

VII.

BAVLI TEMURAH CHAPTER SEVEN

FOLIOS 31A-34A

7:1

- A. There are [rules applying] to [animals] sanctified for the altar which do not [apply] to things sanctified for the upkeep of the house [the Temple treasury]. And there are [rules applying] to things sanctified for the upkeep of the house which do not apply to [animals] sanctified for the altar.
- B. For (1) [all animals] sanctified for the altar impart the status of substitute [to animals designated in their stead].
- C. And they are liable on their account [on account of things sanctified for the altar] because of violation of the laws of refuse, remnant, and uncleanness.
- D. [31B] Their offspring and their milk are prohibited after they are redeemed [M. Hul. 10:2] .
- E. And he who slaughters them outside [of the Temple] is liable [M. Zeb. 14:1-2].
- F. And they do not pay any part of them to craftsmen [who perform tasks for the Temple] as their salary [T to M. Meilah 3:6] [M. Sheq. 4:5-6]
- G. which is not the case of things sanctified for the upkeep of the house.

7:2

- A. There are [rules applying] to things sanctified for the upkeep of the house which do not apply to [animals] sanctified for the altar.
- B. For (1) Things which are sanctified without further specification go for the upkeep of the house [M. Sheq. 4:7]. (2) The sanctity pertaining to the upkeep of the house applies to anything [not merely to valid animals]. (3) And the laws of sacrilege apply to that which is produced by them [things which are sanctified for the upkeep of the house, e.g., to milk, wool, or eggs (M. Me. 3: 5)]. (4) And the priests have no benefit from them.

- I.1.** A. *Is it an encompassing principle that all animals sanctified for the altar impart the status of substitute to animals designated in their stead? Lo, there is the case of fowl, which are consecrated for the altar, and we have learned in the*

Mishnah: **Birds and meal offerings do not produce a substitute [impose the status of a substitute upon birds or meal designated as their replacement]. For only in the case of cattle is [substitute] mentioned [Lev. 27:10].**

- B. *When the Tannaite authority framed the passage, he made reference only to beasts.*
- C. *But lo, there is the case of the offspring of Holy Things that have been consecrated to the altar, and we have learned in the Mishnah: **And an offspring [of a consecrated animal] does not impart the status of a substitute [to that animal put forward in its stead]. [R. Judah says, “An offspring of a consecrated animal does produce a substitute.” An offspring... does not impart the status of a substitute to that animal put forward in its stead.]***
- D. *But who is the authority behind this passage? It is R. Judah, who says, “**An offspring of a consecrated animal does produce a substitute.**”*
- E. *But is not the substituted beast itself in the class of a beast that has been consecrated for the altar, and we have learned in the Mishnah: **And a substitute [for a substitute] does not produce a substitute. [A substitute does not impart the status of a substitute to that animal put forward in its stead.]***
- F. *When the Mishnah-framer made that statement, it concerned the beasts that were originally consecrated [but none later on].*
- G. *Now that you have come to that point, you may even say that the passage stands for the views of rabbis as well. For when the statement was made, it concerned the beasts that were originally consecrated [but none later on].*

II.1. A. And they do not pay any part of them to craftsmen [who perform tasks for the Temple] as their salary:

- B. But they do pay the craftsmen's salary from funds contributed for the upkeep of the Temple house.
- C. Said R. Abbahu, “For Scripture has said, ‘And let them make me a sanctuary’ (Exo. 25: 8), meaning, make it from what belongs to me [and has been consecrated for the sanctuary].”

III.1. A. There are [rules applying] to things sanctified for the upkeep of the house which do not apply to [animals] sanctified for the altar. For Things which are sanctified without further specification go for the upkeep of the house:

- B. A master said, “**Things which are sanctified without further specification go for the upkeep of the house. The sanctity pertaining to the upkeep of the house applies to anything [not merely to valid animals].**”
- C. *Who is the authority behind this rule?*
- D. Said R. Hiyya bar Abba said R. Yohanan, “It is not in accord with the position of R. Joshua.”
- E. *For we have learned in the Mishnah:*
- F. **He who consecrates his property for the upkeep of the Temple, and in the estate were cattle suitable for use on the altar, males and females —**
- G. **R. Eliezer says, “The males are to be sold for those who require burnt offerings, and the females are sold for those who require peace offerings, and**

the proceeds received for them fall with the value of the rest of the donation for the upkeep of the Temple house.”

- H. **And R. Joshua says, “The males themselves are offered up as burnt offerings, and the females are to be sold for those who require peace offerings, and let him bring burnt offerings with the proceeds, and the rest of the proceeds fall for the upkeep of the Temple house” [M. Sheq. 4:7A-F].**
- I. *[And this reading of the Mishnah, indicating that the opinion followed is that of R. Eliezer and not of Joshua] differs from the view of R. Adda bar Ahba.*
- J. *For R. Adda b. Ahba said Rab said, “In the case of a herd that is altogether made up of males, even R. Eliezer concurs. For someone will not ignore the possibility of consecrating a beast to the altar and instead consecrate it for the upkeep of the Temple house. The dispute concerns only a herd that is made up half of males and half of females. For R. Eliezer takes the view that a farmer does not make distinctions within his vow [meaning, half for one kind of consecration, half for another], and, since he cannot have meant the females for burnt offerings [for which they cannot serve], therefore even the male animals cannot have been meant for burnt offerings. And R. Joshua takes the view that a farmer does make distinctions within his vow [meaning, half for one kind of consecration, half for another].”*
- K. *Another version is stated in the following form:*
- L. *For R. Adda b. Ahba said Rab said, “In the case in which one has consecrated only animals, then R. Eliezer concedes [that unstipulated consecrations belong to the altar, for females can be used on the altar, so we assume they were meant for that; male animals therefore are offered as burnt offerings, females for money for the purchase of burnt offerings, and all was meant for the altar (Miller)]. For someone will not ignore the possibility of consecrating a beast to the altar and instead consecrate it for the upkeep of the Temple house. The dispute concerns only a case in which there are other forms of valuable property along with the beasts. For R. Eliezer takes the view that a farmer does not make distinctions within his vow [meaning, half for one kind of consecration, half for another], and, since he cannot have meant the remainder of the valuable property cannot have been used for the altar, the beasts also are not meant for use on the altar. R. Joshua takes the view that a farmer does make distinctions within his vow.”*
- M. **Then the proceeds, along with the rest of the valuable property, goes to the upkeep of the Temple house.**
- N. *Now in accord with the second version of the matter, that is in line with that which is taught, “together with the rest of the estate, go for the upkeep of the Temple house.” But as to the first version of the matter, should it not teach on Tannaite authority [in Eliezer’s name], “The money shall go to the upkeep of the Temple house”?*
- N. *There is indeed a Tannaite version that states explicitly: “The money shall go to the upkeep of the Temple house.”*

