

VI.

BAVLI MEILAH CHAPTER SIX

FOLIOS 20A-22A

6:1A-J

- A. The agent who carried out his errand [and thereby inadvertently committed an act of sacrilege] —
 - B. the householder [who appointed the agent is responsible and] has committed the act of sacrilege.
 - C. [If the agent] did not carry out his errand [in committing an act of sacrilege],
 - D. the agent [is responsible and inadvertently] has committed the act of sacrilege.
 - E. How so?
 - F. [If] he said to him, “Give out meat to the guests,” but he gave them liver,
 - G. “Liver,” and he gave them meat —
 - H. the agent has committed the act of sacrilege.
 - I. [If] he said to them, “Give them one piece each,” and he [the agent] said, “Take two each,” but they took three each,
 - J. all of them are guilty of committing an act of sacrilege.
- I.1** A. [20B] [If the agent did not carry out his errand in committing an act of sacrilege, the agent is responsible and inadvertently has committed the act of sacrilege:] *Who is the Tannaite authority who takes the view that any matter about which the agent must consult the employer involves a distinct act?* [If the act is not what the master had in mind and the agent must consult the master, that is done on the agent’s own account, and if sacrilege has been committed, the employer is not responsible.]
- B. *Said R. Hisda, “It is not in accord with the principles of R. Aqiba, for we have learned in the Mishnah: He who vows not to eat vegetables is permitted to eat gourds. And R. Aqiba prohibits [him from eating gourds] [M. Ned. 7:1A-B].* [If the act is not clearly different from the one that the one who took the oath had in mind, it is covered by the oath; here, if the act is not obviously distinct from what the employer ordered, it is deemed subject to the employer’s orders.]”
 - C. *Said Abbaye, “You may even say that it represents the position of R. Aqiba. Doesn’t R. Aqiba concede that [even though he regards it as of the same species]*

the agent has to consult the householder” [Freedman: he agrees that a servant would not take meat when ordered to get liver without further instructions; so his action is regarded as his own.]

- D. *When this discussion was stated before Raba, he said, “Nahmani spoke well [that is, Abbaye].”*
- E. *Who is the Tannaite authority who differs from R. Aqiba?*
- F. *It is Rabban Simeon b. Gamaliel, for it has been taught on Tannaite authority:*
- G. *He who takes a vow against eating meat is forbidden to eat all kinds of meat, and he is forbidden to eat the head, feet, windpipe, liver, heart, and fowl; but is permitted to eat the meat of fish and locusts.*
- H. *Rabban Simeon b. Gamaliel says, “He who takes a vow against eating meat is forbidden to eat all kinds of meat, but he is permitted to eat the head, feet, windpipe, liver, heart, and fowl, and, it goes without saying, the meat of fish and locusts.” [Freedman: thus he maintains that the liver is not included in meat and differs from Aqiba.] And so did Rabban Samuel b. Gamaliel say, “The organs are not classified as meat, and he who eats them is not classified as a human being.”*
- I. *And so far as the initial Tannaite authority is concerned, how come fowl is regarded as forbidden?*
- J. *It is because it is the sort of thing that the agent is going to have to ask about. For if he can’t find any meat, he’s going to ask the master, saying, “So if I can’t get meat, should I get fowl?” That too should be forbidden.*
- K. *If so, the same is the case with fish, for someone may say, “I couldn’t find red meat, so I bought fish.”*
- L. *Said R. Pappa, “It would involve a case in which he had been bled just prior to the vow, so he couldn’t eat fish either.”*
- M. *Then he shouldn’t be able to eat chicken either, for said Samuel, “If someone is bled and then eats chicken, his heart will beat like a chicken’s.”*
- N. *And it has been taught on Tannaite authority: After being bled, one is not to eat milk, cheese, eggs, cress, chicken, or pickled meat.*
- O. *Said R. Pappa, “It would involve a case in which someone has sore eyes, since fish is bad for the eyes.”*

II.1 A. [If] he said to them, “Give them one piece each,” and he [the agent] said, “Take two each,” but they took three each, all of them are guilty of committing an act of sacrilege:

- B. *That rule yields the inference that if the agent adds details to his commission, he remains an agent [and the master bears responsibility].*
- C. *Said R. Sheshet, “The premise is that the agent said, ‘Take one on the count of the master, and one on my account.’ [21A] What might you have supposed? In so stating, the agent has completely uprooted his status as agent in behalf of the household, so that the householder no longer bears responsibility for the sacrilege? So we are informed that that is not the case.*

We start by identifying the unnamed authority behind the consensus-rule. II:1 spells out the implications of the Mishnah’s rule.

6:1K-O, 6:2

- K. [If] he said to him, “Bring [such and such a thing] from the window,” or, “From the chest,” and he brought it to him,
- L. even though the householder said, “I meant only from here,” and he brought it from there, M. the householder has committed the act of sacrilege.
- M. But if he said to him, “Bring it to me from the window,” and he brought it from the chest,
- N. or “From the chest,” and he brought it from the window,
- O. the agent has committed the act of sacrilege.

