

I.

BABYLONIAN TALMUD

ARAKHIN

CHAPTER ONE

FOLIOS 2A-7B

1:1 A-G

The Talmud begins with a massive exercise in literary criticism, extending to legal problems, built around a single problem of hermeneutics. The discussion runs through more than six sides (*amudim*), three complete *daf* and a bit more, and it is sustained and continuous, carefully organized to include a set of secondary clarifications of individual points tacked on as appendices. Not only so, but the exercise must be classified not as a composite of already-available and completed units of thought, but as a systematic composition, beginning to end, bearing, to be sure, some small and miscellaneous compositions introduced for the sake of completeness of presentation. A single problem governs throughout, a single set of cogent rhetorical patterns rules the formation of thought into sentences. So in system and in literary structure, we now address one of the great, sustained analytical exercises in the Talmud — and one with numerous counterparts throughout. The issue, simply put, is the hermeneutical problem of the use, in the Mishnah, of inclusive language, with emphasis upon “all.” That is, when the Mishnah frames a rule in the language of “all do” such and so, with some examples then spelled out, we immediately want to know what else is encompassed under the rule, the inclusion signaled by the inclusive word, “all.” That is what precipitates this remarkably cogent and sustained composition.

- A. [2A] All pledge the Valuation [of others] and are subject to the pledge of Valuation [by others],
- B. vow [the worth of another] and are subject to the vow [of payment of their worth by another]:
- C. priests and Levites and Israelites, women and slaves.
- D. A person of doubtful sexual traits and hermaphrodites vow [the worth of another] and are subject to the vow [of payment of their worth by another], pledge the Valuation [of others], but are not subject to the pledge of Valuation by others,

- E. for only [a person of] clear masculine or clear feminine [traits] is subject to the pledge of Valuation [by others].
- F. A deaf-mute, an imbecile, and a minor are subject to the vow [of payment of their worth by another], and are subject to the pledge of Valuation by others, but do not vow the worth, and do not pledge the Valuation, of others,
- G. for they do not possess understanding.

We begin with the analysis of the wording of the Mishnah-rule and its implications. “All” is understood to encompass items not explicitly listed in the examples that follow, so we wish to know what further items fall under the rule.

- I.1 A. [When the framer explicitly refers to] **all pledge the Valuation**, [in framing the Mishnah-paragraph at hand, saying **All pledge...**,] *what [classification of persons does he intend] to include*, [seeing that in what follows, C, he lists the available classifications of persons in any event, and, further, at D-G specifies categories of persons that are excluded. Accordingly, to what purpose does he add the encompassing language, all, at the outset?]
- B. *It serves to encompass a male nearing puberty [who has not yet passed puberty. Such a one is subject to examination to determine whether he grasps the meaning of a vow, such as is under discussion. A child younger than the specified age, twelve years to thirteen, is assumed not to have such understanding, and one older is taken for granted to have it.]*
- C. [When the framer explicitly frames matters as **all**] **are subject to the pledge of Valuation**, *what [classification of persons does he intend] to include?*
- D. *It is to include a person who is disfigured or afflicted with a skin ailment. [At I.31 we are given a scriptural basis for that statement.]*
- E. *[Why in any event should one imagine that persons of that classification would be omitted?] I might have supposed that, since it is written, “A vow... according to your Valuation” (Lev. 27: 2), [with Scripture using as equivalent terms “vow” and “Valuation,”] the rule is that [only] those who possess an [intrinsic] worth [e.g., whoever would be purchased for a sum of money in the marketplace, hence excluding the disfigured persons under discussion, who are worthless] also would be subject to a vow of Valuation [at a fixed price, such as Scripture specified]. On the other hand, [I might have supposed that] whoever does not possess an [intrinsic] worth also would not be subject to a vow of Valuation. [Thus, according to this line of reasoning, I might think a person disfigured or afflicted with a skin ailment is not subject to the pledge of Valuation.]*
- F. Accordingly, [the formulation of the Mishnah-passage at hand] tells us, [to the contrary, that a pledge of Valuation is not dependent upon the market-value of the person subject to that pledge. The Valuation represents an absolute charge and is not relative to the subject’s market-value.]
- G. [How does Scripture so signify? When the framer of Scripture refers at Lev. 27: 2 to] “persons,” [the meaning is that a pledge of Valuation applies] to anyone at all.
- H. *[When the framer of the Mishnah, further, states that **all**] **vow [the worth of another]**, what [classification of persons does he thereby intend] to include [seeing that at C we go over the same matter, specifying those who may make such a vow]?]*

- I. *It is necessary for him [to specify all to indicate that all also applies to] those concerning whom such a vow is taken.*
- J. *[Therefore, when the framer specifies that all] are subject to a vow, what [classification of persons does he thereby intend] to include?*
- K. *[Here matters are not so self-evident, for] if the intention is to include a person of doubtful sexual traits and a person who exhibits the traits of both sexes, both of these classifications are explicitly stated [in the formulation of the Mishnah-passage itself].*
- L. *And if the intention is to include a deaf-mute, an imbecile, and a minor, these classifications also are explicitly stated. [So what can have been omitted in the explicit specification of the pertinent classification, that the framer of the Mishnah-passage found it necessary to make use of such amplificatory language as all?]*
- M. *If, furthermore, the intent was to include an infant less than a month old, that classification also is explicitly included [below].*
- N. *If, furthermore, the intent was to include an idolator, that classification furthermore is explicitly included as well. [Accordingly, what classification of persons can possibly have been omitted in the framing of the Mishnah-passage at hand, that the author found it necessary to add the emphatic inclusionary language to imply that further categories, beyond those made explicit, are in mind?]*
- O. *In point of fact, [the purpose of adding the emphatic language of inclusion] was to encompass an infant less than a month in age.*
- P. *[The framer of the passage] taught [that such a category is included by use of the word all] and then he went and stated the matter explicitly [to clearly indicate the inclusion of that category].*

The composite is framed around its own problem, the heuristic weight of “all,” and so proceeds to review other cases in which the same language occurs.