IV.1. A. The sanctity pertaining to the upkeep of the house applies to anything [not merely to valid animals]

- B. *What does “anything” mean to encompass?*

C. *Said Rabina, "It is meant to encompass the shavings of a tree and the sprouts thereof [which are used as manure]."*

V.1. A. And the laws of sacrilege apply to that which is produced by them [things which are sanctified for the upkeep of the house, e.g., to milk, wool, or eggs]:

B. *What does this rule mean to encompass?*

C. *Said R. Pappa, "To encompass the milk of consecrated beasts and the eggs of turtledoves. That is in line with the following Tannaite formulation: The milk of consecrated beasts and the eggs of turtledoves [that derive from consecrated fowl] are not available for common benefit but the laws of sacrilege do not apply to them. Under what circumstances does this rule apply? To things consecrated for the altar. But as to things consecrated for the upkeep of the Temple house, if one has consecrated chickens, the laws of sacrilege apply to the eggs; ...a she-ass, the law of sacrilege applies to the milk."*

D. *And even in the opinion of him who has said, "The laws of sacrilege apply to the product of animals that have been dedicated for the altar," that is the case, in particular, to products of such beasts that is suitable for the altar, but as to products of such beasts that are not suitable for the altar, the laws of sacrilege do not apply.*

I.1 concentrates on the clarification of the language of the Mishnah. The same is so for the following. III.1 investigates the authority behind the Mishnah's rule, which permits us to correlate the rule before us with the one given elsewhere. IV.1 and V.1 are cogent with I.1 and II.1. So the plan for the whole is consistent: Mishnah-commentary, whether in form or only, as at III.1, in substance.

7:3

A. **[32A] All the same are [animals] sanctified for the altar and things sanctified for the upkeep of the house.**

B. **(1) They do not change them from one status of sanctification to another status of sanctification. (2) They sanctify [in the case of animals sanctified for the altar] their estimated value as a sanctified thing [= value dedication, M. Ar. 8:7]. (3) And they declare them devoted [=herem. assigned solely for the benefit of the priesthood].**

C. **And if they die, they are to be buried [M. Tem. 6:5G].**

D. **R. Simeon says, "Things sanctified for the upkeep of the house, if they die, are to be redeemed."**

I.1 A. [With reference to the rule, **All the same are animals sanctified for the altar and things sanctified for the upkeep of the house — they declare them herem for the benefit of the priesthood**] said R. Huna, "[In line with the rule, **they do not change them from one status of sanctification to another status of sanctification**] things that had been declared consecrated for the altar that one designated as devoted property of the priesthood — one has done nothing. [The man has taken property consecrated for the altar and declared it herem. There are times that herem-property is assigned to the repair of the Temple house. But if the property has already been declared consecrated for that purpose, one cannot change the designation.] *What is the scriptural basis for that position?* Scripture has said, 'Every thing that is devoted [herem] is most holy unto the Lord'

(Lev. 27:28) — every devoted thing that comes from Most Holy Things belongs to the Lord [and cannot be reassigned to the priests].”

- B. *An objection was raised:* Holy Things already consecrated for the upkeep of the Temple house that one designated whether for Holy Things to be devoted to the altar or as devoted things for the priesthood — one has done nothing whatsoever. Things that had already been devoted for the priesthood that one then designated whether for Holy Things for the altar or Holy Things for the upkeep of the Temple house — he has done nothing whatsoever. Lo, Holy Things that had already been designated for the altar that one designated for devoted things for the priesthood — what he has done has been validly done, *which represents a refutation of the position of R. Huna!*
- C. *R. Huna can say to you, “In omitting this case, it is for the following purpose, namely, to show that* things already declared Holy for the altar that one designated for the upkeep of the house — what he has done is validly done, but if it was for the purpose of making them devoted things for the priesthood, he has done nothing at all.
- D. *Then why not repeat the entire matter as a single fully articulated rule?*
- E. *The Tannaite authority makes mention of a case that covers both matters but does not go over rules that do not cover both matters.* [Miller: the former refers to dedications for the repair of the Temple, in regard to which his action is of no consequence whether he designated them for the altar or as priestly property, dedications for the repairs of the Temple providing two instances of null statements; the latter — rules that do not cover both matters — speaks of dedications for the altar only if designated as priestly property, as Huna holds; if dedicated for repair of the Temple, the action would be valid.]

