying the blood.*
- E. *Said Raba, "That is no contradiction. The one [Levi's version] represents the view of Rabbis, the other, the position of rabbis. For it has been taught on Tannaite authority:"*
- F. *He who slaughters one of the two lambs with the expressed intention of eating a half olive's bulk of one loaf on the next day, and then slaughtered the other lamb with the expressed intention of eating a half olive's bulk of one loaf on the next day, —*
- G. *Rabbi says, "I maintain that that offering is entirely valid."*
- H. *Said to him Abbayye, "But might I say that Rabbi took that position only in regard to expressing the improper intentionality in regard to one half of the minimum volume for an act of eating of one half of the two stages that serve to permit the offering to be eaten by the priests [only slaughtering both lambs renders the two loaves available for the priests], but if the improper intentionality concerned the entirety of the rite that would allow the priests to eat their share of the offering, but in regard to only one half of the minimum volume for eating, would Rabbi take that position?" [Cashdan: indeed, Rabbi would also agree that if an intention that brings about the status of refuse was expressed during the slaughtering of an ordinary offering in regard to a half olive's bulk of meat and a similar intention during the sprinkling of the blood, each of which forms the entirety of a rite that permits the priests to eat the meat, these intentions would join together to make the entire offering refuse.]*
- I. *Said Raba bar R. Hanan to Abbayye, "But if Rabbi did take such a position with regard to an improper intention concerning the entirety of a rite that permits the priests to eat the meat, but with regard to only half of the minimum quantity of meat that would add up to an act of eating, holding that the offering was refuse, he then should declare the offering refuse even if the improper intention concerned only half of the rite that permits the priests to eat the meat and in regard to half of the minimum quantity; that would then serve as a preventative decree against the case in which the improper intentionality concerned the whole of the rite that permits the priests to eat the meat with regard to half of the minimum volume for eating. The reason I say so is that, in fact, R. Yosé does affirm such a preventative decree, and Rabbis likewise do affirm such a preventative decree."*
- J. *R. Yosé does affirm such a preventative decree, for we have learned in the Mishnah: **[If he does so with the improper intention] to burn its frankincense on the next day, R. Yosé says, "It [the sacrifice] is invalid. And extirpation does not apply to it." And sages say, "It is refuse. And they are liable on its account to extirpation."***
- K. *And Rabbis likewise do affirm such a preventative decree, for we have learned in the Mishnah: **[If one formed an improper intention, such that he has] (1) made refuse the handful [of meal for the meal offering] but not the frankincense, (2) the frankincense but not the handful — R.Meir says, "It is***

refuse, and they are liable on its account to extirpation.” And sages say, “Extirpation does not apply to it, until [through improper intention to eat or offer up the whole outside the proper time] he will render refuse the whole of that which renders the offering permissible.” [M. **Men. 2:5A-C**]

- L. *He said to him, “But are these matters truly comparable? While it is clear that R. Yosé does make such a precautionary decree in the matter of the frankincense on account of the case in which the improper intentionality concerned the handful of meal offering [Cashdan: the offering is invalid as a precautionary measure against a real case of refuse where the burning of the handful of meal offering alone constitutes the whole of the rite permitting the priests to eat the residue, as with the sinner’s meal offering, or where the burning of the frankincense is the whole of that same rite, as in the case of the frankincense with the showbread]; and it is equally clear that rabbis invalidate the case involving the handful of a meal offering as a preventative decree against the case where the handful of sinner’s meal offering was involved, and, along these same lines, they also declare invalid the case involving the frankincense as a preventative measure against the case where the improper intentionality concerned frankincense burned in two dishes; so too, with regard to the lambs, they declare invalid the case involving one lamb as a precautionary measure against the case where the other lamb too was involved; and they declare invalid the case involving one dish of frankincense on account of a case involving the other as well. All this we readily concede. But in our case, we have an improper intention involving only half of the two parts of a rite in that permits the priests to eat the residue in regard to half of the minimum volume of food that adds up to eating and so imparts the status of refuse to the offering, such that, in such a farfetched case, do sages here too adopt a precautionary measure?” [Cashdan: there is no such case, so no ground for a precautionary measure.] And that stands to reason that [Cashdan: in every case where the offering is declared invalid, it is only as a precautionary measure against a case of refuse that runs along the same lines]. For even the next clause of the cited passages is explicit: **And sages concur with R. Meir in the case of the meal offering of a sinner and the meal offering of a woman accused of adultery [neither of which is accompanied by incense], that if one has imparted the status of refuse to the handful [of the meal offering], it is refuse, and they are liable to extirpation on its account. For it is [solely] the handful [of meal offering] which renders the offering permissible. Now what need do I have to say this last statement [For it is [solely] the handful [of meal offering] which renders the offering permissible]? It is self-evident, since, in these cases, is there any other component of the rite that renders the residue permitted for the priests to eat? Does it not then follow that the operative consideration for rabbis to declare the offering invalid where the improper intention concerned the burning of the handful of the ordinary meal offering is that there is also the handful of the sinner’s meal offering that is comparable [and here there really would be the result of rendering the whole refuse, there being no other component of the rite]!”***

