

# VIII.

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## BABYLONIAN TALMUD

### ARAKHIN

## CHAPTER EIGHT

### FOLIOS 27A-29A

#### 8:1

- A. He who sanctifies his field when the Jubilee is not [observed, i.e. after the destruction of the Temple] —
- B. they say to him, “You declare first” [how much you wish to pay for the redemption of the field, since, when the Jubilee is not in force, the field is redeemed at market value, not at the fifty shekels for each homer’s area].
- C. For the owner pays an added fifth.
- D. But no other man pays an added fifth [M. 7:2].
- E. It once happened that a man sanctified his field because of its poor quality.
- F. They said to him, “You declare first.”
- G. He said, “Lo, it is mine for an issar.”
- (H. Said R. Yosé, “This one said not for an issar but only, ‘For [the value of] an egg.’”
- I. For what is sanctified is redeemed by money or by something worth money.)
- J. He [i.e. the Temple treasurer] said to him, “It’s yours!”
- K. He turned out to lose an issar, and his field was still his.
- I.1** A. He who sanctifies his field when, etc. [M. 8:1A]:
- B. *[The Mishnah states that the court merely says, or instructs, the donor, but] has it not been taught in Tannaite authority, “They force [the owner to declare first]”?*
- C. *What is the sense of “They say”? It also means, “They force.”*
- D. *And if you wish, I shall say that, to begin with, they merely instruct [him what to do], and if he pays attention, well and good.*
- E. *But if he pays no attention, they then force [him to comply].*

- II.1** A. For the owner pays an added fifth [M. 8:1C]:

- B. *Why specify, as the reason, that the owner pays an added fifth? Why not supply as the reason that, since the field is precious [in the eyes of the owner], he will pay more to redeem it [and this is the reason the Temple asks him to bid first]?*
- C. And, furthermore, the religious duty of redeeming [the sanctified property] is incumbent on the owner [as at Lev. 27:23].
- D. *The intent of the framer of the passage was to list a number of pertinent factors, first, that, since the field is precious [in the eyes of the owner], he will pay more to redeem it,*
- E. and, furthermore, the religious duty of redeeming [the sanctified property] is incumbent on the owner,
- F. and, furthermore, **the owner pays an added fifth.**

**III.1 A. It once happened that a man sanctified his field, etc. [M. 8:1E].**

- B. *[With reference to M. 8:1G, H], may I say that it is in the following principle that the authorities dispute, namely, R. Yosé maintains the view that what is equivalent in value to money falls into the category of money [hence, an egg would do], while rabbis in context take the position that what is equivalent in value to money does not fall into the category of money?*
- C. *But lo, we have it as an established principle that what is worth money falls into the category of money, and in the present case too all parties concur in the principle that what is worth money falls into the category of money.*
- D. *In the present case what is at issue is whether or not redemption of the field may be accomplished by something [that is so worthless that] one fifth of its value is not worth so much as a penny.*
- E. *The former authority takes the view that, since in the value of a fifth of an issar [which the owner will have to add] there is at least a perutah of value, we accept payment of an issar.*
- F. *R. Yosé maintains that one may make use, in redeeming the field, even of an egg.*

**IV.1 A. He said to him, "It's yours." He turned out to lose an issar and his field was before him [M. 8:1J-K]:**

- B. *The statement at hand, not assigned to a named authority, accords with the principle of rabbis [for it refers to the issar and not to the egg].*

When the Jubilee is not observed — that is, after 70 — then inherited fields which have been dedicated are assessed in terms of their true worth, not in terms of the fixed valuation of Scripture. Accordingly, at B, we have to conduct an auction. The original owner is required to make the first bid, since, if the field is not redeemed, the Jubilee will not automatically secure a benefit from the field for the priests. The illustration, E-K, is not quite to the point of A-D, since what is illustrated of A-D is simply the fact that the owner makes the first bid, G. But the cited case proposes to make its own point, which is at K. It is clear, therefore, that the cited case has not been invited for the purpose of illustrating A-D, but attached for its usefulness in that regard. The Talmud's exegesis of the Mishnah consists in a set of clarifying remarks. All four units undertake the same exegetical program.

## 8:2-3

- A. [Concerning the case of a field that will be redeemed by the highest bidder, if] one [bidder] said, “Lo, it is mine for ten selas,” and one said, “For twenty,” and another says, “For thirty,” and one says, “For forty,” and one says, “For fifty” —
- B. [if] the one who said fifty retracted, they exact a surety from his property for ten [selas] [and sell it to the next highest bidder. In this way the Temple loses no money].
- C. [If] the one who said forty retracted, they exact a surety from his property for ten.
- D. [If] the one who said thirty retracted, they exact a surety from his property for ten.
- E. [If] the one who said twenty retracted, they exact a surety from his property for ten.
- F. [If] the one who said ten retracted, they sell it [the sanctified field] for its market value.
- G. And they collect the remainder from the one who bid ten.
- H. [If] the owner says, “Twenty,” and any other person says, “Twenty,” the owner takes precedence [M. Bekh. 1:7].
- I. For [in any event] he adds the fifth.