- I.2.** A. We have learned in the Mishnah: **All the same are [animals] sanctified for the altar and things sanctified for the upkeep of the house. They sanctify [in the case of animals sanctified for the altar] their estimated value as a sanctified thing.**
- B. *Is not the meaning of the phrase, “**their estimated value as a sanctified thing**” “dedication for the upkeep of the house,” and the language, **And they declare them devoted [=herem. assigned solely for the benefit of the priesthood]** means that they are dedicated as property of the priests? [Then Huna is wrong in maintaining that if one designated as devoted property of the priesthood things that had been declared consecrated for the altar, he has done nothing.]*
 - C. *No, in both instances reference is made to what has been dedicated for the upkeep of the Temple house, and the point of the Mishnah is that there is no difference whether one expresses his intentionality in the language of “consecrated for the upkeep of the house” or “devoted things for the upkeep of the house.”*
 - D. *But that is not how the Tannaite authority states matters in the following tradition ancillary to the Mishnah:*
 - E. That which has been sanctified as to its estimated value with reference to the upkeep of the Temple house may be devoted and assigned solely for the benefit of the priesthood.
 - F. *And furthermore it has been taught on Tannaite authority:*

- G. Holy Things that have been consecrated for the altar that one went and sanctified as devoted things for the priesthood — what one has done is validly done.
- H. *Surely that represents a refutation of the position of R. Huna!*
- I. *It does indeed represent a refutation of the position of R. Huna.*
- J. *But has not R. Huna established his position on the foundation of a verse of Scripture?*
- K. Said Ulla, “Scripture could have said, ‘a devoted thing,’ but it says, ‘every devoted thing’ [‘Every thing that is devoted [herem] is most holy unto the Lord’ (Lev. 27:28)] — [Miller: this is in order to intimate that herem takes effect on all things, even upon Most Holy Things].”
- L. *And did Ulla really say this? And lo, Ulla said, “He who assigns to the upkeep of the Temple house an animal already designated as a burnt-offering — there is no obstacle to offering the animal except that we have to await the Temple treasurer to represent the owners”* [Miller: he gives permission to kill the burnt offering without redemption, but collects no money from the beast. Since the holiness in respect to repairs of the Temple has no affect upon dedications for the altar, how much less does herem take effect on dedications for the altar, since Huna, above, who holds that dedications for the repairs of the Temple take effect on dedications for the altar, yet maintains that herem for the priests has no effect on dedications for the altar. How much more then will Ulla, who holds that dedications for the repair of the Temple have no effect on dedications for the altar, maintain that herem will have no effect on dedications for the altar. This will therefore refute Ulla’s opinion above, where he interprets the text ‘every devoted thing’ as teaching that herem has effect even on Most Holy Things, e.g., dedications for the altar]
- M. The version cited earlier [which omitted reference to dedications for the altar that had been redesignated as devoted things for the priesthood, thus implying that the action is a valid one] means at the level of rabbinical authority but according to the law of the Torah, one has **[32B]** only to await the arrival of the Temple treasurer; Ulla then has spoken only in the context of the rabbinical requirement,] *and the text that he has cited merely supports what rabbis, not the Torah, have enacted,* [Miller: “Every devoted thing” encompasses the case of herem for priests as being subject to the law of sacrilege, interpreting the text in this way: ‘Every devoted thing belongs to the Lord,’ so that if one used it unlawfully, he has violated the law of sacrilege].
- N. *In regard to sacrilege? But what need do we have to find a text of Scripture in this context, for is it not written, “it is most holy”?* [So obviously the law of sacrilege pertains here!]
- O. *And in accord with your reasoning of matters* [Miller: supposing Scripture does say so,] lo, has not R. Yannai said, “The law of sacrilege is explicitly spelled out in the Torah only with reference to the burnt offering, since Scripture says, ‘If a soul commit a trespass and sin through ignorance in the holy things of the Lord’ (Lev. 5:15), and that refers to things that have been consecrated solely for the Lord [which is to say, the burnt offering, from which the priests and the sacrificer gain no meat or hides]. *But as to applying the law of sacrilege to the sin-offering*

or guilt offering [which do yield benefits to the priests], that fact derives solely from the teaching of Rabbi.”

- P. *For it has been taught on Tannaite authority:*
- Q. Rabbi says, “‘All fat is the Lords’ (Lev. 3:16) — this serves to encompass the forbidden fat of the Lesser Holy Things under the law of sacrilege.”
- R. *But why does he require a verse of Scripture to make that point, for does it not say with respect to the sin-offering and guilt offering, “Most Holy Things” (Lev. 6:18, 7: 1)? Thus, even though Scripture makes explicit reference to them in the category of Most Holy Things, nonetheless, an explicit verse of Scripture is required to encompass them within the rule of sacrilege. And the same is so as to devoted things, even though explicit reference to them as Most Holy Things is made by Scripture, nonetheless a verse of Scripture is required to encompass them within the law of sacrilege.*

I.3. A. *Reverting to the body of the preceding text:*

- B. He who assigns to the upkeep of the Temple house an animal already designated as a burnt-offering — there is no obstacle to offering the animal except that we have to await the Temple treasurer [to represent the owners].
- C. *An objection was raised:*
- D. He who consecrates an animal dedicated for a burnt offering for use in the upkeep of the Temple house — it is forbidden to slaughter it unless it is redeemed first of all.
- E. *That is only on the authority of rabbis [but not the requirement of the Torah,] and that is a quite reasonable inference to make, since the latter clause of the same Tannaite tradition states, “If one has violated the law and slaughtered it, what he has done is validly done.” So what is the possible sense? It must be that according to the rabbis’ provisions, [one has to redeem the beast, but if one has not done so, there is no violation of the law of the Torah].*
- F. *If so, then let me point to the conclusion:* And if he sacrilegiously made use of the burnt offering, he has violated the law of sacrilege on two counts [Miller: once on account of what has been dedicated to the altar, the second on the count of its being an object dedicated for its value for the upkeep of the Temple house]. *Now if this were merely on the grounds of the authority of rabbis, then how come there are violations of the law of sacrilege on two counts?*
- G. *This is the sense of the statement:* and it is appropriate that one is liable on two counts of violating the law of sacrilege.