## 2:2F-I

- F. [If before the tossing of the blood or burning of the incense,] one of the loaves or one of the rows was made unclean,
- G. R. Judah says, “Both of them go out to the place of burning.
- H. “For an offering made in behalf of the congregation is not to be divided.”
- I. And sages say, “The unclean [remains] subject to its uncleanness, but the clean one may be eaten.”
- I.1** A. Said R. Eleazar, “The dispute pertains to the situation prior to the tossing of the blood, but as to that prevailing afterward, **The unclean [remains] subject to its uncleanness, but the clean one may be eaten.**”
- B. *What is at issue in the dispute concerning the rule prevailing prior to the tossing of the blood?*
- C. *Said R. Pappa, “The dispute concerns whether or not the priest’s frontplate achieves propitiation in a case in which the edible portions have become unclean. [Cashdan: the high priest’s plate worn on the forehead propitiates for uncleanness, so Exo. 28:36-38, so that if part of the offering is unclean, the offering is acceptable, and the blood that is sprinkled has been validly sprinkled. Rabbis and Judah differ on what aspects of the offering are covered by the propitiating effect of the plate, even those portions usually eaten by the priests, or only those offered on the altar, e.g., flood, fat, frankincense.] [15A] Rabbis maintain that the priest’s frontplate achieves propitiation in a case in which the edible portions have become unclean. And R. Judah takes the view that the priest’s frontplate does not achieve propitiation in a case in which the edible portions have become unclean.”*
- D. *Said R. Huna b. R. Nathan to R. Pappa, “Now lo, even concerning the case in which uncleanness has taken hold of the parts of the sacrificial beast that are actually offered up on the altar, for which the frontlet assuredly propitiates, involves a dispute. For it has been taught on Tannaite authority: If one of the dishes of frankincense was made unclean —*
- E. *“R. Judah says, ‘Both of them are to be prepared in a condition of uncleanness. **For an offering made in behalf of the congregation is not to be divided.**’*
- F. *“And sages say, ‘**The unclean [remains] subject to its uncleanness, but the clean one likewise remains in its condition of cleanness.**’*
- G. *“And furthermore said R. Ashi, ‘Come and take note: R. Judah says, “Even if a single tribe is unclean, and all the rest of the tribes are clean, let the Passover offerings be offered in a status of uncleanness, **For an offering made in behalf of the congregation is not to be divided.**”’ And here, how does the principle that the priest renders the offering acceptable even pertain? [Cashdan: there can be no question here of the plate’s rendering the offering acceptable, for the plate exercises a propitiatory effect only where part of the offering became unclean, but not where the person officiating became unclean; so the stated reason has nothing to do with the propitiating effect of the plate].*
- H. *“And furthermore has not Rabina said, ‘Come and take note: [If before the tossing of the blood or burning of the incense,] one of the loaves or one of the rows was made unclean, R. Judah says, “Both of them go out to the place of burning. For an offering made in behalf of the congregation is not to be*

**divided.”** And sages say, **“The unclean [remains] subject to its uncleanness, but the clean one may be eaten.”** *But if it were the case* [that the operative consideration in Judah’s position is that the plate does not render the offering acceptable where the edible portion has become unclean (Cashdan)], *what should have been stated is*, ‘because the frontlet does not propitiate on account of uncleanness affecting the edible portions of the offering.’”

- I. Rather, said R. Yohanan, “It is a conventional statement in behalf of R. Judah that **an offering made in behalf of the congregation is not to be divided.**” [Cashdan: and there is no connection to the propitiatory effect of the plate.]

## 2:3

- A. [An improper intentionality concerning] the thank offering makes the bread [brought along with the thank offering, Lev. 7:13, M. 7:1] refuse, but [an improper intentionality concerning] the bread does not make the thank offering refuse.
- B. How so?
- C. He who slaughters the thank offering [with the improper intention] to eat of it on the next day —
- D. it and the bread are made refuse.
- E. [If he does so with the improper intention] to eat of the bread on the next day,
- F. the bread is made refuse, but the thank offering is not made refuse.
- G. [Improper intentionality concerning] the lambs make the bread [Lev. 23:19, 20, M. 2:2] refuse, but [improper intentionality concerning] the bread does not make the lambs refuse.
- H. How so?
- I. He who slaughters the lambs [with the improper intention] to eat of them on the next day —
- J. they and the bread are made refuse.
- K. [If he does so with the improper intention] to eat of the bread on the next day,
- L. the bread is made refuse, but the lambs are not made refuse.
- I.1** A. *What is the operative consideration here? May one say that it is on account of that which R. Kahana said? For*, said R. Kahana, “How on the basis of Scripture do we know that the loaves that accompany the thank offering are classed as the thank offering? It is on the basis of the statement of Scripture, ‘He shall offer for the sacrifice of the thank offering unleavened cakes’ (Lev. 7:12).” *But then, the contrary should also be the case* [and improper intentionality concerning the cakes should affect the thank offering itself, contrary to the rule, **[If he does so with the improper intention] to eat of the bread on the next day, the bread is made refuse, but the thank offering is not made refuse!**]
- B. *That is no real problem, for it is the bread that is classified as the thank offering, but not the thank offering that is classified as the bread. [A = B, and B = C, but C ≠ A].*

- C. *But how about the following: [Improper intentionality concerning] the lambs make the bread refuse, but [improper intentionality concerning] the bread does not make the lambs refuse. Where do we ever find a passage in which the bread is classified as “the lambs”? [So the operative consideration must be otherwise.]*
- D. *But this is the operative consideration: the bread serves as an add-on to the thank offering, but the thank-offering never serves as an add-on to the bread. The bread serves as an add-on to the lambs, but the lambs never serve as an add-on to the bread.*
- E. *And both cases had to be made explicit. For had we been given the rule concerning the thank offering alone, then it would be there that it has the power to impose the status of refuse on the bread, while the bread cannot impose the status of refuse on the thank offering, because in regard to the rite of waving, the one does not depend upon the other. But in the case of the lambs, in which case the waving of the one is dependent on the waving of the other, I might have said that just as the improper attitude expressed concerning the lambs makes the bread refuse, so the improper attitude expressed concerning the bread makes the lambs refuse. So both cases were required. [Cashdan: in the thank offering the breast was waved before the Lord, Lev. 7:30, not in conjunction with the bread offering; on the Feast of Weeks, the lambs are waved together with the loaves, Lev. 23:20].*