- I.2.** A. [When, at M. **Men. 9:8**, we find the formulation], **All lay hands [on a beast to be slaughtered]**, that is, including not only the owner of the beast, who set it aside and consecrated it for the present sacrificial purpose, but also some other party], *whom do we find included [by the inclusionary language, all of M. **Men. 9:8**]?*
- B. *[It is used to indicate] the inclusion of the heir [of the owner of the beast who consecrated it and subsequently died. The heir of the deceased owner may take his place vis à vis his beast, and lay his hands on the beast, and so derive benefit from the sacrifice of that beast, even though he did not originally designate it as holy].*
- C. *And that inclusion does not accord with the position of R. Judah [who maintains that, since Scripture specifies at Lev. 1: 3 that the person who has designated the beast as a holy sacrifice “shall lay hands on it,” excluded are all other parties, who did not designate the beast as holy. Only the owner of the beast may lay hands, and no one else. In so formulating the rule by using the inclusionary language, all, the framer of the passage has indicated that he rejects the position of Judah].*
- I.3.** A. [And when, at M. **Tem. 1:1**, we find the formulation,] **All effect an act of substitution** [so consecrating the beast that is supposed to take the place of the

originally consecrated beast, in line with Lev. 27:10, but leaving that originally consecrated beast in the status of consecration nonetheless], *what category [of person] do we find included [by the use of such language]?*

- B. *[Once more], the use of such language indicates the inclusion of the heir [of the owner of the beast, who originally consecrated it and died before sacrificing it, just as at B, above].*
- C. *And that inclusion once more does not accord with the position of R. Judah [for Lev. 27:10 states, “He shall not alter it...,” thus referring solely to the owner of the beast, and not to an heir or any other third party].*

I.4. A. *[Now the statements just given accord with] that which has been taught on Tannaite authority [that is, in a tradition external to the Mishnah but deriving from authorities named in the Mishnah], as follows:*

- B. An heir lays hands [on a beast originally consecrated by the deceased], an heir effects an act of substitution [in regard to a beast originally consecrated by the deceased].
- C. R. Judah says, “An heir does not lay on hands, an heir does not effect an act of substitution.”
- D. *What is the Scriptural basis for the position of R. Judah?*
- E. “His offering...” (Lev. 3: 2, 7, 13: “He shall lay his hand upon the head of his offering”) — and not the offering that was set aside by his father.
- F. *From the rule governing the end of the process of consecrating [the laying on of hands] [R. Judah further] derives the rule governing the beginning of the process of consecrating a beast [e.g., through an act of substitution, which indicates that a given beast is substituted for, therefore shares the status, of another beast that already has been consecrated. In this way the beast put forward as a substitution is itself deemed to be sanctified.] [Accordingly, a single principle governs both stages in the sacrificial process, the designation of the beast as holy and therefore to be sacrificed, e.g., through an act of substitution, and the laying on of hands just prior to the act of sacrificial slaughter itself. Just as the latter action may be performed solely by the owner of the beast, who derives benefit from the act of sacrifice, so the former action likewise is effective only when the owner of the beast carries it out.]*
- G. Accordingly, just as, at the end of the process of consecration, the heir does not lay on hands, so at the beginning of the process of consecration, an heir does not carry out an act of substitution.
- H. *And as to the position of rabbis [vis à vis Judah, who maintain that the heir may do so, how do they read Scripture in such wise as to derive their view?]*
- I. [Scripture states,] “And if changing, he shall change” (Lev. 27:10) [thus intensively using the same verb twice, with one usage understood to refer to the owner himself, the other usage to some closely related person].
- J. *[The use of the verbal intensive therefore is meant] to include the heir, and, as before, we derive the rule governing the conclusion of the sacrificial process [with the laying on of hands] from the rule governing the commencement of the sacrificial process [the designation of the beast as holy, by its substitution for an already-consecrated beast].*

- K. Accordingly, just as, at the beginning of the process of consecration, the heir does carry out an act of substitution, so at the end of the process of consecration, the heir does lay on hands.
- L. *Now [given rabbis' reading of the relevant verses], how do these same rabbis deal with Scripture's three references to "his offering" [which in Judah's view makes explicit that only the owner of the beast lays hands on his beast, cf. Lev. 3: 2, 7, 13]?*
- M. *They require that specification of Scripture to lay down the rule that [an Israelite] lays hands on his sacrifice, but not on the sacrifice of an idolator, on his sacrifice and not on the sacrifice of his fellow:*
- N. on his sacrifice, further, to include all those who own a share in the sacrificial animal, according to each the right to lay hands upon the beast [of which they are partners].
- O. *And as to R. Judah? He does not take the view that all those who own a share in the sacrificial animal have a right to lay hands on the beast.*
- P. *Alternatively, [one may propose that] he does maintain the stated position [concerning the partners in a sacrificial animal].*
- Q. *[But] he derives the rule governing [2B] the idolator['s beast] and that of one's fellow from a single verse of Scripture [among the three verses that make explicit that one lays hands on his animal], leaving available for the demonstration of a quite separate proposition two [other] of these same [three] references.*
- R. [It follows, for Judah's position, that] one of these verses serves to indicate, "His offering" and not "the offering of his father," and another of the available verses then serves to include [among those who indeed may lay hands on the sacrificial beast] all shareholders, according to each of them the right to lay hands on the beast held in common partnership.
- S. *[Further exploring the thesis of Judah about the scriptural basis for his view, exactly] how does R. Judah interpret the intensive verb used at Lev. 27:10, "And if changing, he shall change?"*
- T. *He requires that usage to include the participation of the woman [in the process of substitution, so that if a woman makes a statement effecting an act of substitution, that statement is as valid as if a man had made it].*
- U. *For following tradition has been taught on Tannaitic authority:*
- V. Since the entire formulation of the passage concerning an act of substitution speaks of the male, how in the end shall we include the female as well [so that an act of substitution of a woman is regarded as valid]?
- W. Scripture states, "And if changing, he shall change..." [The intensive language serves to include the woman.]
- X. *And as to rabbis, [how do they prove the same position]?*
- Y. It is from the use of the inclusionary words, and, if, in the phrase, "And if changing..."
- Z. *And as to the view of R. Judah [in this same regard]?*
- AA. *The usage, "And if...", in his view is not subject to exegesis at all [and yields no additional information about the rule under discussion. Accordingly, in order to*

prove that a woman is involved in the process of substitution, as much as a man, Judah must refer solely to the intensive verb construction.]