A variety of considerations is now brought to bear in a single complex set of grids. II:1-8 form a coherent and profound analytical essay, continuous from start to finish. The first concerns where we present for priestly appraisal a beast that is not going to be used, meaning, where does the Temple get the value of a useless carcass? Yohanan has rabbis make no distinction between animals consecrated bodily for the altar and those consecrated only as to their value, which goes for the upkeep of the house. Simeon b. Laqish thinks that there is a distinction to be made between animals that are themselves consecrated, and those that are consecrated only as to their value. The latter obviously will require appraisal, but why appraise the former? This then clarifies the thinking of Simeon, who wants all things of value

that have been dedicated for the upkeep of the Temple to be redeemed, since after all it was the value that the donor wished to contribute. Why just bury the carcass? Now the elegant composition unfolds when we try to explain Simeon's position in line with the theory of the two exegetes of the Mishnah. No. 2 then follows up on Yohanan's line of thought. No. 3 proceeds to do the same for Simeon b. Laqish's. At No. 4 we move on to a scriptural basis for Simeon's view. No. 5 draws our attention to a passage roughly comparable to what we find in the Tosefta, and we have to compare that passage with the positions we have now laid out. This same chapter of the exercise continues at No. 6. No. 7 reverts to the analysis of Simeon's position, ignoring that of Yohanan and Simeon b. Laqish. No. 8 ends with what is absolutely necessary, which is the comparison of our Mishnah-rule, now thoroughly expounded, with the parallel rule at M. Bekh., as cited. So the order of this rather abstruse composition — not merely a composite at all, but a sustained and well-ordered composition — is predictable and, as to its sequence of problems, follows a predictable pattern and rule.

II.1 A. And if they die, they are to be buried. R. Simeon says, “Things sanctified for the upkeep of the house, if they die, are to be redeemed:”

- B. Said R. Yohanan, “In the opinion of rabbis [**if they die, they are to be buried**], all the same are those things that have been consecrated to the altar and those things that have been consecrated for the upkeep of the Temple house: they all fall into the rule of having to be set up before the priest and appraised by the priest [in line with Lev. 27:11: “And if it be any unclean beast, of which they may not bring an offering then the man shall [1] bring the animal before the priest, and the priest shall [2] value it as either good or bad; as you the priest value it, so shall it be; but if he wishes to redeem it, he shall add a fifth to the valuation” (Lev. 27:11)] [Miller: and since this cannot be done after death, therefore they are not redeemed but buried, and the rule applies to all kinds of dedications].”
- C. And R. Simeon b. Laqish said “In the opinion of rabbis, things that have been consecrated for the upkeep of the Temple house fall into the rule of having to be set up before the priest and appraised by the priest. Those things that have been consecrated to the altar do not fall into the rule of having to be set up before the priest and appraised by the priest.”
- D. And both parties conclude that, in the view of R. Simeon, those things that have been consecrated for the upkeep of the Temple house do not fall into the rule of having to be set up before the priest and appraised by the priest, but things that have been consecrated for the altar do fall into the rule of having to be set up before the priest and appraised by the priest. [Miller: When the rule says, things that have been consecrated for the upkeep of the Temple are to be burned, it means solely those things, but not what is dedicated to the altar.]
- E. And both concur that all parties agree that an animal blemished prior to consecration is not covered under the law of being presented and appraised.
- F. *We have learned in the Mishnah:* **R. Simeon says, “Things sanctified for the upkeep of the house, if they die, are to be redeemed.”**
- G. Now from the perspective of R. Yohanan, who has said, “In the opinion of rabbis [**if they die, they are to be buried**], all the same are those things that have been consecrated to the altar and those things that have been consecrated for the upkeep

of the Temple house: they all fall into the rule of having to be set up before the priest and appraised by the priest,” *there are no problems, and that explains why it was necessary for R. Simeon to stipulate explicitly, “Things sanctified for the upkeep of the house, if they die, are to be redeemed.”*

- H. *But in the opinion of R. Simeon b. Laqish, why should he have to make this stipulation explicitly? Let him say merely, “If they die, they are redeemed” [since he after all makes reference to both classes of consecrated things].*
- I. *R. Simeon b. Laqish will say to you, “Since R. Simeon did not know what the initial authority had in mind, this is the sense of what he said to him: ‘If you speak of what has been consecrated for the use of the altar, I concur with your statement [and therefore they are buried], but if you speak of what has been consecrated for the upkeep of the Temple house, if those animals die, they are redeemed.”*

II.2. A. *There is a Tannaite formulation that accords with the position of R. Yohanan:*