- I.2.** A. *R. Eleazar raised this question to Rab: “He who slaughters a thank offering with the expressed intention of eating an olive’s bulk of it and of its bread [half of the meat, half of the bread] on the next day, what is the law ? As to imparting the status of refuse to the thank offering, there is no problem for me. Since the whole of it will not be rendered refuse by reason of an improper intentionality concerning the bread, can there be any question concerning the intentionality that is expressed concerning ‘of its meat and of its bread’? Where it is a problem for me, it concerns whether or not the bread is given the status of refuse? Does the meat of the thank offering join together in such a way as to impart the status of refuse to the bread, or is that not the case?”*
- B. *He said to him, “Even in a case such as this, even though the thank offering is not subjected to the status of refuse, the bread is subjected to the status of refuse.”*
- C. *[He said to him,] “But why should that be the case? Why not say it is a matter of an argument a fortiori? Namely, if what contributes to the status of refuse of the other does not itself enter the status of refuse, then surely what cannot even contribute to the status of refuse of the other surely cannot itself enter the status of refuse!”*
- D. *[He said to him,] “But do we invoke an argument a fortiori in a case such as this? And has it not been taught on Tannaite authority: there was a case in which someone [15B] sowed his own seeds in his neighbor’s vineyard, which was then at the stage of budding. [Deu. 22: 9 prohibits doing so.] The case came before rabbis, who ruled, ‘The seeds are forbidden [for having been sown in a vineyard], but the vines are permitted.’ And why should this have been the case? Surely here is a case in which an argument a fortiori would apply. Namely, if what imposes a prohibition upon the other is not itself prohibited, then surely what*

cannot even imposes a prohibition upon the other surely cannot itself enter the status of being prohibited!"

- E. [He said to him,] *"These two cases are not at all comparable. In the matter of mixed seeds in a vineyard, the Torah has forbidden [in addition to the five species of grain] also hemp and arum, but other sees are prohibited only by the authority of rabbis; so he who violated the law was subjected by the rabbis to their own sanction, while he who did not violate the law of course was not subjected by rabbis to any sanction. In our case, by contrast, the argument a fortiori does apply."*

**I.3.** A. *There are those who repeat the above argument to the case of the lambs in the following way:*

- B. *R. Eleazar raised this question to Rab: "He who slaughters lambs with the expressed intention of eating an olive's bulk of the lambs' meat and of the accompanying bread [half of the meat, half of the bread] on the next day, what is the law ? As to imparting the status of refuse to the lambs, there is no problem for me. Since the whole of it will not be rendered refuse by reason of an improper intentionality concerning the bread, can there be any question concerning the intentionality that is expressed concerning 'of its meat and of its bread'? Where it is a problem for me, it concerns whether or not the bread is given the status of refuse? Does the meat of the lambs join together in such a way as to impart the status of refuse to the bread, or is that not the case?"*
- C. He said to him, "Even in a case such as this, even though the lambs are not subjected to the status of refuse, the bread is subjected to the status of refuse."
- D. *"But why should that be the case? Why not say it is a matter of an argument a fortiori? Namely, if what contributes to the status of refuse of the other does not itself enter the status of refuse, then surely what cannot even contribute to he status of refuse of the other surely cannot itself enter the status of refuse!"*
- E. *"But do we invoke an argument a fortiori in a case such as this? And has it not been taught on Tannaite authority: there was a case in which someone sowed his own seeds in his neighbor's vineyard, which was then at the stage of budding. [Deu. 22: 9 prohibits doing so.] The case came before rabbis, who ruled, 'The seeds are forbidden [for having been sown in a vineyard], but the vines are permitted.' And why should this have been the case? Surely here is a case in which an argument a fortiori would apply. Namely, if what imposes a prohibition upon the other is not itself prohibited, then surely what cannot even imposes a prohibition upon the other surely cannot itself enter the status of being prohibited!"*
- F. *"These two cases are not at all comparable. In the matter of mixed seeds in a vineyard, the Torah has forbidden [in addition to the five species of grain] also hemp and arum, but other sees are prohibited only by the authority of rabbis; so he who violated the law was subjected by the rabbis to their own sanction, while he who did not violate the law of course was not subjected by rabbis to any sanction. In our case, by contrast, the argument a fortiori does apply."*

**I.4.** A. *Those who repeat this exchange with respect to the thank offering all the more so will deem it to pertain to the lambs [Cashdin: since the slaughtering of both lambs renders the offering permissible to the priests, inclusive of the loaves; a wrongful*



intention expressed during the slaughtering of one lamb, which is only part of the rite that renders the whole permitted to the priests, does not impart the status of refuse to the other lamb, which is the other part of that same rite of permissibility].