- I.5.** A. All are obligated [to carry out the religious duty of dwelling in] a tabernacle [on the Festival of Tabernacles].
- B. *[When the framer of the foregoing statement makes explicit use of the inclusionary language, all], what [classification of persons is] encompassed, [that otherwise would have been omitted]?*
- C. *It is to include a minor who does not depend upon his mother [but can take care of himself], in line with the following statement found in the Mishnah [M. Suk. 2:8:] A child who does not depend upon his mother is liable to [carry out the religious duty of dwelling in a] tabernacle.*
- I.6.** A. All are liable [to carry out the religious duty of taking up] the palm branch [enjoined at Lev. 23:40].
- B. *[When the framer of the foregoing statement makes explicit use of the inclusionary language, all,] what [classification of persons is] included, [that otherwise would have been omitted]?*
- C. *It is to include a minor who knows how to shake [the palm-branch, so, with proper intention, making appropriate use of the holy object].*
- D. *That is in line with the following statement found in the Mishnah [M. Suk. 3:15:] A minor who knows how to shake [the palm branch with proper intention] is liable to [the religious duty of taking up] the palm branch.*
- I.7.** A. All are liable [to carry out the religious duty of affixing] fringes [to the corners of garments].
- B. *[When the framer of the foregoing statement makes explicit use of the inclusionary language, all,] what [classification of persons is] included, [that otherwise would have been omitted]?*
- C. *It is to include a minor who knows how to cloak himself [in a garment, and so enters the obligation of affixing to said cloak the required fringes, cf. T. Hag. 1:2].*
- D. *For it has been taught [at T. Hag. 1:2:] A minor who knows how to cloak himself [in a garment] is liable to [affix to that garment the required show] fringes.*
- I.8.** A. All are liable [to carry out the religious duty of wearing] phylacteries.
- B. *[When the framer of the foregoing statement makes explicit use of the inclusionary language, all] what [classification of persons is] encompassed, [that otherwise would have been omitted]?*
- C. *It is to include a minor who knows how to take care of phylacteries [and therefore may be entrusted with them].*
- D. *For it has been taught [at T. Hag. 1:2:] As to a minor who knows how to take care of phylacteries, his father purchases phylacteries for him.*
- I.9.** A. All are obligated [on the occasion of a pilgrim festival to bring] an appearance-offering [to the Temple and to sacrifice it there in honor of the festival, cf. M. Hag. 1:1].

- B. *[When the framer of the foregoing statement makes explicit use of the inclusionary language, all,] what [classification of persons is] included, [that otherwise would have been omitted]?*
- C. *It is to include a person who is half-slave and half-free. [Such a person is subject to the stated liability of bringing an appearance-offering. But a person who is wholly a slave is exempt from the stated requirement of making the pilgrimage and bringing the offering.]*
- D. *But in the view of Rabina, who has made the statement that one who is half slave and half free [also] is exempt from the obligation of bringing an appearance-offering [in celebration of the pilgrim festival], [in his view] what [classification of persons] is included [by the specification that all are subject to the stated obligation]?*
- E. *It is to include a person who is lame on the first day of the festival but is restored [to full activity] on the second day. [A lame person is exempt from the religious obligation of coming up to Jerusalem on the pilgrim festival, since he obviously cannot make the trip. If, however, as of the second day of the festival, the lame person should be healed, then, according to the formulation of the rule at hand, such a person would become obligated, retrospectively, to bring the required appearance-offering as of the first day.]*
- F. *[The foregoing statement rests on the position that on the successive days of the festival, one has the option of meeting an obligation incurred but not met on the earlier day. Thus if one did not make the required appearance-offering on the first day, he is obligated for it but also may make up for it on the later days of the festival. The obligation for one day pertains to, but then may be made up, on the days following, thus, on day three for day two, on day four for day three, and the like. Accordingly, at E we maintain first, that the person becomes obligated on the second day, and, second, that the obligation then is retroactive to the first. So he can make up what he owes. But the obligation to begin with likewise is retroactive. On day two he became obligated for an appearance-offering to cover day one. Accordingly, what we have just proposed] fully accords with the position of him who said that [offerings made on] all [of the days of the festival] serve as a means of carrying out the obligations incurred on each one of them [as just now explained].*
- G. *But in the view of him who says that all of the days of the festival [may serve to make up only for an obligation] incurred on the first day [of the festival alone, so that, first, one does not incur an obligation on a later day of the festival affecting what one owes for an earlier day of the festival, and so that, second, if one is not obligated to bring an appearance-offering on the first day of the festival, he is not obligated to do so on any later day of the festival], what [classification of persons] is included [by use of the inclusionary language, all]?*
- H. *It serves to include a person who is blind in one eye. [A person blind in both eyes is exempt from the appearance-offering on the pilgrim festival. One fully sighted, of course, is liable. The intermediate category then is dealt with in the stated formulation].*