### M. 8:2

- A. [If] one said, “Lo, it is mine for twenty-one,” [27B] the owner pays twenty-six. [That is, they do not sell it to the first man but allow the owner to up his bid as well].
- B. “Twenty-two” — the owner pays twenty-seven.
- C. “Twenty-three” — the owner pays twenty-eight.
- D. “Twenty-four” — the owner pays twenty-nine.
- E. “Twenty-five” — the owner pays thirty.
- F. For they do not add the fifth to what the other bids more [than the owner’s bid].
- G. [If] one said, “Lo, it is mine for twenty-six” —
- H. if the owner wants to pay thirty-one and a denar, the owner takes precedence.
- I. And if not, they say, “It’s yours!”

- I.1** A. Said R. Hisda, “The statement [of M. 8:2A-B, Concerning the case of a field that will be redeemed by the highest bidder, if one bidder said, “Lo, it is mine for ten selas,” and one said, “For twenty,” and another says, “For thirty,” and one says, “For forty,” and one says, “For fifty” — if the one who said fifty retracted, they exact a surety from his property for ten selas and sell it to the next highest bidder] applies only when the one who bid forty stands by his bid. But if the one who bid forty does not stand by his bid, they divide up [the loss of the Temple] among them.

[That is, if the one who bid fifty recanted, he is responsible for only ten selas only when the one who bid forth stands by his bid. But if not, the loss to the Temple — now, twenty selas, that is, the loss between the fifth and the next standing bid of thirty — is divided. The one who bid fifty provides a pledge for fifteen, that is, the original ten and the difference between forty and thirty halved, thus ten plus five, and the one who bid forty provides a pledge to cover a loss of five.]”

- B. *We have learned: If the one who said forty retracted, they exact a surety from his property for ten [M. 8:2C].*
- C. *Why [in light of A] should this be the case? Let the one who bid fifty contribute along with him.*
- D. *We deal with a case in which no one bid forty.*
- E. **If the one who said thirty retracted, they exact a surety from his property for ten [M. 8:2D]:**
- F. *Why should this be the case? Let the one who bid forty contribute along with him.*
- G. *We deal with a case in which no one bid forty.*
- H. **If the one who said twenty retracted, they exact a surety from his property for ten [M. 8:2E]:**
- I. *Why should this be the case? Let the one who bid thirty contribute along with him.*
- J. *We deal with a case in which no one bid thirty.*
- K. *If that were the case, then let us note what comes at the end:*
- L. **If the one who bid ten retracted, they sell the sanctified field for its market value and collect the remainder from the one who bid ten [M. 8:2F-G].**
- M. *Let the one who bid twenty share [what is owing] with him!*
- N. *And if you wish to say that here too, we deal with a case where no one bid twenty, if that were so, then why should it say, **and collect the remainder from the one who bid ten [in particular]**? What is needed is, **and collect the remainder from him**? [Specifying “the one who bid ten” carries the implication that at hand is one who bid twenty, or more than ten. Stating merely “from him” would have sufficed to make the point as Hisda wishes to prove it.]*
- O. *Rather, said R. Hisda, “There is no problem. One rule [namely, the one that I stated at A], speaks of a case in which all parties reneged simultaneously, while the other rule [the procedure specified at G] speaks of a case in which they reneged one after the other. [Consequently, they had to specify which bidder was being penalized.]”*
- P. *Along these same lines we have learned in a Tannaite teaching:*
- Q. *If all of the bidders recanted simultaneously, they divide among them [the loss to the sanctuary] equally.*
- R. *Now lo, we have learned in the Mishnah: **They exact a surety from his property for ten.** [Clearly, then, we have two different pictures of the transaction at hand.] Does not that imply that matters are in accord with R. Hisda?*
- S. *It does indeed bear that implication.*
- T. *There are those who phrase matters [simply] in terms of contradictory teachings [requiring a harmonization], namely:*

- U. *We have learned: If the one who said ten retracted, they sell the sanctified field for its market value, and they collect the remainder from the one who bid ten [M. 8:2F-G].*
- V. *And has it not been taught on Tannaite authority: "They divide up [the loss to the Temple] among them"?*
- W. *Said R. Hisda, "There is no problem. One rule speaks of a case in which all parties reneged simultaneously, while the other rule speaks of a case in which they reneged one after the other."*

**II.1 A. If the owner says, "Twenty," and any other person says, "Twenty," the owner takes precedence, etc. [M. 8:2H-I]:**

- B. *This then implies that the added fifth is preferred.*
- C. *But they objected: [With reference to produce in the status of second tithe, which is supposed to be brought to Jerusalem and eaten there, if one wishes to convert the produce into coins to be brought to Jerusalem and expended there,] if the householder says, "[I will pay] a sela [for the produce, and the sela-coin will then be brought to Jerusalem]," and someone else says, "[I will pay] a sela and an issar," the one who says the sela and an issar takes precedence, because he adds to the value of the principle." [Then the paying of the added fifth by the owner does not establish a preferred bid.]*
- D. *Here [in the redemption of the field], where the added fifth goes to the profit of the sanctuary, we have a case in which the added fifth establishes preference.*
- E. *But there [in the case of redeeming second tithe], where the added fifth goes merely to the profit of the householder, a sizable capital sum for redemption is preferable, and the added fifth is of no interest at all to us [since, as indicated, the Temple does not benefit from it anyhow].*