- B. *But those who maintain that the issue is only the case of the lambs will hold that it pertains only to that case, since the lambs and the loaves are interdependent when it comes to waving; but in the case of the thank offering, where that is not the case, he would not take that same position.*

**I.5.** A. *R. Abba the Lesser asked the question in the following way: “R. Eleazar asked Rab, ‘He who slaughters a lamb with the expressed intention of eating an olive’s bulk of the fellow on the next day, what is the law ? ‘Its fellow’ means, ‘the other lamb,’ so there is no issue of refuse at all? Or does ‘the fellow’ refer to the bread, in which case the bread enters the status of refuse?’*

- B. *“He said to him, ‘You have learned as a Tannaite statement: **If he slaughtered one of the lambs with the improper intention to eat of it on the next day, it is refuse, but its fellow is valid. If he slaughtered one lamb intending to eat its fellow on the next day, both are valid [M. 2:5J-L]. It follows that ‘its fellow’ refers to the other lamb.**”*

- C. *“But perhaps the rule is such because the man has expressly stipulated, ‘**the other lamb**’?”*

## 2:4

- A. [Improper intentionality concerning] the animal sacrifice makes the drink offerings refuse,  
B. (“once they have been sanctified in a utensil,” the words of R. Meir) —  
C. but [improper intentionality concerning] the drink offerings do not make the animal sacrifice refuse.  
D. How so?  
E. He who slaughters the animal sacrifice [with the improper intention] to eat of it on the next day —  
F. it and its drink offerings are made refuse.  
G. [If he does so with the improper intention] to offer up part of the drink offerings on the next day,  
H. the drink offerings are made refuse, but the animal sacrifice is not made refuse.

**I.1** A. *Our rabbis have taught on Tannaite authority:*

- B. **“On account of drink offerings that are presented with an animal offering people are liable on regard to the laws of refuse, because the blood of the offering is what permits the drink offerings to be consumed, when it is properly offered up,” the words of R. Meir.**  
C. **And sages say, “They are not liable on their account by reason of the laws of refuse, because someone may present his animal offering today and the drink offerings twenty days later.**  
D. **Said to them R. Meir, “Also I for my part has stated the rule in reference to a case in which one has sanctified the drink offerings in a utensil.”**

- E. **They said to him, “Even though one has sanctified the drink offerings in a proper utensil, one can still transfer them to some other offering” [T. Zeb. 5:1A-D].** [Cashdan: consequently they cannot be rendered refuse through an intention expressed during the slaughtering of the animal offering, since they are not specifically bound to that offering.]
- F. Said Raba, “R. Meir takes the view that the drink offerings are assigned to this offering, like the cakes that go with the thank offering [and they may not then be transferred to some other].”

**I.2.** A. *Our rabbis have taught on Tannaite authority:*

- B. **“On account of the log of oil of a person afflicted with the skin ailment are people liable because of the laws of refuse, for the blood of the guilt offering is required to permit the application of the oil to the places of the body of the person afflicted by the skin ailment on which the oil is to be placed,” the words of R. Meir.**
- C. **And sages say, “They are not liable on that account because of the laws of refuse, because someone may present his guilt offering today and the log of oil ten days from now.”**
- D. **Said to them R. Meir, “Also I for my part has stated the rule in reference to a case in which the oil has come with this particular guilt offering.”**
- E. **They said to him, “Even though one has sanctified the oil in a proper utensil, one can still transfer it to the guilt offering of some other person afflicted with the skin ailment” [T. Zeb. 5:2A-D].**
- F. Said Raba, “R. Meir takes the view that at the act of slaughter the log became assigned to this guilt offering, like the cakes of the thank offering [and they may not then be transferred to some other].”

**2:5**

- A. **[16A] [If one formed an improper intention, such that he has] (1) made refuse the handful [of meal for the meal offering] but not the frankincense, (2) the frankincense but not the handful —**
- B. **R.Meir says, “It is refuse, and they are liable on its account to extirpation.”**
- C. **And sages say, “Extirpation does not apply to it, until [through improper intention to eat or offer up the whole outside the proper time] he will render refuse the whole of that which renders the offering permissible [for the priests to eat].”**
- D. **But sages concur with R. Meir in the case of the meal offering of a sinner and the meal offering of a woman accused of adultery [neither of which is accompanied by incense], that if one has imparted the status of refuse to the handful [of the meal offering], it is refuse, and they are liable to extirpation on its account.**
- E. **For it is [solely] the handful [of meal offering] which renders the offering permissible.**
- F. **[If] one slaughtered one of the lambs [with the improper intention] to eat the two loaves on the next day,**

- G. [or if he] burned one of the two dishes [of frankincense, with the improper intention] to eat both rows on the next day —
- H. R. Meir says, “It is refuse, and they are liable on its account to extirpation.”
- I. And sages say, “It is not refuse until one will impart the status of refuse to the whole of that which renders the sacrifice permissible.”
- J. [If] he slaughtered one of the lambs [with the improper intention] to eat of it on the next day,
- K. it is refuse, but its fellow is valid.
- L. [If he slaughtered one lamb intending] to eat its fellow on the next day, both are valid.

**I.1** A. [If one formed an improper intention, such that he has (1) made refuse the handful [of meal for the meal offering] but not the frankincense, (2) the frankincense but not the handful — R. Meir says, “It is refuse, and they are liable on its account to extirpation.” And sages say, “Extirpation does not apply to it, until [through improper intention to eat or offer up the whole outside the proper time] he will render refuse the whole of that which renders the offering permissible ‘for the priests to eat’:] said Rab, “The dispute pertains to a case in which he offered up the handful in silence [as is required, expressing no improper intentionality] but then he offered the frankincense with the expression of an improper intentionality. But if he offered up the handful of the meal offering with an expressed, improper intentionality, but the frankincense in silence, all parties concur that it is refuse. For whatever one does [in silence] follows the intentionality [by definition, not a disqualifying one, since it is done in silence] that is originally expressed.”