- I. *But that view would not accord with the following teaching in the authority of sages of the Mishnah, as it has been taught:*
- J. **Yohanan b. Dahabbai says in the name of R. Judah, “One who is blind in one eye is exempt from the religious duty of bringing an appearance-offering, for it is said, ‘He will see... he will see...’ (Exo. 23:14) [reading the scriptural language not as ‘make an appearance,’ but, with a shift in the vowels, ‘will see,’ cf. T. Hag. 1:1].**
- K. **“[The proposed mode of reading the verse at hand yields the following consequence:] Just as one comes to see [the face of the Lord], so he comes to be seen. Just as one sees with two eyes, so one is seen with two eyes” [cf. T. Hag. 1:1F-H]. [The exegesis then excludes a person blind in one eye.]**
- L. *If you prefer, [however, we may revert to the earlier proposal, and] state: Indeed, [the use of the inclusionary language all is meant] to include a person who is half slave and half free.*
- M. *And now as to the question you raised above [D], that that position would not accord with the opinion of Rabina, that indeed poses no problem.*
- N. [Why not?] The formulation at hand, [which prohibits the half-slave half-free man from bringing the necessary offering] is in line with the original formulation of the Mishnah-law [prior to the debate, cited presently, between the Houses of Shammai and Hillel]. The other formulation [which permits and hence requires the half-slave person, half-free person, in the intermediate status, to bring the appearance-offering] is in line with the posterior formulation of the Mishnah-law.
- O. *For we have learned [at M. Git. 4:5:]*
- P. **“He who is half-slave and half-free works for his master one day and for himself one day,” the words of the House of Hillel.**
- Q. **Said to them the House of Shammai, “You have taken good care of his master, but of himself you have not taken care.**
- R. **“To marry a slave-girl is not possible, for half of him after all is free [and free persons may marry only other free persons].**
- S. **“[To marry] a free woman is not possible, for half of him after all is a slave [and slaves may marry only slaves].**
- T. **“Shall he refrain?**
- U. **“But was not the world made only for procreation, as it is said, ‘He created it not a waste, he formed it to be inhabited’ (Isa. 45:18).**
- V. **“But: For the good order of the world, “they force his master to free him.**
- W. **“And he [the slave] writes him a bond covering half his value.”**
- X. **And the House of Hillel reverted to teach in accord with the opinion of the House of Shammai. [Accordingly, the law prior to the reversion specified at X treated one who is half-slave and half-free as in a fixed category, and such a one would not bring an appearance-offering, since he was partially a slave. But after the reversion, one who was half-slave and half-free could leave that interstitial category easily and so would not be regarded as essentially a slave.**

Such a one then would be obligated to bring the appearance-offering, there being no permanent lord over him except for the Lord God.]

I.10. A. All are obligated [to the religious duty of hearing] the sounding of the ram's horn [on the New Year], [T. R.H. 4:1].

- B. *[When the framer of the passage makes use of the inclusionary language, all,] what [classification of persons does he thereby] include?*
- C. *It is to include a minor who has reached the age [at which he is able to benefit from] instruction.*
- D. *For we have learned [in a teaching attributed to the authority of Mishnah-sages:] They do not prevent a minor from sounding the ram's horn on the festival day [cf. B. Yoma 72a].*

I.11. A. All are subject to the religious obligation of hearing the reading of the Scroll of Esther [T. Meg. 2:7A-B].

- B. **All are suitable to read the Scroll of Esther aloud [for the community, thereby fulfilling the religious obligation of all those who are present, M. Meg. 2:4].**
- C. *[When the framer of the passage makes use of the inclusionary language, all,] what [classification of persons does he thereby] include [3A]?*
- D. *It is to include women [who may read the Scroll of Esther aloud for the community and thereby carry out the obligation of all present to do so].*
- E. *This view accords with the position of R. Joshua b. Levi. For R. Joshua b. Levi said, "Women are liable [to the religious duty of] the reading of the Scroll of Esther, for they too were included in the miracle [of redemption from Israel's enemies, celebrated on Purim, cf. B. Meg. 4a]."*

I.12. A. All are liable to the religious duty of saying Grace in public quorum [if they have eaten together. They thus may not say Grace after meals by themselves, if a quorum of three persons is present. In that circumstance a public recitation, involving a call to Grace, is required, T. Ber. 5:15.]

- B. *[When the framer of the rule uses the inclusionary language, all,] what [classification of persons] does he mean to include?*
- C. *He means to include women and slaves.*
- D. *For it has been taught [in a teaching bearing the authority of Tannaite authorities:] Women say Grace in public as a group [unto] themselves, and slaves do likewise. [Accordingly, both classifications of persons are subject to the liability of saying a public Grace should a quorum of appropriate persons be present].*

I.13. A. All join in the public saying of Grace [responding to the call to say Grace].

- B. *[When the framer of the ruler uses the cited inclusionary language, all] what [classification of persons] does he mean to include?*
- C. *It is to include a minor who has knowledge on his own concerning Him to whom they say a blessing [in the Grace after meals].*
- D. *That is in line with what R. Nahman said, "He who knows to Whom they say a blessing [in the Grace after meals] — they include such a one in the public call to say the Grace after meals."*

I.14. A. All are subject to becoming unclean by reason of the flux [specified at Lev. 15:1ff., M. Zab. 2:1].

- B. *[When the framer of the rule uses the cited inclusionary language, all] what [classification of persons does he mean to] include?*
- C. *It is to include an infant one day old [who, should he produce a flux, would be deemed subject to flux-uncleanness under appropriate circumstances. This form of genital uncleanness is not limited to an adult.]*
- D. *For it has been taught [in a teaching bearing the authority of Mishnah-sages:]*
- E. *“[When any] man [produces flux out of his flesh]” (Lev. 15: 2).*
- F. *“Now why does the Author of Scripture state, “When any man...” [so indicating an inclusion of some category beyond man]?*
- G. *“It is to include even an infant a day old, who thus is subject to the uncleanness of flux, “the words of R. Judah.*
- H. *R. Ishmael, the son of R. Yohanan b. Beroqah, says, “It is hardly necessary [to interpret Scripture in such wise]. Lo, [Scripture] says, ‘And any of them who has an issue, whether it is male or female’ (Lev. 15:33).*
- I. *“[The sense is], ‘Male,’ meaning whoever is male, whether minor or adult. ‘Female’ [means], whoever is female, whether minor or adult. [Both categories, minor and adult, male and female, fall within the classification of those subject to uncleanness through flux. Scripture is explicit in this matter, without the necessity of interpreting the language important in Judah’s view.]*
- J. *“If that is the case, then on what account does [the Author of Scripture] use the language, ‘If any man...’? [The Author of] the Torah made use of the language of common speech [and did not mean to provide occasions for exegesis of minor details of formulation].”*

I.15. A. All are subject to being made unclean through corpse-uncleanness.

