

V.

BAVLI MEILAH CHAPTER FIVE

FOLIOS 18A-20A

5:1

- A. “He who derives benefit to the extent of a perutah’s value from that which is consecrated,
- B. “even though he did not cause deterioration [through use of it], has committed an act of sacrilege,” the words of R. Aqiba.
- C. And sages say, “Anything which is subject to deterioration through use — he has not committed an act of sacrilege unless he has caused deterioration through use.
- D. “But anything which is not subject to deterioration through use — once he has derived benefit from it, he has committed an act of sacrilege.”
- E. How so?
- F. [If a woman] put a chain around her neck,
- G. a ring on her finger,
- H. drank from the cup of gold [M. Tam. 3:4B, used for water for the animal to be offered as the whole offering of the day],
- I. once she has derived benefit from it, she has committed an act of sacrilege.
- J. [If a man] put on a shirt,
- K. covered himself with a cloak,
- L. used an ax to split wood —
- M. he has not committed sacrilege unless he has caused deterioration through use.
- N. [If] he pulled wool out of a sin offering [lamb] when it was alive, he has committed an act of sacrilege only if he has caused deterioration.
- O. But if this was after it was dead, once he has made use of it, he has committed an act of sacrilege.
- I.1. A. A Tannaite statement: R. Aqiba concurs with sages in the case of something that is subject to deterioration [that if one derived benefit but caused no deterioration, he has committed no act of sacrilege] [T. Me. 2:2].
- B. What is at issue between them?

- C. *Said Raba, "They differ about what is not subject to deterioration through use, for instance, a garment that is worn between others or a garment made of thick cloth."* [Using them causes no marked deterioration; Aqiba holds that if they are used at all, sacrilege is committed; sages say that, there being no perceptible deterioration, there is no sacrilege.]

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

- B. "If any one," whether a commoner or a prince or an anointed priest, — "commits a sacrilege" (Lev. 5:15) — a sacrilege is anything that causes a change in the character of the item.
- C. Along these same lines the word for "commit sacrilege" bears the sense of "change," as in the verse, "If any man's wife goes astray and changes partners against him" (Num. 5:12).
- D. "But they changed from the God of their fathers [18B] and went after the baals" (1Ch. 5:25). [Haas: these verses prove that perceptible change must occur for the laws of sacrilege to apply.] [Sifra, reference as given below].

I.3. A. "When a person commits a trespass, sinning against any of the Lord's sacred things:"

- B. might one suppose that the law covers one who damages the Holy Thing, not the one who derives benefit from it, [e.g., one who breaks a cultic utensil] or the one who derives benefit from it, not the one who damages it, [for instance, one who makes secular use of a stone of the sanctuary], that which is not yet plucked up from the ground [e.g., making use of the floor of the sanctuary for one's private benefit], or an agent who has correctly accomplished his assignment [who would be obligated to an offering, while the one who sent him would not] [cf. T. **Me. 2:1A-I**]?
- C. Scripture says, "...sinning..."
- D. the word "sinning" occurs with reference to priestly rations ["They shall keep my charge, lest they incur a sin thereby and die for it, having committed profanation" (Lev. 22:98)], [add: and the word "sinning" occurs here].
- E. Just as, when the word "sinning" occurs with reference to the priestly rations, what is involved is both inflicting damage and also deriving benefit, so that, once has inflicted damage, he has derived benefit, deriving benefit from the thing one has damaged, so that the damage and the benefit are simultaneous, further, that subject to discussion is what has been plucked up from the ground, and, further, so that excluded is the agent who has carried out his commission,
- F. so when the word "sinning" occurs here, what is involved is both inflicting damage and also deriving benefit, so that, once one has inflicted damage, he has derived benefit, deriving benefit from the thing one has damaged, so that the damage and the benefit are simultaneous, further, that subject to discussion is what has been plucked up from the ground, and, further, so that excluded is the agent who has carried out his commission.
- G. Or might one maintain that, just as when the word "sinning" occurs with reference to priestly rations, what is meant is the case of one who eats the

food and derives benefit from it, so I encompass under the law of sacrilege only one who actually eats the food and derives benefit from it.