6:2

- A. [If] he sent by means of [an agent who was) a deaf-mute, an imbecile, or a minor [to purchase goods with money which unbeknownst to the sender, was consecrated],
- B. if they carried out their errand,
- C. the householder has committed the act of sacrilege.
- D. [If] they did not carry out their errand,
- E. the storekeeper has committed the act of sacrilege.
- F. [If] he sent something by means of a person of sound senses,
- G. and realized before he reached the storekeeper [that the coins are consecrated and therefore regretted having sent those coins],
- H. the storekeeper will have committed the act of sacrilege when he pays out [the coins].
- I. What should he [F-G] do?
- J. He should take a perutah or a utensil and state, “A perutah which is consecrated, wherever it may be, is made unconsecrated by this.”
- K. For that which is consecrated is redeemed by money or by something which is worth money

I.1 A. [[If] he said to him, “Bring [such and such a thing] from the window,” or, “From the chest,” and he brought it to him, even though the householder said, “I meant only from here,” and he brought it from there, M. the householder has committed the act of sacrilege:] *what does this statement serve to tell us?*

B. Unstipulated conditions are null.

II.1 A. [If] he sent by means of [an agent who was) a deaf-mute, an imbecile, or a minor [to purchase goods with money which unbeknownst to the sender, was consecrated], if they carried out their errand, the householder has committed the act of sacrilege:

B. *But persons in those classifications are not suitable to serve as agents at all!*

C. Said R. Eleazar, “They are treated in the way in which an olive vat is disposed of, *for we have learned in the Mishnah: Olives — from what time do they receive uncleanness? After they exude the sweat of the vat, but not the sweat of the basket* [M. Ned. 9:1A-C]. [The inanimate vat acts as agent of the owner in rendering the olives susceptible.]”

- D. R. Yohanan said, "It is in accord with that which we repeat: If someone gave the meal to an elephant who carried it [to the proper place], or to an ape who did so, the fictive fusion meal is null; but if he gave orders to someone to receive it from the animal, it is valid. *Therefore just as the animal acts as an agent, so agency can be carried out by these.*"

III.1 A. [If] he sent something by means of a person of sound senses, and realized before he reached the storekeeper [that the coins are consecrated and therefore regretted having sent those coins], the storekeeper will have committed the act of sacrilege when he pays out [the coins]:

- B. *And that is the case even if the agent did not realize [the status of the coins; even if the shopkeeper changed his mind after the agent left, the agent nonetheless is carrying out the assignment, and the shopkeeper is responsible].*
- C. *Now by way of objection: if the householder realized [before the agent spent the money for a secular purpose][but the agent didn't realize what he was doing, then the agent is guilty of sacrilege.*
- D. Said R. Sheshet, "Our Mishnah-paragraph speaks of a case in which both of them realized the situation."

The three Talmud-compositions clarify the sense of the Mishnah and introduce only closely-related problems.

6:3-4

6:3

- A. [If] he gave him a perutah [and] said to him,
B. "With half of it bring me lamps, and with half of it wicks"
C. and [if] he went and brought back lamps for the whole of it or wicks for the whole of it —
D. or if he said to him, "Bring me lamps for the whole of it," or, "Wicks for the whole of it,"
E. and he went and brought him lamps for half of it and wicks for half of it,
F. both of them have not committed an act of sacrilege.
G. But if he said to him, "Bring me lamps for half of it from such-and-such a place, and wicks for half of it from such-and-such a place," H. and he went and brought for him lamps from the place in which he was supposed to get the wicks, and wicks from the place from which he was supposed to get the lamps, the agent has committed the act of sacrilege.

6:4

- A. If he gave him two perutot [and] said to him, "Bring me an etrog,"
B. and he went and brought him an etrog for a perutah and a pomegranate for a perutah,
C. both of them have committed the act of sacrilege.
D. R. Judah says, "The householder has not committed an act of sacrilege.
E. "For he says to him, 'I wanted a big etrog, and you brought a small and poor one.'"

- F [If] he gave him a golden denar [= six selas] [and] said to him, “Bring me a shirt,”
- G. [21B] and he went and brought him a shirt for three selas and a cloak for three,
- H. both of them have committed an act of sacrilege.
- I. R. Judah says, “The householder has not committed an act of sacrilege,
- J. “For he says to him, ‘I wanted a large shirt, and you brought me a small and poor one.’”