- B. *[When the framer of the foregoing statement uses the inclusionary word, all,] what [classification of persons does he thereby] to include?*
- C. *It is to include a minor.*
- D. *[How so?] I might have proposed that [when Scripture states,] “When a man becomes unclean and does not undertake a rite of purification” (Num. 19:20), [the meaning of the Author of Scripture is,] “a man indeed [is subject to the law of corpse-uncleanness] but a minor is not [subject to that same law].”*
- E. *Accordingly [by using the inclusive language all are subject] [the framer of the passage] informs us [that this is not the case].*
- F. *[And indeed the same passage continues,] “And upon the persons that were there” (Num. 19:18), [Thus using the language, “persons,” which also is inclusive and encompasses a minor, we are able to prove the besought point. Accordingly, we must ask for some other exegetical value to be associated with the language, “When a man...” For we now realize that the minor is included by the language, “persons,” and thus we recognize that the further word-choice, “man,” serves to exclude some classification. So we need to find out — as the passage unfolds — what classification of persons is included by the one, yet excluded by the other, or*

for what purpose an inclusion and an exclusion are joined. It is to that secondary issue that we now proceed.]

G. *[Accordingly, we ask,] But what [sort of] exclusion [is effected by the language,] “Man” [used at Num. 19:20]?*

H. *It serves to exclude a minor from the penalty of extirpation [should he violate the law governing cultic cleanness. Although a minor is expected to observe the laws of flux he would not suffer the penalty specified at Num. 19:20 if he failed to do so, since that verse speaks only of an adult.]*

I.16. A. All are subject to becoming unclean through the skin-ailment [M. Neg. 3:1A].

B. *[When the author of the foregoing statement uses the inclusionary language, all,] what [category of persons does he mean to] include?*

C. *[He means] to include a minor.*

D. *[How so?] I might have entertained the proposition [that the language of Scripture], “A man afflicted by the skin disease” (Lev. 13:44), [means] that a man indeed [is subject to the uncleanness under discussion], but a minor is not [subject to that same form of uncleanness].*

E. *Accordingly, [by using the language all are subject, the framer of the passage] informed us [that that is not the case].*

F. *Now may I claim [to the contrary] that that indeed is the case, [that Scripture intends to exclude a child from the form of uncleanness at hand]?*

G. *[No, I may not. For Scripture states,] “As to a person, when there will be on the skin of his flesh...” (Lev. 13: 2), [meaning a person], under all circumstances [whether adult or minor].*

H. *[If that is the case, then] what need do I have for the explicit reference to a man [at Lev. 13:44]?*

I. *It is to accord with the following teaching in the name of authorities of the Mishnah:*

J. *“A man [afflicted by] skin disease” (Lev. 13:44).*

K. *I know only that a man is subject to the stated skin-ailment. How do I know [that the same skin-ailment affects] a woman?*

L. *When [the Author of the Torah] states, “And the one afflicted by skin disease,” lo, [by using the word, and, the Author indicates that] subject to the rule are two [classifications of persons, hence both male and female].*

M. *Why then [does the Author] specify, “...man”?*

N. *It [is to speak to a matter that comes] later [in the same passage, namely, Lev. 13:45, that the one afflicted by the skin disease tears his clothing and messes up his hair. The point, in particular, is that] a man tears his clothing and messes up his hair, and a woman does not tear her clothing and mess up her hair [should she be afflicted by the skin-ailment].*

I.17. A. All examine cases of the skin-ailment.

B. All are suitable to examine cases of the skin-ailment [M. Neg. 3:1B].

C. *[When the framer of the foregoing statement used the inclusionary language, all,] what [classification of persons did he mean] to include?*

- D. *It was to include [among those suitable to examine cases of the skin-ailment even] those who are not expert in such matters and in the [various] classifications among which skin ailments are divided [cf. T. Neg. 1:1C].*
- E. But has not an authority stated, “[If] one is not expert in them and in the classifications among which skin-ailments are divided, he [should], not examine [cases of] the skin-ailment”?
- F. *Said Rabina, “[The contradiction between the statements at D and E] does not pose a problem. The former statement refers to someone who understands the matter when it is explained to him, while the latter speaks of one who, even when people explain to him, still will not understand the matter.”*

I.18. A. All are suitable to mix [together the ashes of the red cow when it is burned (Num. 19:1ff.) with the requisite water and so to produce the purification-water required for purifying one who has become unclean by reason of corpse-uncleanness (M. Par. 5: 4)].

- B. *[When the framer of the passage at hand uses the inclusionary language, all,] what [classification of persons does he mean] to include?*
- C. *In the view of R. Judah [cited below], it is to include a minor, and in the view of rabbis [of the same passage] it is to include a woman.*
- D. *For we have learned in the Mishnah [at M. Par. 5:4]: All [classifications of persons] are suitable to mix [the ashes and the water], except for a deaf-mute, an imbecile, and a minor.*
- E. R. Judah declares a minor valid, but invalidates a woman and a person who exhibits the sexual characteristics of both sexes.

I.19. A. All are valid to sprinkle [purification-water on one requiring the rite of purification] [M. Par. 12:10].

- B. *[When the framer of the passage at hand uses the inclusionary language, all,] what [classification of persons does he mean] to include?*
- C. *It is to include an uncircumcised [person], and that accords with the position of R. Eleazar.*
- D. For R. Eleazar has stated, “An uncircumcised [person] who sprinkled [purification water] — his act of sprinkling is valid.”