- B. “And if it be any unclean beast, of which they may not bring an offering [then the man shall bring the animal before the priest, and the priest shall value it as either good or bad; as you the priest value it, so shall it be; but if he wishes to redeem it, he shall add a fifth to the valuation]” (Lev. 27:11) —
- C. it is concerning blemished beasts that are to be redeemed that Scripture speaks.
- D. You say that it is concerning blemished beasts that are to be redeemed that Scripture speaks. But perhaps it speaks only of unclean beasts.
- E. When Scripture says, “And if it is an unclean animal, then he shall buy it back at your valuation” (Lev. 27:27), lo, Scripture covers the case of the dedication of [the value of] an unclean animal [for the upkeep of the Temple house, and as we see, that also requires valuation in the redemption process]. [33A] So how shall I interpret, “And if it be any unclean beast, of which they may not bring an offering [then the man shall bring the animal before the priest, and the priest shall value it as either good or bad; as you the priest value it, so shall it be; but if he wishes to redeem it, he shall add a fifth to the valuation]” (Lev. 27:11)? It is concerning blemished beasts, indicating that they are to be redeemed.
- F. Might one suppose that they are to be redeemed because of a transient blemish?
- G. Scripture is explicit, “of which they may not bring an offering,” thus referring to one that is not offered at all, therefore excluding this one, which may not be offered today but which can be offered tomorrow.
- H. *Now Scripture has said to provide for the beast a process of presentation to the priest and of evaluation by the priest [just as Yohanan has said].*

II.3. A. *Said R. Giddal said Rab, “What is the scriptural basis for the position of R. Simeon b. Laqish, who has said, ‘In the opinion of rabbis, things that have been consecrated for the upkeep of the Temple house fall into the rule of having to be set up before the priest and appraised by the priest. Those things that have been consecrated to the altar do not fall into the rule of having to be set up before the priest and appraised by the priest’? It is because Scripture has said, ‘[And if it be any unclean beast, of which they may not bring an offering then the man shall bring the animal before the priest,] and the priest shall value it as either good or bad; [as you the priest value it, so shall it be; but if he wishes to redeem it, he shall add a*

fifth to the valuation]’ (Lev. 27:11-12) — so what is the sort of thing that is not differentiated as between good [unblemished] and bad [blemished]? You have to say that into that category fall what has been dedicated for the upkeep of the Temple house, and Scripture says, ‘it,’ thus excluding what has been dedicated for the altar.”

- B. *And in the view of R. Yohanan, exactly what will that “it” exclude?*
- C. A beast that has been blemished to begin with [prior to consecration].
- D. *And to the Tannaite authority of the household of Levi, who has said that even to a beast that was blemished to begin with, prior to consecration, the law of presentation to the priest and evaluation by the priest applies, for Levi has repeated on Tannaite authority, “To all sorts of consecrations the law of presentation to the priest and evaluation by the priest applies, even to a beast that was blemished to begin with, prior to consecration,” and so did Levi repeat in his compilation of Mishnah-laws, “Even a wild beast, and even fowl,” has it not been written “it”?*
- E. For him that’s a problem [but not for Yohanan]!

II.4. A. Said R. Judah said Rab, “What is the scriptural basis for R. Simeon’s position that those things that have been consecrated for the upkeep of the Temple house do not fall into the rule of having to be set up before the priest and appraised by the priest, but things that have been consecrated for the altar do fall into the rule of having to be set up before the priest and appraised by the priest? It is because Scripture has said, ‘[And if it be any unclean beast, of which they may not bring an offering then the man shall bring the animal before the priest,] and the priest shall value it as either good or bad; [as you the priest value it, so shall it be; but if he wishes to redeem it, he shall add a fifth to the valuation]’ (Lev. 27:11) — so what is the sort of thing that is not differentiated as between good [unblemished] and bad [blemished]? You have to say that into that category fall what has been dedicated what has been consecrated for the altar, and Scripture has said, ‘it,’ serving to exclude from the process what has been consecrated for the upkeep of the Temple house.”

- B. *If so, what the text should say is simply, “either good or bad” [Miller: which would have implied that there is a difference between good and bad. But the text says, ‘whether it be good or bad,’ implying that whether blemished or unblemished, they are both alike.]*
- C. *That’s a problem.*

II.5. A. ***An objection was raised: If they died unblemished, they are to be buried. If they died when blemished, they are to be redeemed. To what category does this rule apply? To Holy Things consecrated for the altar. But as to Holy Things consecrated for the upkeep of the house, whether unblemished or blemished, they are to be buried. R. Simeon says, “All the same are Holy Things consecrated for the altar and Holy Things consecrated for the upkeep of the Temple house: if they died unblemished, they are to be buried, and if blemished, they are to be redeemed [cf. T. Tem. 4:13E-F].***

- B. *This represents a refutation of the position of R. Yohanan on the strength of the initial clause [If they died when blemished, they are to be redeemed. To*

what category does this rule apply? To Holy Things consecrated for the altar.]

- C. *R. Yohanan will say to you, "With what sort of beast do we deal here? With a beast that was blemished to begin with, prior to consecration. And that is reasonable, for if you say that it is a beast that was consecrated prior to being blemished, then R. Simeon should take issue. Rather, is it not to be inferred that we deal here with a beast that was blemished prior to consecration?"*
- D. *Then may we say that this represents a refutation of the position of R. Simeon b. Laqish?*
- E. *R. Simeon b. Laqish assigns the rule to a case in which the act of consecration took place prior to the advent of the blemish.*
- F. *If so, then R. Simeon should take issue here? [Miller: Why does Simeon say that dedication for the altar as well as dedication for the repair of the Temple are redeemed?]*
- G. *R. Simeon b. Laqish reverses the names of the authorities before us and raises a question from another chapter entirely: **If they die, whether unblemished or blemished, they are buried. This applies to what has been consecrated for the upkeep of the Temple house, but what has been consecrated for the altar is redeemed. R. Simeon says, "If they died, unblemished they are buried, blemished, they are redeemed"** [cf. T. **Tem. 4:13E-F**]. This represents a refutation of the position of R. Yohanan on the strength of the concluding clause **[but what has been consecrated for the altar is redeemed]**.*
- H. *R. Yohanan will say to you, "With what sort of beast do we deal here? With a beast that was blemished to begin with, prior to consecration. And that is reasonable, for if you say that it is a beast that was consecrated prior to being blemished, then R. Simeon should take issue."*
- I. *Then may we say that this represents a refutation of the position of R. Simeon b. Laqish?*
- J. *R. Simeon b. Laqish assigns the rule to a case in which the act of consecration took place prior to the advent of the blemish.*
- K. *If so, then R. Simeon should take issue here?*
- L. *R. Simeon b. Laqish will say to you, "So he does take issue."*