[Jung, p. 164, n. 1: In the case of the second tithe, both the original sum and the added fifth remain the possession of the householder, the only restriction upon him being the obligation to consume the whole sum in Jerusalem, after having redeemed the second tithe in the country. In that case we allow the preference to a bidder who goes, by even one issar, above the bid of the householder, even though the householder adds one fifth, since that fifth as well as the whole sum, remains his private property the Sanctuary's interest not being involved at all. But when the consecrated field is to be redeemed, the fifth added by the owner is the profit of the Sanctuary, both the original amount and the addition being received by its treasurer, therefore the precedence is with him who offered the additional fifth.]

**III.1 A. If one said, "Lo it is mine for twenty-five," the owner pays thirty [M. 8:3E]:**

- B. *But let the owner say, "Someone has come along in our stead" [to pay the added fifth." Why force the owner to pay thirty?]*
- C. *We deal with a case in which the owner had said, "I bid a denar [over twenty," in which case, with the added fifth, his bid would add up to more than the twenty-five that has been bid].*
- D. *Then let the framer of the passage repeat it in the language, "A denar."*
- E. *He did not frame matters so precisely.*
- F. *And did he not? And lo, it has been taught: If the owner wants to pay thirty-one and a denar, the owner takes precedence [M. 8:3H]. [This indicates that*

the framer of the passage was prepared to make explicit reference even to a mere denar.]

- G. *Rather, said Raba, "We deal with a case in which the owner bid an additional perutah, and in such a case the framer of the passage did not choose to mention it in particular."*

**IV.1 A. For they do not add the fifth to what the other bids more [than the owner's] bid [M. 8:3F]:**

- B. Said R. Hisda, "That rule applies only to a case in which the property in question has not been evaluated for the purposes of the sanctuary by a court of three [assessors]. But if the property was evaluated for the purposes of the sanctuary by a court of three [assessors], they do add [the fifty to what the other bids]."
- C. *It has been taught along these same lines on Tannaite authority:*
- D. **The House of Shammai say, "The added fifth applies to the additional sum."**
- E. **And the House of Hillel say, "The added fifth does not apply to the additional sum" [T. Ar. 4:22L-M].**
- F. *Now what sort of case is at hand? If the property had not yet been evaluated, what would be the reason for the view of the House of Shammai? But, rather, we must deal with a case in which the property had been properly evaluated.*
- G. *[If that is the case, then] may we say that R. Hisda accords with the position of the House of Shammai?*
- H. *[That is highly unlikely, so, indeed], we certainly deal with a case in which the property had not been properly evaluated, and the House of Shammai simply imposed a too-stringent ruling.*
- I. *If you wish, I may say that indeed the property had been evaluated, but the rulings should be reversed:*
- J. The House of Shammai say, "The added fifth does not apply to the additional sum."
- K. [And the House of Hillel say, "The added fifth does apply to the additional sum."]
- L. *[If that were the case], then this item should be included in the catalogues of those disputes in which the House of Shammai take the lenient position and the House of Hillel the strict one. [It appears in no such catalogues.]*
- M. *Rather, in the end we deal with a case in which the property had not been properly evaluated, and the House of Shammai simply impose a more stringent ruling.*

**V.1 A. If one said, "Lo, it is mine for twenty-six" etc. [M. 8:3G]:**

- B. [Since the Mishnah-passage says, "If the owner wants," it follows that] if he wants, he does so, and if not, he does not do so.
- C. *[for] he may say, "Someone else has come along in my place."*
- D. *What [in light of M. 8:3E] is the role of the denar [at M. 8:3H: If the owner wants to pay thirty-one and a denar, the owner takes precedence]?*
- E. Said R. Sheshet, "Here is the sense of the passage: 'If to begin with the owner wanted to give a sum that added up [with the extra addition of the last bid] to thirty one selas and a denar [then we invoke the rule of M. 8:3H].'"

- F. **[28A]** *How would such a case be reckoned? If he offered twenty-one [with the added fifth, therefore, we have twenty-six and a denar and a bit more] the owner takes precedence, and if not, they say, ‘It’s yours!’*“

The set falls into two parts, M. 8:2A-C, and M. 8:2H-I + M. 8:3. The point of A-G is that if a person bid more than the preceding bid and then retracted, he must be prepared to make up what he has caused the Temple to lose by his higher bid, which is the difference between the former bid and his own. Through his recanting, the Temple has lost ten selas. F-G conclude the matter. H-I make the point of M. 8:1C-D. M. 8:3A then continues the same matter. The owner has bid twenty. Someone else bids twenty-one. The owner has to pay the added fifth — five selas — only of his own bid, not of the bid that he now matches. Thus he pays the added fifth of his original bid of twenty, plus the twenty-one bid by the other party, hence twenty-six. This is illustrated five times, just as the point of M. 8:2 bears five illustrations, then explained at F. What happens at G is that the next bid takes account of what the owner has bid — the added fifth of twenty, which is five, plus twenty-five. The bid goes to twenty-six. Now the owner has to pay thirty-one but also a denar. Why? The full fifth of twenty-six is thirty-one selas and one denar (a sela contains four denars). Unit I compares the Mishnah’s formulation of the cited rule with a parallel teaching on Tannaite authority. Two versions of the matter are at hand, one in which Hisda engages in a debate about a theory of his own, the other in which Hisda simply harmonizes (in accord with that same theory) two contradictory formulations of procedure. Unit II investigates the implications of a statement of the Mishnah. Units III, IV, and V all cite and gloss the Mishnah’s rules by contributing cases or secondary amplifications. The entire construction, therefore, serves as an extended commentary on the Mishnah.