H. How do I know that the law covers both one's own act of eating the food and the act of eating done by his fellow [at his instance, so that the person eats part of the requisite volume and gives part to his fellow], one's own act of deriving benefit and the act of deriving benefit on the part of his fellow, the act of eating and deriving benefit on the part of his fellow, the act of deriving benefit and eating on the part of his fellow, so that these acts join together [so that if part of the requisite volume is subject to one person's act of sacrilege, part subject to another's, liability is incurred], and even over a considerable span of time?

I. Scripture says, "When a person commits a trespass [an act of sacrilege]," and that serves as an inclusionary statement.

I.4. A. Or might one suppose that just as "sinning" stated with reference to priestly rations is such that the law does not treat two acts of eating the forbidden food as though it were a single such action,

B. how do I know that if one has eaten part [of Holy Things and so committed an act of sacrilege, but not against a sufficient volume of Holy Things to incur liability] today and part tomorrow, derived benefit from part today and part the next day, eaten today but derived benefit only on the next day, derived benefit today and eaten the forbidden substance only on the next day, and even after three years in a single spell of inadvertence, these various actions join together [to form a single culpable action]?

C. Scripture says, "When a person commits a trespass [an act of sacrilege],"

D. as an inclusionary statement.

I.5. A. Or since the act of "sinning" involved with reference to priestly ration [19A] speaks of one who removes something from the status of sanctification and uses it for profane conditions, how do I know that one who removes something from one classification of consecration and transfers it to another classification of consecration [also has violated the law of sacrilege, even though that would not constitute a violation of the sanctity of priestly ration]? [This passage requires: Scripture says, "When a person commits a trespass," – as an inclusionary statement.]

B. If one purchased with a coin designated for use as his sheqel bird-offerings for male Zabs, bird-offerings for female Zabs, bird-offerings for women who have given birth, he who presents an animal for his sin-offering or guilt-offering or Passover-offering from coins which have been consecrated, he who takes his sheqel from his zuz-coins already consecrated for the upkeep of the temple house,

C. "as soon as he has made a purchase, he has committed an act of sacrilege," the words of R. Simeon.

D. And sages say, "He has committed an act of sacrilege only after the blood of the animal purchased with the sheqel has been tossed on the altar, which is the moment at which the offering is effective in securing atonement" [T.

I.6. A. The master has said: **“If any one,” whether a commoner or a prince or an anointed priest, — “commits a sacrilege:”**

B. *What else might one have supposed? For obviously, the language, “anyone,” includes all those who are mentioned!*

C. *What might you otherwise have supposed? Scripture has said, “Whoever puts any of the anointing oil on a stranger [non-priest],” we might have imagined that, since the priest is not in the category here of “stranger” and is anointed with that oil, he would be unique; it is necessary to specify that a priest is in the same classification as the others to indicate that even a priest can commit sacrilege.*

II.1. A. [How so? If a woman put a chain around her neck, a ring on her finger, drank from the cup of gold [M. **Tam. 3:4B**, used for water for the animal to be offered as the whole offering of the day], once she has derived benefit from it, she has committed an act of sacrilege. [If a man] put on a shirt, covered himself with a cloak, used an ax to split wood — he has not committed sacrilege unless he has caused deterioration through use:] *The All-Merciful has further drawn an analogy between the laws of sacrilege and those that govern the wife accused of adultery, the laws of idolatry, and the laws of heave-offering.*

B. *those that govern the wife accused of adultery: [just as the accused wife violates the law] even if she suffers no physical deterioration, so the consecrated items not subject to deterioration through use produce a violation of the laws of sacrilege as soon as they are utilized for personal benefit. If one put a consecrated ring on her finger, she has committed an act of sacrilege.*

C. *the laws of idolatry: the laws of idolatry apply once the object in question has undergone physical change, and that pertains to consecrated things, which are subject to deterioration through use. Thus one commits sacrilege only when he is chopping with the ax and damages it.*

D. *and the laws of heave-offering: “If one has eaten of a holy thing unintentionally, he must repay its value plus an added fifth to the priest” (Lev. 22:24) — excluding one who damages but does not eat heave offering; and that is so of any consecrated item, in which case, one has committed sacrilege when one damages it even if he does not eat it.*

III.1 A. **How so? If a woman put a chain around her neck:**

B. *Said R. Kahana to R. Zebid, “But isn’t gold subject to deterioration? Lo, take the case of the gold that belonged to the daughter-in-law of Nun — where did it go [since it lost weight over time, if not being lost through wear]?”*