II.6. A. Said R. Jeremiah to R. Zira, "In the opinion of R. Simeon b. Laqish, who has said, 'In the opinion of rabbis, things that have been consecrated for the upkeep of the Temple house fall into the rule of having to be set up before the priest and appraised by the priest. Those things that have been consecrated to the altar do not fall into the rule of having to be set up before the priest and appraised by the priest,' since the Tannaite authority just now cited states with reference to what has been consecrated for the altar, **[33B]** that blemished animals that have been consecrated for the altar are to be redeemed, and we assigned to this rule the context of animals that were consecrated before they were blemished, may we then infer that we may redeem Holy Things to feed them to the dogs? [Miller: since we say that dead animals that are not fit for an Israelite to eat are redeemed, we can only infer that it is meant for dogs. According to Yohanan, who explains the passage as referring to a case of an animal blemished to begin with, before

dedication, it does not matter to us that the animal is redeemed for dogs to eat, since the beast is not subject to consecration in its body.]

- B. [Not at all, such an absurd position is not contemplated.] *Here with what sort of case do we deal? With a case in which the man violated the law and slaughtered the beasts before redeeming them, as it is taught on Tannaite authority:*
- C. In the case of all Holy Things that were blemished and that one slaughtered —
- D. R. Meir says, “They are to be buried [Simeon will want consecrations for the altar presented to priests for appraisal, and since this cannot be done now, with the animal dead, the animal is simply buried].
- E. Sages say, “It is to be redeemed” [not being covered by the law of presentation and appraisal].”

II.7. A. Said R. Jeremiah to R. Zira, “In the opinion of R. Simeon, who has said that those things that have been consecrated for the upkeep of the Temple house do not fall into the rule of having to be set up before the priest and appraised by the priest, why are unblemished animals buried at all [**If they die, whether unblemished or blemished, they are buried. This applies to what has been consecrated for the upkeep of the Temple house**] [since the law of being presented and appraised does not apply, why not sell the meat]?”

- B. *“It is because they may appropriately be offered, as it has been taught on Tannaite authority:*
- C. *“He who designates unblemished animals as holy for the upkeep of the Temple house, when they are redeemed, they are redeemed only so as to be used on the altar, for everything that can be suitably used on the altar never is released from the lien of the altar [formulation: Miller].”*

II.8. A. Said R. Pappa to Abbaye, and some say, Raba, “In the view of R. Yohanan [*This represents a refutation of the position of R. Yohanan on the strength of the initial clause —* **If they died when blemished, they are to be redeemed. To what category does this rule apply? To Holy Things consecrated for the altar — R. Yohanan will say to you, “With what sort of beast do we deal here? With a beast that was blemished to begin with, prior to consecration”**], who assigns the cited passage to a case of an animal blemished to begin with, prior to consecration, all parties take the same view that a blemished beast that suffered the blemish prior to consecration is not subject to the law of presentation to the priest and appraisal by the priest [and for this reason Simeon does not differ from rabbis, agreeing that what has been consecrated to the altar is to be redeemed], is the blemished beast indeed not subject to that requirement? And have we not learned in the Mishnah: **All holy things, the permanent blemish of which came before their consecration, which were redeemed, are liable to the law of the firstling and to priestly gifts and go forth for secular purposes, for shearing and for labor. And their offspring and their milk are permitted after their redemption. And he who slaughters them outside the Temple court is free of punishment. They are not subject to the law of the substitute. If they died, they are redeemed, except for the firstling and for tithe of cattle [M. Bekh. 2:2A-B].** And in this connection said R. Judah said Rab, ‘This represents the opinion of R. Simeon, who has said that what has been consecrated

to the altar was subject to the requirement of presentation to the priest and appraisal, but what was consecrated for the upkeep of the Temple house was not [Miller: and a dedicated animal blemished from the beginning is like an animal dedicated for the upkeep of the Temple], *as we have learned in the Mishnah: R. Simeon says, ‘Things sanctified for the upkeep of the house, if they die, are to be redeemed.’* And R. Simeon concedes that that an animal blemished prior to consecration is to be redeemed. What is the scriptural basis for his position? Scripture states, ‘[And if it be any unclean beast, of which they may not bring an offering then the man shall bring the animal before the priest, and the priest shall value it as either good or bad; as you the priest value] it, [so shall it be; but if he wishes to redeem it, he shall add a fifth to the valuation]’ (Lev. 27:11) — ‘it’ — excluding the case of an animal that was blemished prior to consecration. But sages say, ‘Even even a beast that was blemished prior to consecration was subject to the requirement of being presented to and appraised by the priest.’ [Miller: we see therefore that according to sages a dedicated animal blemished from the beginning is included in the law of presentation and valuation contrary to the opinion of Yohanan. This creates no difficulty according to R. Simeon b. Laqish, who explains the passage as dealing with an unblemished animal that was consecrated and then blemished; we can say that the consecrated animal blemished from the outset is on a par with dedication for the repairs of the Temple, for, although dedicated for the altar, it is like a dedication for repairs of the Temple, since it is holy only for its value and is included in the law of presentation and appraisal.]