B. And Samuel said, “The dispute pertains even to that other case.”

**I.2.** A. *In session Raba stated the matter just now set forth. Objected R. Aha bar R. Huna to Raba, “Under what circumstances? In the case of the taking of the handful, placing it in a utensil, and carrying it [each act of service is a singleton]. But if one has come to the burning of the fistful and the frankincense, if the priest presents the handful with the stated intention that makes it refuse and the frankincense in silence, or the handful of meal in silence and the frankincense with such a refuse-making intention, R. Meir says, “It is refuse, and they are liable on its account to extirpation.” And sages say, “It involves the penalty of extirpation only if the priest will express the refuse-making intention in regard to the entire sequence of rites that render the meal permissible for the priests to eat.” Now in any event, it has been indicated, the handful of meal in silence and the frankincense with such a refuse-making intention, and in such a case R. Meir dissents [and here the second act is not done with the same intention as the first, so he must maintain that one can assign to the offering the status of refuse even in regard to only part of the rite that renders the meat permissible for eating].*

- B. *Formulate the rule in this language:* having presented the frankincense with an intention that imparts to the offering the status of refuse.
- C. *Now, to begin with, there are two answers to be given here. First of all, that is the same as the first clause, Furthermore, it is in fact formulated as, “and after that”!*

- D. *R. Hanina explained that in this case there are two distinct attitudes in play. [Cashdan: two priest performed the rites of the meal offering, one burned the handful of flour with the intention that would make it refuse, the other burned the frankincense in silence. In such a case the principle, “Whatever one does [in silence] follows the intentionality [by definition, not a disqualifying one, since it is done in silence] that is originally expressed” does not apply.*
- E. *Come and take note:* Under what circumstances [is it the fact that the sacrifice becomes refuse when improper intentionality accompanies a single act of applying the blood to the altar]? It is when the blood is to be put on the outer altar. But if the blood is put on the inner altar, for example, the forty-three applications of blood done on the Day of Atonement, the eleven applications of blood of the anointed priest’s bullock, the eleven applications of blood of the bullock offered in behalf of the community for an unwitting transgression, if the priest declared the intentionality that would yield the classification of the offering as refuse, whether this was at the first, second, or third application of the blood [applications in the inner most sanctuary on the veil and on the golden altar] —
- F. R. Meir says, “The offering is classified as refuse, and the penalty of extirpation is incurred.”
- G. Sages say, “It involves the classification of extirpation only if the priest has declared the improper intention that yields the classification of refuse in connection with the whole of the preparation of those parts of the sacrifice that render the meat of the offering permissible for priestly consumption.”
- H. *Now, en passant, the passage notes,* if the priest declared the intentionality that would yield the classification of the offering as refuse, whether this was at the first, second, or third application of the blood [applications in the inner most sanctuary on the veil and on the golden altar] — *and yet R. Meir dissents!* [Freedman, *Zebahim* : thus if he declared his intention at the second application only, though not at the first, the offering still is refuse, though here he was certainly not continuing his prior intention; hence he must hold that one can render a sacrifice refuse in connection with only a portion of the offering of that which renders the offering permissible].
- I. *And should you say that here too, we deal with a case in which there are two distinct opinions in play [deriving from two priests], that would pose no problem to one who maintains that the language, “with a bullock” (Lev. 16: 3) means, “with the blood of the bullock” [Cashdan: if the high priest, after having slaughtered the bullock, could not continue to serve, his successor continued the service and did not have to begin afresh and slaughter another bullock for himself]. But from the perspective of him who maintains, “with a bullock” (Lev. 16: 3) and not with the blood of the bullock, what is to be said?*
- J. *Said Raba, “With what sort of case do we deal here? We deal with a case in which the officiating priest expressed an intentionality that yields the classification of refuse at the first application of the blood, was silent at the second, and repeated that intention that yielded the classification of refuse at the third application of the blood. What might you have supposed? One might have taken the view that, if you claim he acts solely governed by his original intentionality, why should he*

*then repeat the improper intentionality that yields refuse at the third of the applications? [So he tells us that we do not take such a view].”*

K. *Objected R. Ashi to this proposition, “Does the formulation of the passage state that he was silent at all?”*

L. *Rather, said R. Ashi, “With what sort of a situation do we deal here? It is one in which at the first, second, and third applications of blood the officiating priest expressed the intentionality that would impart to the offering the status of refuse. What might you have supposed? If you had supposed that whoever takes an action does so within the initially expressed intentionality, then why in the world would the officiating priest go and repeat this same invalidating intention another time and a third time? [16B] So we are informed that we do not invoke that argument.”*

M. *But lo, the language is used, “whether...or...”!*

N. *That is a problem.*

**I.3.** A. **A master has said, “[If one formed and expressed an improper intention, such that he has] (1) made refuse the handful [of meal for the meal offering] but not the frankincense, (2) the frankincense but not the handful —] R. Meir says, “It is refuse, and they are liable on its account to extirpation” [M. Men. 2:5A-D].”**

B. *But is it not the fact that one is liable to extirpation only when all of those aspects of the rite that permit the meat of the sacrifice to be eaten have been correctly carried out? For a master has said, “As is the process that gains acceptability for a valid rite, so is the process that gains acceptability for an invalid one. Just as the process that gains acceptability for a valid rite is such that all of those aspects of the rite that permit the meat of the sacrifice to be eaten have been correctly carried out, so the process that gains acceptability for an invalid one is such that all of those aspects of the rite that permit the meat of the sacrifice to be eaten have been correctly carried out.” But in the present case, once the priest has formed the intentionality within the courtyard, it is as if he had not sprinkled the blood at all; when he sprinkles again in the outer altar, he is merely sprinkling water. [Freedman, Zebahim: this is a difficulty on the view that Meir’s reason is that one can make a sacrifice refuse at a half way point in the process of permitting the meat to be eaten. Granted that this is possible in the case of the fistful and the frankincense of a meal offering, it is surely impossible in the case of sprinkling for the reason stated. The sacrifice is invalid before the blood is sprinkled.]*