C. *He said to him, “Maybe the gold jewelry was like the kind your daughter-in-law used to throw around [being damaged through negligence]? Furthermore, even though you don’t have a case of deriving benefit and causing damage and one and the same time, in any event, isn’t there some sort of deterioration?”*

IV.1 A. [If] he pulled wool out of a sin offering [lamb] when it was alive, he has committed an act of sacrilege only if he has caused deterioration. But if this was after it was dead, once he has made use of it, he has committed an act of sacrilege:

- B. *When does it matter? If we're dealing with an unblemished animal, then it is in the category of the golden cup [unblemished through long-term use]!*
- C. *Said R. Pappa, "We are dealing with a blemished animal [which must be sold, and the price is diminished through the damage it has suffered]."*

The comments on the Mishnah seem routine, except for Sifra's elaborate analysis of the relevant verses. Clearly, the framer of Sifra's composition had his own program, considerably more complex than that of the Mishnah's author.

5:2-3

5:2

- A. [19B] [If] one derived benefit to the extent of a half-perutah and caused deterioration to the extent of a half-perutah,
- B. or [if] he derived benefit to the extent of a perutah from one thing and caused deterioration to the extent of a perutah in some other thing —
- C. lo, this one has not committed an act of sacrilege —
- D. until he will derive benefit to the extent of a perutah and [or] cause deterioration to the extent of a perutah in the very same thing.

5:3

- A. One does not commit sacrilege after another has committed sacrilege [in the same thing] in the case of consecrated things,
- B. except for a beast or a utensil or service.
- C. How so [B]?
- D. [If] he rode on a beast and his fellow came along and rode on it and yet another came and rode on it —
- E. drank from the golden cup and his fellow came along and drank from it, and yet a third party came along and drank from it
- F. pulled wool out of a sin offering, and his fellow came along and pulled wool from the sin offering, and yet a third came along and pulled wool from the same sin offering —
- G. all of them have committed an act of sacrilege.
- H. Rabbi says, "Anything which is not subject to redemption is subject to a case of sacrilege following sacrilege."

- I.1. A. [One does not commit sacrilege after another has committed sacrilege in the same thing in the case of consecrated things, except for a beast or a utensil or service:] *whose view is represented by this statement in our Mishnah-paragraph?*
- B. *It is R. Nehemiah, for it has been taught on Tannaite authority:*
- C. **One cannot commit an act of sacrilege after another has committed sacrilege in the same thing in the case of consecrated things, except for a beast.**
- D. **R. Nehemiah says, "A beast and a utensil of service" [T. Me. 2:6A-B].**
- E. *What is the theoretical basis of the position of the first of the two authorities [C]?*
- F. *He takes the view that the sacrilege affecting a beast is stated in so many words in Scripture: "The priest makes atonement for him through the ram of the guilt*

offering” (Lev. 5:16). [Haas: since beasts are specifically mentioned as crucial to the ritual, they are subject to one act of sacrilege after another].

G. And R. Nehemiah?

H. He will say to you, “It is an argument a fortiori [affecting utensils of service]. If they cause other things that are put into them to become holy [and so become subject to sacrilege in sequence], should they themselves not be subject to the same rule?”

II.1 A. Rabbi says, “Anything which is not subject to redemption is subject to a case of sacrilege following sacrilege:”

B. *Rabbi’s position is identical to that of the initial authority!*

C. *Said Raba, “What distinguishes their positions is the matter of wood. For our rabbis have taught on Tannaite authority:*

D. *“He who says, ‘Lo, incumbent upon me is a donation of wood,’ should present no fewer than two logs.*

E. *“Rabbi says, ‘Since the wood offering is classified as an offering, it has to be salted and also brought near the altar [at the southwestern corner, like the meal offering (Cashdan)].”*

F. *And said Raba, “In the opinion of Rabbi, it is required also to take more wood [as in the case of any other offering].”*

G. *Said R. Pappa, “In the opinion of Rabbi, an offering of wood requires the taking up of a handful [of meal offering, as any other offering requires].”*

H. *R. Pappa said, “At issue between them is the matter of unblemished Holy Things that were dedicated to the altar and became blemished but then were wrongly slaughtered. For has it not been taught on Tannaite authority:*

I. *“Unblemished Holy Things that were dedicated to the altar and became blemished but then were wrongly slaughtered — Rabbi says, ‘They are to be buried.’ [Haas: since it cannot be deconsecrated, it is subject to a sequence of acts of sacrilege.] And sages say, ‘They are to be redeemed.’ [Since the animal can be redeemed, it is not subject to a sequence of acts of sacrilege.]”*

I:1 asks a standard question of Mishnah-exegesis. II:1 asks a necessary question and fully expounds the answer.