- B. *He said to him, “Who are ‘sages’ in the present context? It is in fact the Tannaite authority of the household of Levi [who has said that even to a beast that was blemished to begin with, prior to consecration, the law of presentation to the priest and evaluation by the priest applies, for Levi has repeated on Tannaite authority, “To all sorts of consecrations the law of presentation to the priest and evaluation by the priest applies, even to a beast that was blemished to begin with, prior to consecration”].”*
- C. *“If so, why does Rab state, ‘the words of R. Simeon,’ and nothing more? Should he not have said, ‘The words of R. Simeon and those who differ from him’?”*
- D. *He said to him, “The reason that he did not formulate matters in that way is that he accords with the position of R. Simeon b. Laqish, who has said, ‘In the opinion of rabbis, things that have been consecrated for the upkeep of the Temple house fall into the rule of having to be set up before the priest and appraised by the priest. Those things that have been consecrated to the altar do not fall into the rule of having to be set up before the priest and appraised by the priest.’ [Miller: therefore the entire passage drawn from Mishnah-tractate Bekhorot could not have been explained as representing the views of rabbis.] Now the opening clause there states, if they die, they are redeemed [and rabbis can concur, since the case is one in which the animal was blemished prior to consecration], while the latter clause states, ‘if they die, they are buried [Miller: and this opinion, in R. Simeon b. Laqish’s view, would not be held by rabbis. The passage then will not be entirely the opinion of rabbis, and Rab could not have said, ‘This is the opinion of R. Simeon and those who differ with him.’]”*

- E. *“But if you prefer, I shall offer a different solution, namely, Rab accords with the position of R. Yohanan, and now, as to your question, why not say the words of R. Simeon and those who differ from him”? you indeed should state matters in just that way!*

The problem of I.1, 2 is to explain the language of the Mishnah, They do not change them from one status of sanctification to another status of sanctification, in terms of the several cases then given, [1] consecration for the upkeep of the Temple; [2] consecration for the altar; [3] consecration for the benefit of the priesthood. Are these classifications of consecration interchangeable, or may one change the status of something sanctified in the one category for use in another category altogether? Huna maintains that one may not do so, and the contrary position is that one may do so. I could not have rendered the bulk of the discussion without Miller's [Rashi's and Gershom's] comments, but with them, I believe the sense is clear throughout. No. 3 is a secondary discussion. The treatment of the final element of the Mishnah paragraph, II.1-8, works out in a sustained and protracted way a quite interesting problem.

7:4

- A. **And these are things which are to be buried:**
- B. **Sanctified animals which produced a miscarriage — they [the miscarriages] are to be buried.**
- C. **[If] it produced an afterbirth, it is to be buried.**
- D. **(1) An ox which is stoned to death, (2) and a heifer the neck of which is broken, (3) and the bird offerings of a mesora', (4) and the hair of a Nazirite [which is cut off], (5) and the firstborn of an ass, (6) and meat mixed with milk.**
- E. **And unconsecrated beasts that have been slaughtered in the Temple courtyard.**
- F. **R. Simeon says, “Unconsecrated beasts slaughtered in the Temple courtyard are to be burned.**
- G. **“And so: A wild animal which is slaughtered in the Temple courtyard.”**

7:5

- A. **And those are things which are to be burned:**
- B. **Leaven on Passover is to be burned.**
- C. **(1) And unclean heave offering, and (2) orlah fruit, and (3) mixed seeds in a vineyard —**
- D. **That which is usually burned is to be burned.**
- E. **That which is usually buried is to be buried.**
- F. **And they kindle [a flame] with [unclean] bread and oil of heave offering.**

7:6

- A. **All sanctified animals which were slaughtered [with improper intention to eat what is usually eaten or to burn what is usually burned] outside of their proper time or outside of their proper place,**
- B. **lo, these are to be burned.**

- C. [34A] A suspensive guilt offering is to be burned.
- D. R. Judah says, "It is to be buried."
- E. The sin offering of fowl which is brought in a case of doubt is to be burned.
- F. R. Judah says, "One tosses it into the gutter."
- G. All things which are to be burned are not to be buried, and all things which are to be buried are not to be burned.
- H. R. Judah says, "If one wanted to impose a more strict rule upon himself, to burn that which is to be buried, he is permitted [to do so]."
- I. They said to him, "One is not permitted to change [the established rule]."

I.1. A. to be buried:...the hair of a Nazirite [which is cut off] —

- B. *Tabi objected to R. Nahman, "We have learned in the Mishnah: One who weaves into a garment a sit's length of wool from a firstling — the garment must be burned. And if he weaves a Nazirite's hair or hair from the firstborn of an ass into a sack, the sack must be burned. But in the case of hair from other Holy Things, it renders the object into which it is woven sanctified in any quantity whatsoever [even less than a sit's length] [M. Orl. 3:3A-E]. [Thus it is burned, not buried.]"*
- C. He said to him, "Here we speak of a Nazirite who has shaved his hair by reason of uncleanness [and Scripture does not require burying the hair when an unclean Nazirite cuts his hair, while a clean Nazirite is required to do so], and there we speak of a Nazirite who cuts his hair in a situation of cleanness."
- D. *He said to him, "You have successfully worked out the problem of the contradiction as to the disposition of the hair of the Nazirite in the two passages, but as to the disposition of the firstborn of the ass as dictated in our Mishnah-paragraph and the one dealing with the firstborn of an ass in the other Mishnah paragraph is a problem!"*
- E. *He fell silent and said nothing to him. Then he said to him, "Have you heard anything in this matter?"*
- F. *He said to him, "This is what R. Sheshet said: Here [where we are told to burn the hair] we are dealing with a sack [made out of the hair of a Nazirite, or woven with the firstborn of an ass, and if we only bury the sack, someone may find it and make use of it, since it does not disintegrate immediately], there, we deal with the hair itself."*
- G. *It has also been stated:*
- H. Said R. Yosé b. R. Hanina, "Here [where we are told to burn the hair] we are dealing with a sack, there, we deal with the hair itself."
- I. R. Eleazar said, "Here we speak of a Nazirite who has shaved his hair by reason of uncleanness [and Scripture does not require burying the hair when an unclean Nazirite cuts his hair, while a clean Nazirite is required to do so], and there we speak of a Nazirite who cuts his hair in a situation of cleanness."
- J. *R. Nahman asked him, "Why would the hair that has been woven into the sack be neutralized by reason of the much larger volume of the sack?"*