C. *Said Rabbah, “You may find such a case with four bullocks and four he goats.” [Freedman, Zebahim: The priest declared the intention resulting in the classification of refuse for the offering during all the applications of blood; then the blood was spilt; another animal was slaughtered. He sprinkled the blood on the veil, not having to repeat what had already been done. Then the blood was spilt. The same thing happened with application of blood on the horns of the altar, the same with the sprinklings on the top of the altar. Here all of the rites that permit the meat to be eaten have been presented, and each serves as a valid sprinkling, because each is from the blood of a different animal. The first of the animals is now refuse.]*

- D. *Raba said, "You may even take the view that R. Meir makes such a ruling in the case of a single bullock and a single he goat: the sprinkling serves in regard to the status as refuse."* [Freedman: if the priest declares an intention that yields the classification of refuse during the slaughtering of the beast, he invalidates the sacrifice; but the sprinklings that follow count in respect to accomplishing those aspects of the rite that permit the beast's meat to be eaten. So they are obviously efficacious to stamp the animal as refuse, for otherwise an animal could not become refuse at slaughter. In the same way then Meir holds that when some of the sprinklings are done with an intention that will yield the classification of refuse, the subsequent sprinklings of blood count in regard to permitting the meat to be eaten so as to make the offering refuse.]

**I.4.** A. [With regard to the statement above, "Under what circumstances is it the fact that the sacrifice becomes refuse when improper intentionality accompanies a single act of applying the blood to the altar? It is when the blood is to be put on the outer altar. But if the blood is put on the inner altar, for example, the forty-three applications of blood done on the Day of Atonement, the eleven applications of blood of the anointed priest's bullock, the eleven applications of blood of the bullock offered in behalf of the community for an unwitting transgression, if the priest declared the intentionality that would yield the classification of the offering as refuse, whether this was at the first, second, or third application of the blood [applications in the inner most sanctuary on the veil and on the golden altar] — R. Meir says, "The offering is classified as refuse, and the penalty of extirpation is incurred,"] *are there only forty-three? Surely there are forty-seven, for lo, it has been taught on Tannaite authority, "Forty seven"*!

- B. *The first formulation concurs with the position that the blood of the bullock and the he goat is mingled together for sprinkling on the horns, and the second with the position that the blood of the bullock and the he goat is not mingled together for sprinkling on the horns.*
- C. *But lo, it has been taught on Tannaite authority: forty-eight.*
- D. *That accords with the position of him who has said, "Pouring out the residue at the base of the altar is indispensable to the rite," and the other, "Pouring out the residue is not indispensable to the rite."*

**I.5.** A. *The question was raised: if at the moment of bringing the handful of meal offering near to the altar, one expressed an intentionality leading to the classification of the offering as refuse, what is the law?*

- B. Said R. Yohanan, "Bringing the meal offering near the altar is comparable to taking the handful." [Cashdan: the latter is a complete act of service, rendering the residue permissible to the priests, for the handful was taken only from the flour and not from the frankincense.]
- C. R. Simeon b. Laqish said, "Bringing the meal offering near the altar is comparable to the act of burning [the handful, the frankincense]."
- D. *Now from the perspective of R. Simeon b. Laqish, there is also the bringing near of the frankincense, but what is at issue in the position of R. Yohanan?*



- E. Said Raba, "R. Yohanan takes the position that any act of service that does not wholly in its own terms permit the priests to eat their share of the offering nonetheless is regarded as an act of service entirely in its own terms for the purpose of imposing the status of refuse upon the offering if during that act of service the priest expresses an inappropriate intentionality."
- F. Said to him Abbaye, "Behold, there is the case of slaughtering one of the lambs on Pentecost, which is an act of service that does not wholly in its own terms permit the priests to eat their share of the offering, *and yet there is a dispute on the matter. For we have learned in the Mishnah: [If] one slaughtered one of the lambs [with the improper intention] to eat the two loaves on the next day, [or if he] burned one of the two dishes [of frankincense, with the improper intention] to eat both rows on the next day — R. Meir says, 'It is refuse, and they are liable on its account to extirpation.'* And sages say, 'It is not refuse until one will impart the status of refuse to the whole of that which renders the sacrifice permissible'!"
- G. *He said to him, "Do you suppose that the loaves are sanctified when they are yet in the oven? It is the act of slaughtering the lambs that sanctifies the loaves, and whatever serves to sanctify is comparable whatever serves to permit priests to eat their share of the offering."*
- H. *Objected R. Shimi bar Ashi, "Others say, 'If the officiating priest gave precedence, in his intentionality as to slaughtering the Passover animal, first the circumcised persons then the uncircumcised ones, the act is valid. If the officiating priest gave precedence, in his intentionality as to slaughtering the Passover animal, first the uncircumcised persons then the circumcised ones, the act is invalid.' [While slaughtering the Passover lamb in behalf of a number of people, both circumcised and not, the priest cut one organ of the animal's throat in behalf of one class of people, then the second on behalf of the other (Cashdan)]. And it has been established in this connection that what is at issue is one half of the whole of the rite that permits the eating of the meat [Cashdan: whether a wrongful intention expressed during the service for half of the rite that permits the eating of the meat can invalidate the offering or not; here the cutting of the first organ corresponds to the service involving only half of the rite that permits the eating of the offering; the rite under discussion, the slaughtering, is not absolute, since it does not render anything permissible; yet sages differ with Meir and hold that improper intention in regard to half of that which renders the offering permitted is of no consequence, contrary to Raba's reading of Yohanan's position]."*
- I. *He said to him, "Do you really suppose that the blood that is located in the throat of the beast is sanctified? It is the slaughtering knife that sanctifies the blood, and whatever serves to sanctify is comparable to whatever serves to render it permissible to eat the meat."*
- J. *Come and take note: "Under what circumstances? In the case of the taking of the handful, placing it in a utensil, and carrying it [each act of service is a singleton]. But if one has come to the burning of the fistful and the frankincense, if the priest presents the handful with the stated intention that makes it refuse and the frankincense in silence, or the handful of meal in silence and the frankincense with such a refuse-making intention, R. Meir says, "It is refuse, and they are liable on its*