After concluding the discussion of the effects of the Jubilee on the sanctification of inherited property, at M. 8:1-3, our chapter proceeds to the next topic of Leviticus Twenty-seven, the declaration that something is herem (RSV: devoted):

But no devoted thing that a man devotes to the Lord, of anything that he has, whether of man or beast, or of his inherited field, shall be sold or redeemed; every devoted thing is most holy to the Lord. No one devoted, who is to be utterly destroyed from among men, shall be ransomed; he shall be put to death.

Now we move to yet another topic, the declaring of something to be herem, which, for the purposes of our tractate, means nothing other than sanctifying something.

## 8:4

- A. **“A man may declare herem part of his flock, part of his herd, some of his Canaanite man-servants and maid-servants, and part of his field of possession. But if he declared herem the whole of them, they are not deemed herem,” the words of R. Eleazar.**
- B. **Said R. Eleazar b. Azariah, “Now if to the Most High a man is not permitted to declare all of his property herem, all the more so that a man must take care of his property.”**



- I.1** A. *What is the source of the ruling at hand [at M. 8:4A]?*
- B. *It accords with what our rabbis have taught on Tannaite authority:*
- C. *“Of all that he has’ (Lev. 27:28), and not all that he has.*
- D. *“Of man’, and not of every man.*
- E. *“Or of beast’ and not his entire herd.*
- F. *“Or of his inherited field’ and not every one of his inherited fields.*
- G. *“Is it possible that, while one should not make a vow of utter devotion [of these things], but if he should make a herem-vow, the vow takes effect?*
- H. *“Scripture states, ‘But...,’ [as an exclusionary clause, indicating that if one should do so, the vow is null],” the words of R. Eliezer.*
- I. **Said R. Eleazar b. Azariah, “Now if to the Most High a man is not permitted to declare all of his property herem, all the more so that a man must take care of his property” [M. 8:4B].**

- I.2.** A. *It is necessary to make explicit reference to each detail [of Lev. 27:28].*
- B. *For if the All-Merciful had written only, “Of all that he has” (Lev. 27:28), I should have reached the conclusion that one should not declare herem everything that he has, but he may declare herem all of what he owns of a particular classification of property.*
- C. *Accordingly, the All-Merciful wrote, “From man,” and not all of the men [one owns].*
- D. *And if the All-Merciful had written, “From man...,” [I would have supposed that one could not declare herem the entire corps of men he owned] because one cannot get along without labor, but in the case of a field, he can still make a living through serfs [so it was necessary to refer to the field of possession]. [He can hire out the field to sharecroppers.]*
- E. *And had we been informed of these two items, it was because in both cases we deal with that on which life depends. But let a person declare herem all of his movables. Accordingly, it was necessary to make explicit reference to movables.*
- F. *But why was it necessary to make reference also to one’s cattle?*
- G. *It is in accord with that which has been taught on Tannaite authority:*
- H. **Is it possible that one might declare herem his son, his daughter, his Hebrew man-slave, his Hebrew woman-slave, and a field that he has purchased [M. 8:5A]?**
- I. *Scripture states, “Beast.”*
- J. *[By specifying beast, we impose upon the list the qualifying limit of the traits that a beast exhibits, and any item that does not exhibit those traits may not be declared herem. Thus,] just as in the case of a beast, the owner exercises the right of dominion over the chattel, which he may sell, so anything over which one exercises right of chattel-ownership, which he may sell, [may be declared by him to be herem, thus excluding those just now listed].*
- K. *But lo, there is the case of his minor daughter, over whom he exercises the right of sale.*
- L. *Is it possible that he may declare her herem?*
- M. *Scripture states, “Cattle.”*



- N. Just as, in the case of cattle, the owner enjoys the right to sell the item permanently, so anything that he may sell permanently [he may also declare herem, excluding the daughter, whom he may sell only for a limited number of years].

**II.1 A. Said R. Eleazar b. Azariah, “Now if to the Most High a man is not permitted, etc. [M. 8:4B]:**

- B. *Is this not exactly the principle of the earliest authority [at M. 8:4A]? [Why repeat the same point?]*
- C. *At issue between the two is the opinion of R. Ila, for R. Ila said, “In Usha they made this ordinance: He who wants to distribute his possessions may not do so more than with a fifth of them.”*
- D. There was the case of one who wanted to distribute more than a fifth of his property, but his colleague did not permit him to do so. And who was it? It was R. Yeshebab.
- E. And some say, it was R. Yeshebab [who wanted to distribute his property], and his colleague who did not permit him to do so was R. Aqiba.