I.20. A. All may carry out a rite of slaughter [of an animal for secular use of the meat. The Mishnah repeats this statement twice, once at M. Hul. 1:1 and a second time at M. Hul. 1:2.]

- B. *[When the framer of the passage at hand uses the inclusionary language, all,] what [classification of persons does he mean] to include?*
- C. *The first time [at M. Hul. 1:1], he means to include a Samaritan, the second time [at M. Hul. 1:2], he means to include an apostate Israelite. [Both of these categories are assumed to fulfill the dietary rules and hence may carry them out.]*

I.21. A. All may impose the requirement of emigrating [from the Exile to] the Land of Israel [M. Ket. 13:11].

- B. *[When the framer of that statement uses the inclusionary language, all,] what [classification of persons does he mean] to include?*

- C. **[3B]** *He means to encompass slaves. [If a person overseas owns a circumcised slave whom he wishes to sell, the slave may impose upon the master the requirement that the sale take place only in the Land of Israel.]*
- D. *But in the view of him who repeats the tradition at hand in such wise as to make explicit reference to slaves [along with others specified, cf. M. Ket. 13:11, all of whom may impose the requirement of emigrating from the Exile to the Land of Israel], what [classification of persons is to be] included [by the formulation using the inclusionary language, all]?*
- E. *It is meant to encompass [a move from] a lovely home [in the Exile] to a mean hovel [in the Land of Israel].*
- F. [And when the framer of the same passage uses the language,] **But all may not remove [a person from the Land of Israel to the Exile, M. Ket. 13:11], what [classification of persons does he mean] to include?**
- G. *It is to include a slave who fled from overseas to the Land [of Israel].*

I.22. A. All may impose the requirement of going up [to dwell] in Jerusalem [M. Ket. 13:11].

- I. *[When the framer of that statement uses the inclusionary language all, he means] to include [one who wishes to move] from a lovely home [in some town in the Land of Israel other than Jerusalem] to a mean hovel [in Jerusalem].*
- J. [When the framer of the same passage uses the passage,] **But all may not remove [a person from Jerusalem to some other town in the Land of Israel, M. Ket. 13:11], what [classification of cases does he mean] to include?**
- K. *It would be a case in which one proposed to move from a mean hovel [in Jerusalem] to a lovely home [outside of Jerusalem].*

We have completed our repertoire of explanations for use of the cited, inclusionary language. Now we are given a sequence of subsidiary comments on items in the foregoing list. These items are grouped together at the end, and serve as footnotes for the entries to which they refer, as indicated; they are not composed as a systematic exegesis, though a single question animates throughout; rather, they are episodic.

- I.23. A.** [The framer now returns to the statement made at No. 5] All are obligated [to dwell during the days of the Festival of Tabernacles] in a tabernacle, [specifically including] priests, Levites, Israelites.
- B. *[The foregoing statement is] self-evident [and hardly requires specification, for] if these classifications of persons are not subject to the stated obligation, then who [in the world] would be subject to it!*
 - C. *[We now proceed to explain why one of the stated categories of person, drawing in its wake the other two, must be explicitly included in the formulation of the rule.] It was necessary to make reference to priests. [Why so?]*
 - D. *It is conceivable that I might have reasoned as follows: We know that it is written, "You will dwell in tabernacles" (Lev. 23:42), and [in that connection] a master has explained that dwelling in the tabernacle for seven days is comparable to an ordinary state of habitation, so that, just as under ordinary conditions of habitation, a man lives with his wife, so in the case of the tabernacle, a man should dwell with his wife.*

- E. *[What follows from that fact is simple.] Since priests bear the obligation of carrying on the sacred service [in the Temple], [we might suppose that] they should be exempt from the obligation of dwelling in the tabernacle, [for they cannot do so in the accepted manner, with their wives. Since they must go to the Temple to participate in the rite, they also cannot remain with their wives for the entire period at hand. Accordingly, one might have imagined that priests are exempt from the religious requirement of dwelling in the tabernacle.]*
 - F. *[The framer of the passage makes explicit reference to priests] so as to inform us that, while priests are exempt at the time of their service in the Temple from the religious duty of dwelling in the tabernacle, when they are not engaged in the Temple service, they indeed are obligated to do so [since at this time they can fulfill the obligation in the proper manner].*
 - G. *This indeed accords with the rule governing those who are engaged in travel.*
 - H. *For a master has stated, those who are engaged in travel by day are exempt by day from the religious requirement of dwelling in a tabernacle but obligated by night.*
- I.24.**
- A. *[The framer returns to the statement made at 7] All are obligated to carry out the religious duty of [affixing to their garments] show-fringes: priests, Levites, Israelites.*
 - B. *[The foregoing statement is] self-evident [and hardly requires specification, for if these classifications of persons are not obligated, then who in the world would be]?*
 - C. *It was necessary to make the specification at hand on account of the priests.*
 - D. *[How so?] I might have reasoned as follows: Since it is written, “You will not wear hybrid fabrics [e.g., a garment made from both wool and flax which derive from different categories, vegetable and animal, respectively]... You will make twisted cords [that is, show-fringes] for yourself” (Deu. 22:11, 12).*
 - E. *[From the juxtaposition of the previous two verses, the framer reasons as follows:] As to one who in no way enjoys remission of the prohibition against wearing hybrid fabrics in his clothing, he is obligated to observe the religious duty of wearing show-fringes.*
 - F. *Thus, since priests [under cultic circumstances] enjoy remission of the prohibition against wearing hybrid fabrics in their garments [Exo. 39:29 is understood as specifying that the priest wears linen and wool cloth, one might reason that] they ought not to be subject to the religious duty of wearing show-fringes [on their garments].*
 - G. *Accordingly, [by phrasing the matter to make explicit reference to the priesthood, the author] informs us [that that is not the case].*
 - H. *Accordingly, while during the time of their service in the cult, they enjoy a remission [of the stated taboo], at other times they do not.*
- I.25.**
- A. *All are obligated [to carry out the religious duty of wearing] phylacteries: priests, Levites, and Israelites.*
 - B. *[The specification of the three categories is hardly required, for the rule affecting them] is self-evident.*
 - C. *[No,] it was necessary to make the explicit specification at hand on account of the priests [in the tripartite formula].*