account to extirpation.” And sages say, “It involves the penalty of extirpation only if the priest will express the refuse-making intention in regard to the entire sequence of rites that render the meal permissible for the priests to eat.” *Does this not refer to the bringing near for purposes of burning?* [Cashdan: and sages agree that a wrongful intention expressed during the bringing near imparts the status of refuse, against the view of Simeon b. Laqish.]

- K. No, it refers to the bringing near so as to put it in the utensil [and that is a complete act of service, for only the handful was put into a utensil, without frankincense (Cashdan)].
- L. *If so, rather than saying, “putting it in the utensil or bringing it near,” it should have said, “bringing it near or putting it into a utensil”!*
- M. *That is no problem. You may reword and repeat it that way.*
- N. *But why does it say, “but if he had already reached the service of burning,” rather than say, “but if he and already reached the service of bringing near”?*
- O. *That is no problem, since bringing near is for the purpose of burning, the framer of the passage speaks of it as burning.*
- P. *But why does it say, “and he offered,” when it should say, “and he brought it near”?*
- Q. *That is a problem.*

**I.6.** A. If the priest burned a bit of the handful the size of a sesame seed, with the improper intention to eat on the next day a bit of the handful the size of a sesame seed of the residue, and he did this again and again until the whole of the handful had disappeared in this way —

- B. in this case, there is a dispute among R. Hisda, R. Hamnuna, and R. Sheshet.
- C. One said, “It is refuse.”
- D. Another said, “It is invalid.”
- E. The third said, “It is valid.”
- F. *May we then say that the one who holds it is refuse concurs with R. Meir, [Cashdan: intention that imparts the status of refuse expressed during the service of a portion of that which renders the rite permissible — here, during the burning of the size of a sesame seed of the handful and frankincense — renders the offering refuse]; the one who says it is invalid concurs with rabbis [Cashdan: the offering in such a case is invalid], and the one who says it is valid agrees with Rabbi?* [Cashdan: Rabbi holds that the two parts of the rite that renders the offering permissible cannot be reckoned together to affect the offering, where each intention was made in respect to less than the minimum quantity that constitutes eating.]
- G. *What compels me to take that view? Perhaps R. Meir took the position that he has in other circumstances only in a case in which the improper intentionality concerned the entirety of the service [Cashdan: during the burning of the handful, which, though half of the whole of the rite of rendering the offering permissible, is still a complete act of service, and only in such a case does Meir hold the offering to be refuse]. But here, in a case in which the improper intentionality did not concern the entirety of the service, that would not be his position. And along these same lines,*

*perhaps rabbis take the position that they do there only where the intentionality that imparts the status of refuse did not concern the service of the whole of that which renders the offering permissibility, but here, where the improper intentionality has been expressed concerning the service of the whole of that which renders the offering permissible, they would concur that it is refuse. And, along these same lines, perhaps Rabbi takes the position that he does only in a case in which in the same service the officiating priest did not make up the minimum quantity, but here, where he made up the minimum quantity in the same service, he might concur that it is invalid. [Cashdan: in the case dealt with by Rabbi, the intention that imparts the status of refuse was expressed during the slaughtering of one lamb about a half olive's bulk of one loaf and a similar intention was expressed during the slaughtering of the other lamb about the same quantity of the other loaf.]*

- H. *So it must follow that the one who has held that it is refuse makes his ruling in accord with the position of all parties, the one who has said that it is invalid makes his ruling in accord with the position of all parties, and the one who has said that it is valid makes his ruling in accord with the position of all parties.*
- I. *the one who has held that it is refuse makes his ruling in accord with the position of all parties: he takes the position that [taking quantities of the size of a sesame seed at a time (Cashdan)] is how this is eaten as well as how it is burned [Cashdan: so that this case is no different from the usual cases of refuse, where during the burning of an olive's bulk of the handful the intention was expressed to eat an olive's bulk of the remainder on the next day];*
- J. *the one who has said that it is invalid makes his ruling in accord with the position of all parties: he takes the position that [taking quantities of the size of a sesame seed at a time (Cashdan)] is how this is eaten but not how it is burned*
- K. *and the one who has said that it is valid makes his ruling in accord with the position of all parties: he takes the position that [taking quantities of the size of a sesame seed at a time (Cashdan)] is how it is burned but this is not how it is eaten. [Cashdan: The burning in this manner is regarded as a normal burning of the handful, while intention concerning the eating of the remainder is not an intention in law so as to invalidate the offering.]*

**I.7.** A. Said [17A] the sharp-witted intellects of Pumbedita, “The intentionality that imparts to the offering the status of refuse that is expressed during one service of burning concerning another such service imparts to the offering the status of refuse. And that is the case even within the position of rabbis, who hold that the improper intentionality that produces the status of refuse may take effect even in reference to the conduct of only part of the rite that permits the offering to be eaten. That conception applies to a case in which the improper intentionality concerned the residue of the meal offering, leaving the frankincense untouched; but here, where the officiating priest has expressed the refuse-intention about the frankincense, it is as though he had expressed the improper intentionality in the

*context of the entirety of the service presenting the whole of that which renders the offering permitted."*