- I.1. A. [If he gave him a golden denar and said to him, “Bring me a shirt,” and he went and brought him a shirt for three selas and a cloak for three, both of them have committed an act of sacrilege:] *does that bear the inference that one who said to his agent, “Go, buy me a kor of land,” but the agent went and bought only a letek [half a kor], the purchaser has acquired the land [even though the agent has not followed the instructions]?*
- B. *Say: [no, that does not follow, for] in this instance, what are the specifics of the case? It is one in which the master told the agent to buy a shirt for six selas, and the agent bought one for three. The master acquires the shirt, since it is as though the agent bought for three selas a shirt worth six [and so has carried out his agency].*
- C. *But then note what follows: R. Judah says, “The householder has not committed an act of sacrilege, For he says to him, ‘I wanted a large shirt, and you brought me a small and poor one.’” [The employers in the first two cases in fact do not acquire the land or the shirt, respectively.]*
- D. *[Not at all, for] the employer says to the agent, “If you had spent the entire denar, which is six selas, you could have gotten an even nicer shirt, one worth two denars. [You have not followed my orders.]” And that view of the case stands to reason, for the Tosefta’s complement to the passage goes on to state: **But R. Judah concedes in the case of pulse, that both of them have committed an act of sacrilege, for pulse which sells for a sela is like pulse which sells for a perutah [T. 2:10I].***
- E. *How so [in respect to pulse]? In a locale where they sell pulse wholesale, if he gives them a sela, they will sell it to him more cheaply than if he buys only a small quantity.*
- F. *Said R. Pappa. “In a locale in which they sell pulse by measure, each is for one perutah, so that the price is fixed [and what the denar buys depends on the market; in either case the agent has followed the commission by spending the money he was given (Haas)].”*

The implications of the Mishnah’s rule are explored.

6:5-6

6:5

- A. He who deposits coins with a money changer —
- B. if they were bound up, he [the money changer] should not make use of them.
- C. Therefore if he paid [them] out, he has committed an act of sacrilege.

- D. If they are loose, he may make use of them.
- E. Therefore if he paid them out, he has not committed an act of sacrilege.
- F. [If the owner of the coins] deposited [them] with a householder,
- G. one way or the other, he [the householder] should not make use of them.
- H. Therefore if he paid them out, he has committed an act of sacrilege.
- I. “A storekeeper is deemed equivalent to a householder,” the words of R. Meir.
- J. R. Judah says, “He is equivalent to a money changer.”

6:6

- A. A perutah which has been consecrated, which fell into a purse [containing other money],
- B. or if one said, “A perutah in this purse is consecrated” —
- C. “as soon as one has paid out the first [coin in the purse],
- D. “he has committed an act of sacrilege,” the words of R. Aqiba.
- E. And sages say, “[He has not committed an act of sacrilege] until he has paid out all the money in the purse.”
- F. And R. Aqiba concedes in the case of one who says, “A perutah in this purse is consecrated,” that he goes along and pays out the money [without having committed an act of sacrilege] until he will have paid out all the money which is in the purse.

- I.1. A. [“as soon as one has paid out the first [coin in the purse], he has committed an act of sacrilege,” the words of R. Aqiba. And sages say, “[He has not committed an act of sacrilege] until he has paid out all the money in the purse”:] *when R. Dimi came, he said, “R. Simeon b. Laqish raised this objection to R. Yohanan, ‘What differentiates the first from the second cases?’* [That is, C-D from F? In the former, Aqiba says the householder has committed an act of sacrilege as soon as he pays out the first coin, but in the latter, the act is committed only when all of the coins have been distributed.]
- B. *“He said to him, ‘In the latter case, it is one in which the owner says, “Not all the money in the purse is to be exempted from consecration to the Temple.”’ [Therefore so long as one coin is left in the person that can be consecrated, no act of sacrilege has taken place; but in the former, we know that one of the coins is consecrated, so when it is spent, it is an occasion of sacrilege.]”*
- C. *When Rabin came, he said, “[Simeon b. Laqish] also raised a question to him in contrasting the rule covering oxen and the one covering coins. For we have learned in the Mishnah: He who says, “One of my lambs is dedicated, and “one of my oxen is dedicated” — [if] he had two, the larger of them is dedicated [M. Men. 13:9G-H].”* [When it comes to the coins, by contrast, Aqiba does not allege that the finest of the coins is the one that is consecrated.]
- D. *“[Yohanan] said to him,]The latter clause deals with a case in which the owner says, “Not all the money in the purse is to be exempted from consecration to the Temple.””*
- E. [22A] *R. Pappa said, ““[Simeon b. Laqish] also raised a question to him in contrasting the rule covering coins in a purse and logs of wine, for it has been taught on Tannaite authority: He who purchases wine among the Samaritans*

[in a situation in which he cannot presently separate tithes but wishes to drink the wine,] says, “Two logs [out of one hundred] which I shall separate, behold, these are [made] heave offering, and [the following] ten [logs are made first] tithe, and [the following] nine [logs are made] second tithe.” He regards [the wine] as unconsecrated produce, and drinks it [M. Demai 7:4], the words of R. Meir. R. Judah, R. Yosé, and R. Simeon forbid such a procedure [T. [Demai 8:7](#)].

- F. “[Yohanan] said to him, *The latter clause deals with a case in which the owner says, “Not all the money in the purse is to be exempted from consecration to the Temple.”*”

The Mishnah-exegesis takes up the critical question of analyzing Aqiba’s several positions.