At M. 8:5A we shall learn that there are things a man may not declare herem at all. Eleazar’s point is that, in the case of what a man declares herem, he may not hand over everything, but only part of what he owns, of a particular sort of possession. Unit I supplies an exegetical basis for the Mishnah’s rule. I does not belong. I.2 carries on a secondary exegesis of the same proof-text. Unit II then asks the obvious question about the Mishnah-paragraph at hand, which is why two authorities say the same thing.

**8:5**

- A. **He who declares herem his son, his daughter, his Hebrew man-servant or maid-servant, a field which he has purchased —**
- B. **they are not deemed herem.**
- C. **For a man does not declare herem that which is not his own.**
- D. **“Priests and Levites do not declare [anything] herem,” the words of R. Judah.**
- E. **R. Simeon says, “Priests do not declare [anything] herem. For things declared herem belong to them. “But Levite declare [something] herem, for things declared herem do not belong to them.”**
- F. **Rabbi says, “The opinion of R. Judah appears to me correct in the case of real estate.**
- G. **“Since it is said, For it is their personal possession (Lev. 25:34).**
- H. **“And the opinion of R. Simeon [appears to me correct] in the case of movables, for things declared herem do not belong to them.”**

**I.1 A. Now in the view of R. Judah, there are no problems with the statement that priests do not declare anything herem, for things declared herem belong to them [just as Simeon maintains, E].**

- B. *But as to Levites, while there are no problems with the statement that they should not declare real estate to be herem, since it is written, “For it is their perpetual possession” (Lev. 25:34),*

- C. *they should be able to declare movables herem [since there is no verse that proves these belong to the Levites as well].*
- D. *[In behalf of Judah's position, we bring scriptural proof that movables fall into the same classification as real estate, namely:] Scripture has said, "Of all that he has... or of the field of his possession" (Lev. 27:28), thus treating within the same classification both movables and real estate.*
- E. *And in the view of R. Simeon, there are no problems with the statement that priests [may not declare something herem], as we have stated. And as to Levites, there is no problem with the statement that movables are excluded, for he does not accept the comparison [made above].*
- F. *But what is his thinking as to real estate? Is it not written, "For it is their perpetual possession" (Lev. 25:34)?*
- G. *[When Simeon states that Levites] declare something herem, what is the meaning? It also is in reference to movables.*
- H. *But lo, take note of what is stated in the concluding clause: **Rabbi says, "The opinion of R. Judah appears to me correct in the case of real estate..., and the opinion of R. Simeon in the case of movables" [M. 8:5F, H].***
- I. *That statement would imply that R. Simeon also intended his statement to apply to real estate!*
- J. *This is the meaning of the passage at hand: Said Rabbi, "The opinion of R. Judah appears correct to R. Simeon in the case of real estate, for R. Simeon takes issue only with regard to movables, but in the case of real estate, he concurs with [Judah]."*

- I.2.** A. Said R. Hiyya bar Abin, "If one has declared movables herem, he may hand them over to any priest that he wants, as it is said, 'Every thing declared herem in Israel **[28B]** will be yours' (Num. 18:14).
- B. "But if he declared his fields to be herem, he hands them over to the priest who is a member of the priestly troop that is then officiating, as it is said, 'As a field devoted, the possession thereof shall be the priest's' (Lev. 27:21). Since we find the word, 'the priest's,' [at Lev. 27:21] and in connection with robbery of a stranger, [we also find the word, 'the priests,' we invoke the rule applicable in the latter case to the former one]."
- C. *And whence is the exegetical lesson in that matter? As it has been taught in Tannaite authority:*
- D. "The Lord's, even the priest's' (Num. 5: 8). [Where this stranger has no heir, his property is assigned to the priests. In context that means to the officiating priests of the Temple. Accordingly,] the Lord has acquired it [what has been stolen from the stranger] and assigned it to the priestly troop that is then officiating.
- E. You maintain that reference is made to the priest that is then officiating.
- F. But perhaps it is to any priest that the person wants [to hand over the stolen property]?
- G. When Scripture states, "Besides the ram of the atonement, with which atonement shall be made for him" (Num. 5: 8), lo, [we know that] Scripture must speak of a priest who is a member of the troop of priests then officiating in the Temple. [The priest who offers the atoning sacrifice receives the capital and added fifth].

H. [The implication is that] a field that goes forth at the Jubilee [not having been redeemed by those who had inherited and then consecrated it] also is given to the priests who are members of the troop officiating at that time.