- B. *Said Raba, "So we too have learned as a Tannaite formulation: **In every case in which one (1) takes the handful of meal offering, or (2) puts it into a utensil, or (3) conveys it, or (4) offers it up, with the improper intention to eat something which is usually eaten [the residue] or to offer up something which is usually offered up [the meal offering —outside of its proper place, it is invalid. But extirpation does not apply to it. If one does so with the improper intention to eat the residue or to offer up the meal offering outside of its proper time, it is refuse. And they are liable on its account to extirpation.** Now is not the sense here that the burning of the meal offering is then treated as comparable to the other acts of service in the context of the handful. Just as with the other acts of service, the intention that imparts the status of refuse may concern eating the residue or burning the frankincense, so with the rite of burning the meal offering's handful, the refuse-making intention may concern eating the remainder or burning the frankincense?"*
- C. *No, as to these others, the improper intentionality may concern eating or burning, but, as to burning, the improper intentionality may concern eating but not burning.*
- I.8.** A. *In session before Abbaye, R. Menassia bar Gada stated in the name of R. Hisda, "The intentionality that imparts to the offering the status of refuse that is expressed during one service of burning concerning another such service does not impart to the offering the status of refuse. And that is the case even within the position of R. Meir, who has ruled that the improper intentionality that produces the status of refuse may take effect even in reference to the conduct of only part of the rite that permits the offering to be eaten. That conception applies to a case in which the improper intentionality concerned the residue of the meal offering, since it is the handful [not the remainder] that renders the residue permissible; but here, since the handful does not render the frankincense permissible [for the status of the frankincense does not depend on the burning of the handful (Cashdan)], it also does not affect the status, as to refuse, of the frankincense."*
- B. *Said to him Abbaye, "Will my lord tell me whether that is in the name of Rab?"*
- C. *He said to him, "Indeed so."*
- D. *So too it has been stated:*
- E. *Said R. Hisda said Rab, "The intentionality that imparts to the offering the status of refuse that is expressed during one service of burning concerning another such service does not impart to the offering the status of refuse."*
- F. *Said R. Jacob bar Idi in the name of Abbaye, "So too we have learned as a Tannaite formulation: **[If] he slaughtered one of the lambs [with the improper intention] to eat of it on the next day, it is refuse, but its fellow is valid. [If he slaughtered one lamb intending] to eat its fellow on the next day, both are valid.** Now what can be the operative consideration here? Is it not because, one lamb's not serving to permit the other lamb's meat to the priesthood, the one lamb cannot impart to the other the status of refuse by reason of an improper intentionality expressed concerning the former?" [Cashdan: just as the burning of*

the handful, not serving to permit the frankincense to the priests, cannot render the offering refuse by reason of an improper intention concerning the frankincense].

- G. *No, there the operative consideration is that the two have not been joined together in a single utensil [that is, the two lambs, each serving to permit the priests to have their share, are not joined in a single act but are kept separate, so one does not affect the other (Cashdan)], but here, the two are joined in a single utensil and so they are reckoned as a single rite that permits the priests to use their share.*

**I.9.** A. [Following Cashdan's text:] *Said R. Hamnuna, "This matter was fed to me by R. Hanina, and to me it is worth all the rest of the things that I have learned, namely: if the priest burned the handful of meal offering with the expressed intention of burning the frankincense on the next day, to eat the residue on the next day, the offering is refuse. What is at stake here? If he proposes to tell us that intentionality that imparts to the offering the status of refuse that is expressed during one service of burning concerning another such service does impart to the offering the status of refuse, then the passage should be phrased in this wise: if the priest burned the handful of meal offering with the expressed intention of burning the frankincense on the next day [omitting: and to eat the residue on the next day]. And if he proposes to say that intentionality that imparts to the offering the status of refuse that is expressed during the service involving only part of the rite that renders the offering permissible to the priests imparts to the offering the status of refuse, then the passage should be phrased in this wise: if the priest burned the handful of meal offering with the expressed intention of eating the residue on the next day, the offering is refuse. And if his intent was to make both points, then he should have framed the matter in this way: if the priest burned the handful of meal offering with the expressed intention of burning the frankincense on the next day and to eat the residue on the next day, the offering is refuse."*

- B. *Said R. Ada bar Ahbah, "In point of fact, he takes the view that intentionality that imparts to the offering the status of refuse that is expressed during one service of burning concerning another such service does not impart to the offering the status of refuse; and intentionality that imparts to the offering the status of refuse that is expressed during the service involving only part of the rite that renders the offering permissible to the priests does not impart to the offering the status of refuse. But the present case is exceptional, because the improper intentionality has taken hold over the entirety of the meal offering."* [Cashdan: although each intention by itself would not impart the status of refuse, the two together affect the whole of the meal offering and render it refuse.]

**I.10.** A. *A Tannaite authority repeated before R. Isaac bar Abba, "If the officiating priest burned the handful of meal offering with the expressed intention of eating the residue the next day, in the opinion of all parties, it is refuse."*

- B. *But lo, this is subject to dispute [between Meir and sages; sages do not think it is refuse, since the intentionality concerned the service of only part of what renders the offering permissible (Cashdan)].*
- C. *Rather, frame matters: in the opinion of all parties it is invalid.*
- D. *But why not say, "'Lo, this is refuse,' and it then would represent the position of R. Meir"?*

- E. *The Tannaite authority repeated the language as, “in the opinion of all parties,” and he got mixed up between “refuse” and “invalid,” but he would never confuse the phrase “it is refuse” and “all parties concur.”* [Cashdan: it is more probable that the Tannaite authority confused refuse and invalid but not “lo this is the view of” and “all parties concur.”]