- D. *[How so?] I might have reasoned as follows: Since it is written, “And you shall bind them for a sign upon your hand, and they shall be for frontlets between your eyes,” (Deu. 6: 8).*
- E. *[I might conclude that] whoever is subject to the religious duty [of putting a phylactery] upon the hand [arm] also is subject to the religious duty of placing a phylactery upon the] head.*
- F. *So, [it would follow], since priests are not subject to the religious duty of placing the phylactery upon the hand,*
- G. *(for it is written, “[His linen garments] he shall place [directly upon] his flesh,” (Lev. 6: 3), meaning that nothing should interpose between [the linen garment] and his flesh [thus excluding the possibility of his placing a phylactery upon his arm, for it would interpose between the garment and his flesh],)*
- H. *I might therefore conclude that priests likewise should not be subject to the religious duty of placing a phylactery also upon the head.*
- I. *Accordingly, [by framing the passage as he has, the author] has informed us that that is not the case.*
- J. *For [the phylactery placed upon one limb] does not form a necessary precondition [for placing the phylactery upon the other limb. The two are separate religious duties, and if one cannot do the one, he remains liable to the other.]*
- K. *This accords with what we have learned in the Mishnah [at M. **Men. 3:7**] **The phylactery of the hand [arm] is not indispensable to the one of the head, and the one of the head is not indispensable to the one of the hand.***
- L. *Now what [really] differentiates the [priest’s obligation with respect to the two types of phylacteries]? For concerning [the phylactery] to be placed on the hand it is written, “[His linen garment] he shall place [directly] upon his flesh [implying that a priest may not interpose the phylactery between his arm and his garment]” (Lev. 6: 3). Concerning the phylactery of the head, it likewise is written, “And you will place the miter upon his head” (Exo. 29: 6). [Would not the phylactery on the head interpose between the hair of the head and the miter just as the phylactery on the hand would interpose between the arm and the linen garment? Why then is the priest permitted to wear a phylactery upon his head, while he may not wear one on his arm?]*
- M. *It has been taught: His hair was visible between the plate and the miter, where he placed his phylactery.*

- I.26.** A. [The framer comments upon the statement made above at No. 10, above.] **All are liable [to carry out the religious duty of hearing] the sound of the ram’s horn, [inclusive of] priests, Levites, and Israelites, T. **R.H. 4:1.****
- B. *[The inclusion of the three castes] is self-evident.*
 - C. *[Nonetheless,] it was necessary [to frame matters in such a way] on account of the priests [in particular].*
 - D. *[How so?] I might have imagined the following argument: Since it is written, “You will have a day for sounding [the ram’s horn]” (Num. 29: 1), one who is subject [to hear] the sounding [of the ram’s horn] only one day [in the year] is liable [to carry out the stated religious duty].*

- E. *But as to the priests, since they are subject [to the religious duty of] hearing the sounding [of the ram's horn] throughout the year, its being written, "And you will sound the trumpets over your burnt-offerings" (Num. 10:10), I might have maintained that they are not liable [to the hearing of the sounding of the ram's horn on the New Year in particular].*
- F. *But are the two statements parallel [that such reasoning is in order]? For there, "trumpets," while here, "a ram's horn" [is what is specified. Accordingly, the two matters really are not parallel anyhow, and the proposed reason for the formulation at A does not stand.]*
- G. *[Nonetheless, the inclusion of the priests at A remains] necessary. [How so?] I might have imagined the following argument: Since we have learned [at M. R.H. 3:5] **The day on which the Jubilee Year begins is equivalent to the New Year's [day in the liturgy as to] the sounding of the ram's horn and also as to the blessings [said in the prayers of both days],** [I might have imagined that] whoever is subject to the religious duties governing the Jubilee Year also is subject to the religious duties governing the New Year, and whoever is not subject to the religious duties governing the Jubilee Year is not subject to the religious duties governing the New Year.*
- H. *Now, since the priests are not subject to the religious duties governing the Jubilee Year, for we have learned [at M. **Ar. 9:8**], "**Priests and Levites [but not others] may sell and redeem property at all times [inclusive of the Jubilee Year],**" **[4A]** I might have maintained that they also should not be held liable for carrying out the religious duties affecting the New Year (inclusive of hearing the sound of the ram's horn).*
- I. *[The cited formulation, A] serves, therefore, to inform us that even while they are not liable to the religious duty of restoring real estate to the original owners [a duty of the Jubilee Year], they nonetheless are liable to the [other obligation in the Jubilee Year] of remitting debts and releasing slaves.*
- I.27.** A. *[The framer now takes up the statement above at No. 11] **All are subject to carry out the religious obligation of hearing the reading of the Scroll of Esther, [inclusive of] priests, Levites, and Israelites** [T. **Meg. 2:7 A-B**].*
- B. *[The inclusion of the three castes] is self-evident.*
- C. *[Nonetheless,] it was necessary [to frame matters in such a way on account of the priests in particular].*
- D. *[In so stating matters, the framer wishes to indicate] that they must leave off their [sacred] service [at the altar, in order to hear the public reading of the scroll of Esther].*
- E. *And that view conforms to what Rab Judah said that Samuel said, for Rab Judah said that Samuel said, "Priests in connection with their sacred service [at the altar], Levites in connection with their [singing on] the platform, and Israelites [attending the Temple service as] the delegation [from their particular village, all must] leave off [the performance of their holy] service in order to listen to the public reading of the scroll of Esther.*