**I.3.** A. *[We know that the troops of officiating priests change guard on the Sabbath, with one troop leaving the altar and another coming to it.] The question [therefore] was raised, [If the Jubilee year] began on the Sabbath [what is the law? That is, since the guards or priestly troops change on that day, to which troop is the field to be given?]*

B. Said R. Hiyya b. Ammi in the name of Hulpana, "One gives the field to the troop that is leaving service on that day."

C. *Said R. Nahman bar Isaac, "So too has it been taught in a teaching of Tannaite authority: [Since the end of the seventh year, which is the 49th in the Jubilee-cycle, coincides with the beginning of the Jubilee year,] it turns out that the Jubilee year and the seventh year simultaneously effect the remission [of debts and the restoration of land to the priesthood], except that the Jubilee year takes effect on its opening day and the year of release on its closing day, [so the fields revert to the priesthood and the accumulated debts are remitted on the same day].*

D. *[Why say "except that..."?] What is required is that, to the contrary, it is on this account, and so one should say, "for the Jubilee year takes effect," etc.*

E. *[Now we have ample proof that] the Seventh year remits debts at the very last day of the year, for it is written, "At the end of seven years you shall declare a remission" (Deu. 15: 1).*

F. But [what is the evidence that] the Jubilee takes effect at the beginning of [the Jubilee year]? [To the contrary], it is coincident with the Day of Atonement, as it is written, "On the Day of Atonement you shall make proclamation with the horn throughout all your land" (Lev. 25: 9).

G. *Whose view is this [at C, F]? It is R. Ishmael, son of R. Yohanan b. Beroqah, who has said, "The year of the Jubilee had begun on the New Year."*

**I.4.** A. *Hezekiah bar Biloto heard this statement [of Hiyya bar Abin's, 2.A] and went and reported to R. Abbahu. [Abbahu asked], "But why not draw an analogy between movables and real estate [and require movables to be given to priests of the presiding troop, rather than to any priest the donor chooses]?"*

B. *[Hiyya replied], "Is it not a matter subject to dispute among Tannaite authorities, for there are those who draw the stated analogy [between real estate and movables] and there are those who do not draw that analogy. And we [Hiyya b. Abin] accord with those who do not draw the stated analogy [= I, D]."*

M. 8:5 is in two distinct parts, A-C and D-H. A-C are complete, since they bear their own interpretation at C. The son, daughter, and Hebrew servants are subject to the man for a limited period; the field which is purchased reverts to the original owner at the Jubilee. Accordingly, these do not wholly belong to the person who wishes to declare them herem, C. The reason D-H are joined is that these now turn the matter around. A person not only cannot declare herem that which is not his own, but in the case of a priest he also does not declare herem that which is not his own, but in the case of a priest he also does not declare herem that which already is his own. The sole issue is the matter of the Levites. Judah sees them as

equivalent to the priesthood. Simeon takes the opposite view, and his reason is spelled out. Rabbi's judgment is that real estate belongs to priests and Levites, since Lev. 25:34 refers to property of Levites. But movables which are dedicated go to the priests, not to the Levites. Unit I asks the logical question of Mishnah-exegesis, based on Rabbi's observation. Unit I.2 introduces a secondary issue, based on the distinction between movables and real estate and the comparison between them. The reason for the inclusion of I.2-4 is clear at No. 4, which reverts to that basic matter. So the entire complex has been worked out on its own terms and inserted whole for the reasons given.

### 8:6, 8:7A-G

- A. Things which are declared herem for priests are not subject to redemption but are given to the priests.
- B. R. Judah b. Betera says, "What is declared herem without further explanation is for the repair of the Temple house,
- C. "since it is said, 'Every devoted thing is most holy to the Lord' (Lev. 27:28)."
- D. And sages say, "What is declared herem without further explanation is for the priests,
- E. "since it is said, As a field devoted to the possession thereof shall be the priest's (Lev. 27:21).
- F. "If so, why is it said, And every devoted thing is most holy to the Lord?
- G. "That it applies to Most Holy Things and to Lesser Holy Things."

### M. 8:6

- A. A man declares herem things he has declared holy, whether they are in the status of Most Holy Things or of Lesser Holy Things [M. 8:6G].
  - B. If it is a vow, he gives it value.
  - C. If it is a freewill-offering, he gives what it is worth to him.
  - D. [If he says,] "This ox is a burnt-offering," they estimate how much a man is willing to pay for this ox to offer it up as a burnt-offering for which he is not liable [that is, as a freewill-offering].
  - E. The firstling, whether unblemished or blemished, do they declare herem.
  - F. How do they redeem it?
  - G. They estimate how much a man is willing to pay for this firstling to give it to his daughter's son or his sister's son [who are priests and have a right to it].
- I.1** A. [29A] *Our rabbis have taught on Tannaite authority:* Things which are declared herem for priests are not subject to redemption but are given to the priests [M. 8:6A].
- B. As to things that have been declared herem, so long as they are in the household of the owner [who has consecrated them], lo, they are in the status of Holy Things in all matters pertaining to them, as it is said, "Everything declared herem in Israel is most holy to the Lord" (Lev. 27:28).
  - C. Once one has handed over those same objects to the priests, lo, in all matters respecting them they are in the category of ordinary things [not holy], as it is said, "Every devoted thing in Israel shall be yours" (Num. 18:14).