- K. *Said R. Pappa, "He wove it into the figure of a bird [Miller: thus making the sack more valuable by decorating it; the hair is not neutralized in the larger size of the sack, so the sack has to be burned]."*
- L. *If it was in the figure of a bird, then why not just pull out the forbidden hair?*
- M. *Said R. Jeremiah, "Who is the authority behind this formulation? It is R. Judah, who has said, 'If one wanted to impose a more stringent rule upon himself, by burning the things that are supposed to be buried, he has the right to do so.'"*
- N. *He said to him, "Look, we've raised the question about pulling out the hair, and by way of an answer, all you do is assign the ruling to R. Judah? [How is that relevant?]"*
- O. *"This is what I said to you: if it is possible to pull out the hair, well and good, but if not, then I shall assign the passage to accord with the position of R. Judah, who has said, 'If one wanted to impose a more stringent rule upon himself, by burning the things that are supposed to be buried, he has the right to do so.'"*

II.1 A. And those are things which are to be burned: Leaven on Passover is to be burned:

- B. *Said a master, "Leaven on Passover is to be burned."*
- C. *The formulation of the passage anonymously frames the law to accord with R. Judah, who has said, "The removal of leaven on Passover takes place solely through burning."*

III.1 A. And unclean heave offering, and (2) orlah fruit, and (3) mixed seeds in a vineyard — that which is usually burned is to be burned. That which is usually buried is to be buried. And they kindle [a flame] with [unclean] bread and oil of heave offering:

- B. *How is this possible?*
- C. *Food is to be burned, drink to be buried.*

IV.1 A. The sin offering of fowl which is brought in a case of doubt is to be burned:

- B. *It has been taught on Tannaite authority:*
- C. *Said R. Judah, "A bird designated as a sin offering that is brought by reason of doubt is thrown into the sewer. He cuts it up, limb by limb, and throws it into the sewer, and it goes with the flow down to Kidron Brook."*

V.1 A. All things which are to be burned are not to be buried, and all things which are to be buried are not to be burned. R. Judah says, "If one wanted to impose a more strict rule upon himself, to burn that which is to be buried, he is permitted [to do so]." They said to him, "One is not permitted to change [the established rule]."

- B. *What is the operative consideration [that explains why things that are buried are not to be burned]?*
- C. *It is because the ashes of things that are to be buried are forbidden for use, while the ashes of things that are burned are permitted for use.*
- D. *But is it the fact that the ashes of things that are to be buried are forbidden for use? Has it not been taught on Tannaite authority:*
- E. *The blood of a menstruating woman and the flesh of a corpse that has crumbled and turned into dust are cultically clean.*

- F. *Does this not mean, “are cultically clean and permitted for use?”*
- G. *No, what it means is “are cultically clean but forbidden from use.”*
- H. *R. Phineas objected, “A burnt offering of fowl, the blood of which one has squeezed out — the down and craw have left the domain of sacrilege. The laws of sacrilege apply to the bird itself until it is taken out to the ash heap [T. Me. 1:8E-G]. Does this not mean, “have left the domain of sacrilege and are permitted for use?”*
- I. *No, what it means is ““have left the domain of sacrilege and are prohibited for use.”*
- J. *Are the ashes of things that were consecrated permitted for use? Has it not been taught on Tannaite authority:*
- K. *As to the ashes of things that have been burned, their ashes are permitted, except for the ashes of an asherah-tree and the ashes of what has been consecrated. These are forever forbidden.*
- L. *And as to those two items not stated together with the same predicate, it is because the asherah can be nullified of its forbidden status by the act of a gentile, while Holy Things can never be nullified of its forbidden status.*
- M. *So in any event, it is taught on Tannaite authority, “the ashes of what has been consecrated are forever forbidden”!*
- N. *Said Rami b. Hama, “The case here [where ashes of consecrated objects are forever forbidden] speaks of an accident in which fire broke out and burned up wood that had been consecrated. Since no one could be guilty of sacrilege so that the ashes might become unconsecrated there is no possibility that the ashes can be deconsecrated, [e.g., through an act of sacrilege].” [Miller: But if someone had deliberately burned the consecrated wood, by this act of sacrilege, the ashes are now unconsecrated.]*
- O. *R. Shemayyah said, “When the passage stated its rule, it concerned the ashes that are taken up [by the priest every morning and placed near the altar], which are forever forbidden for use. For it has been taught on Tannaite authority:*
- P. *“And he shall take up the ashes to which the fire has consumed the burnt offering on the altar and put them beside the altar” (Lev. 6:10/6: 3) —*
- Q. *“he shall put it” — in a serene manner.*
- R. *“he shall put it” — the whole of it.*
- S. *“he shall put it” — and not scatter it. [Miller: We therefore see that these ashes have to be hidden away, and it is forbidden to derive benefit from them. But the ashes of other consecrated objects may be used.]*
- The Talmud systematically glosses the statements of the Mishnah. I see no larger problem or program here.