5:4-5

5:4

A. [If] one took a stone or a beam from what is consecrated, lo, this one has not committed an act of sacrilege.

B. [20A] [If] he gave it to his fellow, he has committed an act of sacrilege.

C. But his fellow has not committed an act of sacrilege.

D. [If] he built it into the structure of his house, lo, this one has not committed an act of sacrilege — until he actually will live under it [and enjoys its use] to the extent of a perutah’s worth.

E. [If] he took a perutah of consecrated money, lo, this one has not committed an act of sacrilege.

F. [If] he gave it to his fellow, he has committed an act of sacrilege.

- G. But his fellow has not committed an act of sacrilege.
- H. [If] he gave it to a bath keeper, even though he did not take a bath, he has committed an act of sacrilege.
- I. For he [the bath keeper] says to him, “Lo, the bath is open to you. Go in and take a bath.”

5:5

- A. What he has eaten and what his fellow has eaten,
 - B. what he has used and what his fellow has used,
 - C. what he has eaten and what his fellow has used,
 - D. what he has used and what his fellow has eaten
 - E. join together with one another — and even over an extended period of time.
- I.1. A.** [If one took a stone or a beam from what is consecrated, lo, this one has not committed an act of sacrilege. If he gave it to his fellow, he has committed an act of sacrilege. But his fellow has not committed an act of sacrilege:] *what is the difference between the principal and his fellow?*
- B. Said Samuel, “We deal here with goods that have been handed over to the Temple treasurer.” [If the Temple treasurer uses the goods for his own purposes, no sacrilege takes place; the goods are still in the domain of the sacred; if he then shares them with another person, the goods now passing outside the sacred, the laws of sacrilege are violated.]
- II.1 A.** [If] he built it into the structure of his house, lo, this one has not committed an act of sacrilege — until he actually will live under it [and enjoys its use] to the extent of a perutah’s worth:
- B. What difference does it make that he is liable only when he actually will have lived under the roof? *Merely because of building it into the house, the man has changed the wood and so subjected it to sacrilege.*
 - C. Said Rab, “That is so only if he left the stone or beam loose on the roof” [Kirzner: as otherwise the mere conversion involved would render him liable to the law of sacrilege]. *But merely because he has built it into the house, he has not committed sacrilege.*
 - D. *May one propose that the following supports the position of Rab, for said Rab, “He who merely prostrates himself to a house has prohibited utilization of the house by reason of its having served as an idol.” [The change in status occurs not when the building is built but when someone uses it illicitly.]*
 - E. Said R. Aha b. R. Iqa, “[That does not prove the case, for] what the Torah has forbidden is publicly deriving benefit from idolatry [e.g., openly bowing down to it.]” [But in respect to sacrilege, deriving benefit even in private qualifies.]
 - F. *May one say the following supports Rab’s position: He who dwells in a house that belongs to the sanctuary, once he has derived benefit from it, has committed sacrilege? [Haas: the mere fact that one lives in a house containing a consecrated beam constitutes sacrilege.]*
 - G. Said R. Simeon b. Laqish, “In that case, we deal with a beam that he has first sanctified and has then built the house. But if he built it into the house and only

afterward consecrated the beam, *what is the rule?* He has not committed an act of sacrilege, [not having derived benefit from the beam once it was consecrated].”

H. *How come the framer of the following Tannaite passage hastened to state matters in the way he has:* He who dwells in a cave that has been dedicated to the Temple has not committed an act of sacrilege? *Why not state matters as follows:* he who dwells in a house made of stones, which he built into the house and then consecrated, has not committed an act of sacrilege? [Why speak of a cave when the issue concerns building materials (Haas)].

I. *Say: in the one case, the rule was clear to the framer of the passage, in the other, he was less certain of matters.* [In the case of the cave, it is obvious that sacrilege is not committed if one lives in a house consecrated after construction; in the matter of the stone house, it is not so obvious, since one may maintain that the house was built of already-consecrated materials.]

I:1 asks an obvious question; the answer seems somewhat specialized. II:1 clarifies matters in a more substantial manner.