**II.1 A. R. Judah b. Betera says, “What is declared herem without further explanation is for the repair of the Temple house” [M. 8:6B]:**

- B. *Now there is no difficulty facing rabbis [of M. 8:6D], for they give an ample account of how to interpret the proof-texts supporting both their position [M. 8:7E] and that of R. Judah b. Betera [M. 8:7F].*
- C. *But as to R. Judah b. Betera, how does he explain the verse, “As a field devoted to the possession thereof shall be the priest’s” (Lev. 27:21)?*
- D. *He requires that statement [for a purpose other than that for which it is used by sages, namely, to prove the proposition laid forth in] that which is taught on Tannaite authority:*
- E. *“As a field devoted to the possession thereof shall be the priest’s” (Lev. 27:21).*
- F. *What is the intent of the passage at hand?*
- G. *How do we know that, in the case of a priest who declared consecrated a field that he received by an act of herem of an Israelite, such a priest may not say, “Since it goes forth to the priests [at the Jubilee], and lo, I now possess it anyhow, let it be mine”?*
- H. *For [this priest may argue] it is a matter of simple logic: “Since I take over ownership of what originally belonged to others, shall I not all the more so take over ownership of what is to begin with mine?”*
- I. *[To forestall that reasoning,] Scripture states, “As a field devoted to the possession therefore shall be the priest’s” (Lev. 27:21).*
- J. *[This is now spelled out:] What then do we learn from this phrase — “a field devoted”? It serves to teach a lesson and itself to be subject to a lesson.*
- K. *[How so?] Scripture thereby draws an analogy between a field that one has acquired through the act of herem of an Israelite and a field one has, that had been a field of possession belonging to an Israelite.*
- L. *Just as a field of possession belonging to an Israelite goes forth from his possession [if the Israelite consecrated but did not redeem it by the Jubilee] and is divided among the priests [in general], so the field [a priest] has acquired through an act of herem goes forth from [the priest’s] possession and is divided among his brethren, the priests. [That is the lesson Judah derives from the cited passage, cf. C-D, which consequently cannot serve to teach a different lesson.]*
- M. *And as to the rabbis [whence do they derive this same lesson? It is from the fact] that it is written, “the devoted thing” rather than “devoting thing [Jung].”*
- N. *And the other party [Judah]? He does not derive any information from the argument built on the language of “devoted.”*
- O. *How, finally, does R. Judah b. Batera know that the same law applies to Most Holy and Less Holy Things [since he uses the language, “every devoted thing” for another purpose]?*
- P. *He follows the view of R. Ishmael [at M. 8:7H].*

**II.2. A. Said Rab, “The decided law accords with R. Judah b. Betera.”**

- B. *Will Rab then abandon the view of rabbis [in general] and endorse that of R. Judah b. Betera, [a single individual]?*

- C. *There is another statement of Tannaite origin that reverses matters [and assigns the view of Judah b. Betera to the rabbis, hence giving that decision the status of authoritative ruling to the majority].*
- D. *And will Rab abandon a formulation on the authority of the Mishnah and accept the formulation on the authority of a merely external statement of Tannaite origin?*
- E. *Rab[‘s version of] the Mishnah likewise reverses rulings [assigning the decision here given in Judah b. Betera’s name to the authority of rabbis and vice versa].*
- F. *Why then reverse the rulings as they occur in the Mishnah-version at hand in face of the version of the external tradition in Tannaite authority? Rather reverse the version of the external Tannaite statement in the face of the version of the Mishnah.*
- G. *Rab had a tradition of the matter [and followed what he had learned].*
- H. *If that were the case, then how could he have said, “...in accord with R. Judah b. Betera?” He ought to have said, “In accord with rabbis.”*
- I. *This is the sense of what he said, “In accord with your version, which reverses matters, repeat the matter in the language of, ‘The law accords with the view of R. Judah b. Betera.’” [But Rab’s version had it right anyhow.]*

- II.3.** A. *There was a man in Pumbedita who declared his property to be herem. [To find out how to redeem the property,] he came to Rab Judah, who told him, “Take four zuz-coins and declare the property to be unconsecrated in exchange for those coins, and throw the coins into the canal and then the property you devoted will once more be permitted to you.”*
- B. *Now it follows that, in Rab Judah’s opinion, things declared herem without further explanation belong to the upkeep of the Temple house [in line with M. 8:7B]. [If the things were to belong to the priests, they would not be subject to a process of redemption at all.]*
- C. *In accord with whom [does Judah make such a ruling]? It accords with the view of Samuel, who has said, “That which has been consecrated, worth a manah, which one has declared profane in exchange for something worth merely a perutah indeed enters the status of the profane [and is no longer holy].”*
- D. *To be sure, I may say that Samuel made such a statement in a case in which one has already carried out the procedure [i.e., de facto]. But will he make such a ruling also in a case in which one comes to find out how, to begin with, to proceed [i.e., de jure]?*
- E. *Such a distinction would pertain only when the Temple was standing, for one might take the view that, in such a procedure, there is a substantial loss of benefit to the Temple. But in the present age, [when there is no Temple] even to begin with [the stated procedure applies].*
- F. *If so, then even a perutah should have sufficed [in the case of the man in Pumbedita. Why ask for four zuz?]*
- G. *It was to make the matter noteworthy.*
- H. *Said Ulla, “If I had been there, I would have given all of the property to the priests.”*

- I. *It follows that Ulla is of the view that what is declared herem without further explanation is for the priests [M. 8:6D].*
- J. *They objected [to Ulla's view, on the basis of K and M]: "The rule governing the Hebrew slave applies only in the age in which the Jubilee applies, as it is said, 'He shall work for you to the year of Jubilee' (Lev. 25:40).*
- K. *"And the rule governing a field that has been declared herem applies only in the age in which the Jubilee applies, for it is said, 'And in the Jubilee it shall go out and he shall return to his possessions' (Lev. 25:28).*
- L. *"And the rule governing a house in a walled city pertains only in the age in which the Jubilee applies, for it is said, 'It shall not go out in the Jubilee' (Lev. 25:30)."*
- M. *"R. Simeon b. Yohai says, 'The law governing a field that has been declared herem applies only in the age in which the Jubilee applies, for it is said, "But the field, when it goes out in the Jubilee, shall be holy unto the Lord, as a field that is subject to a herem" (Lev. 27:21).'*
- N. *"R. Simeon b. Eleazar says, 'The law governing the resident alien applies only in the age in which the Jubilee applies.'"*
- O. *Said R. Bibi, "What is the scriptural basis for that view [N]? The use of the word 'good' produces an analogy. Here it is written 'Because it is good for him with you' (Deu. 15:16), and there it is written, 'If it is good for him, you shall not wrong him' (Deu. 23:17)."*
- P. *There is no point of conflict, the one passage refers to real estate, the other to movables.*
- Q. *But the case in Pumbedita involved real estate!*
- R. *Real estate outside of the Land is in the status of movables located in the land. [The law on declaring something herem applies only so long as the law of the Jubilee is in force, and the Jubilee is not in force, so we cannot invoke the law that the property goes forth in the Jubilee like a field that has been declared herem.]*

M. 8:6A repeats the sense of Lev. 27:28. The issue of B-C vs. D-E is clearly stated. F-G form a bridge to M. 8:7. The point is that if someone declares herem something which is in the status of Most Holy Things, that which has been declared herem is used for the repair of the Temple house when the person so specifies. M. 8:7 now explains what it means to declare herem what is already Most Holy Things. A-D carry forward M. 8:6G. M. 8:7E-G go on to a fresh matter. A's point is as stated, that a man may declare to be herem something which he has already consecrated. The result of this is explained at B, then C-D. The man has vowed (B) to bring an offering and designated an animal for that purpose. Then he declared the animal to be herem. The declaration of herem is valid, because the animal remains in the man's domain (M. 8:5C). Why? Because if the animal were to be lost or stolen, he would have to replace it. How does the man carry out his declaration of herem? He must pay the value of the animal, in addition to giving it over as a sacrifice. C-D develop the same point, now with reference to a freewill-offering. The man pays the amount of money which corresponds to his satisfaction that he is able to bring the offering (Jung, p. 171). D explains this matter. E-G deal with something which is Lesser Holy Things.



The firstling is to be sacrificed as such. The owner has to give it to the priest. But he has devoted it. What has he devoted? G explains that he has devoted not the value of the firstling, which belongs to the priest, but only what someone would pay to have a firstling given to relatives of his who are priests. Unit I simply clarifies a passage of the Mishnah by adding an additional detail. Unit II takes up the dispute of Judah b. Betera and sages. Judah first gets the opportunity of confronting the proof-texts introduced by the opposition. A full exposition of the exegetical possibilities is provided.

### 8:7H-J

- H. **R. Ishmael says, “One Scripture says, ‘You will sanctify [all the firstling males]’ (Deu. 15:19).  
“And one Scripture says, ‘You will not sanctify [the firstling among beasts] (Lev. 27:26).**
- I. **“It is not possible to rule, ‘You will sanctify,’ for it already has been said not to sanctify. And it is not possible to rule, ‘You will not sanctify,’ for it already has been said to sanctify.**
- J. **“Rule on this basis: You sanctify it as something whose additional value is sanctified. But you do not sanctify it as an offering which falls to the altar.”**
- I.1 A. *And as to rabbis [who do not derive from the cited verses the meaning that Ishmael gains, what lesson do they derive]?*
- B. *“You will not sanctify” (Lev. 27:26) is needed by them [to place into the status of a transgression of the law] the act of actually doing so.*
- C. *“You will sanctify” is required by them in accord with that which has been taught on Tannaite authority:*
- D. *How do we know that one to whom a firstling has been born in his flock has the religious duty of making a formal act of consecration [of that same firstling]?*
- E. *As it is said, “You will sanctify the male” (Deu. 15:19).*
- F. *And R. Ishmael? [His reply is simple.] If the man does not declare the beast to be sanctified, will it not be holy? [Obviously, it will be holy, because] the sanctification pertaining to it derives from the womb [that is, the status of having been born first, and not from the declaration of the farmer to that effect].*
- G. *Since it is the fact that, if the farmer does not declare the beast to be holy, it remains holy nonetheless, it is not necessary for the farmer to declare it holy anyhow. [Accordingly, the purpose served by the verse in rabbis’ view in fact is null.]*

Ishmael’s saying is attached to the foregoing, since his point is the same. The sanctuary may receive the value which the satisfaction of having offered up such a sacrifice has for the owner (J). We invoke the conception of M. 8:7G. The animal remains a firstling. But one may sanctify that additional value which an Israelite might place on a firstling under the conditions specified at M. 8:7G.