I.28. A. All are subject to the religious obligation of saying Grace in public quorum if they have eaten together, [as explained at No. 12], [inclusive of] priests, Levites, and Israelites [T. **Ber. 5:15].**

- B. *[The inclusion of the three castes] is self-evident.*
- C. *[Nonetheless,] it was necessary to frame matters in such a way [on account of the priests in particular,] in a case in which the group had eaten Holy Things.*
- D. *[How so?] I might have imagined the following argument: “And they shall eat those [Holy] Things with which atonement has been effected” (Exo. 29:33), has the All-Merciful stated [in Scripture], indicating that [the present act of eating constitutes an act of] atonement.*
- E. *[But in regard to the obligation of saying Grace, the All Merciful said only that “You shall eat and be satisfied and say a blessing” (Deu. 8:10) implying that one only need say Grace when eating in order to satisfy one’s hunger and not when eating as an act of atonement. It would seem, therefore, that priests are exempt from Grace when eating for atonement purposes, see B.A.]*
- F. *[Accordingly, it was necessary] to indicate otherwise [namely that with regard to that which the All Merciful has said, “You shall eat and be satisfied [and say a blessing],” even [priests who are eating for the purposes of atonement] are included.*

I.29. A. All are liable to join in the public saying of Grace [responding to the call to say Grace, as explained at VII A, inclusive of] priests, Levites, and Israelites [T. **Ber. 5:15].**

- B. *[The inclusion of the three castes] is self-evident.*
- C. *[Nonetheless,] it was necessary [to frame matters in such a way] on account of the case of priests who ate food in the status of priestly rations or Holy Things, while [at the same meal] a non-priest ate food in secular [not consecrated] status.*
- D. *I might have imagined the following argument: since, if the non-priest had wished to eat along with the priest [out of the food that the priest was eating], he could indeed not have done so, the [priest] therefore should not join with him [in responding to the public call to form a quorum to say Grace] since clearly they did not share a meal.*
- E. *[But that argument is invalid, and thus the framer of A] has informed us, [in framing matters as indicated that the priest must join him in saying Grace. This is justified on the basis of the following consideration:] since if it is the case that the non-priest could not have eaten [the food of] the priest, the priest, nonetheless, may perfectly well eat [the food of] the non-priest, [the consequence is that all parties join together in the common quorum].*

I.30. A. All pledge the Valuation [of others] [inclusive of] priests, Levites, and Israelites [M. **Ar. 1:1A, C]:.**

- B. *[The inclusion of the three castes] is self-evident.*
- C. *[Nonetheless,] said Raba, “It was necessary [to frame matters in such a way] on account of the opinion of Ben Bukhri.”*
- D. *For we have learned in the Mishnah [at M. **Sheq. 1:4**].*

- E. Said R. Judah, "Testified Ben Bukhri in Yabneh: 'Any priest who pays the 'sheqel' does not sin.'
- F. "Said to him Rabban Yohanan ben Zakkai, 'Not so. But any priest who does not pay the 'sheqel' does sin.
- G. "But the priests expound this Scriptural verse for their own benefit: And every meal offering of the priest shall be wholly burned, it shall not be eaten (Lev. 6:23).
- H. "Since the 'omer', Two Loaves, and Show Bread are ours, how [if we contribute] are they to be eaten?"
- I. [We now spell out the relationship between the opinion of Ben Bukhri, that the priests do not pay the sheqel, and the present matter. *Raba resumes discourse,*] "Now, in the view of Ben Bukhri, since to begin with [the priests] are not obligated to bring [the sheqel-offering to the Temple], if they actually do bring it, the priests commit a sin. [How so?] They turn out to bring unconsecrated offerings to the Temple courtyard [and that is a sin. One may bring only consecrated offerings, designated for the purpose of the cult, to the Temple courtyard. One can consecrate only something that he is obligated to consecrate in accord with the Temple rules. Ben Bukhri, however, would permit the priest to] bring [the sheqel-tax] by handing over ownership over to the community at large.]
- J. "Now," [Raba continues,] "I might have supposed that the following argument applies: since it is written, 'And all your Valuations will be according to the sheqel of the sanctuary' (Lev. 27:25), [it would follow that] whoever is subject to the requirement of bringing the sheqel-tax also can pledge the Valuation [of others]. It would then follow that, since the priests are not subject [in Ben Bukhri's view] to the religious duty of bringing the sheqel-tax [in support of the public offerings], they cannot pledge Valuations.
- K. "Thus the framer of the cited passage has informed us [that that, in fact, is not the case. Priests may also pledge the Valuation of others.]"
- L. [The foregoing explanation of the language used at A is now rejected.] Abayye said to him, "[The scriptural language,] 'All your Valuations' [cited by Raba at J as part of his proof for the position imputed to Ben Bukhri's principle serves for a quite separate purpose, namely, to indicate that] all the pledges of Valuation that you make should add up to no less than a sela [per Valuation]." [Since a particular verse may bear only one interpretation, the cited verse could not also support the position proposed at J, which, therefore, cannot have been in the mind of the framer of the cited passage, K, when he stated matters as he did.]"
- M. "Rather," said Abayye, "[It still was] necessary [for the framer to make explicit reference to the priesthood at A for another reason]. I might have proposed the following argument:
- N. "Since it is written, 'And their redemption-money — from a month old you shall redeem them — shall be according to your valuation' (Num. 18:16),
- O. "[the use of the word Valuation in the cited verse, which deals with the redemption of the first-born by ordinary Israelites then would indicate that] whoever is subject to the requirement of redeeming the first-born can pledge the

Valuations [of others]. But since priests are not subject to the law of redemption of the first born, they cannot pledge the Valuations [of others]. Accordingly, [by framing matters as he did at A, the author] informed us [that that is not the case].”

- P. *Said Raba to him, “[If that is the basis for your position], then how do you deal with the following statement made in connection with the ram that is brought as a guilt-offering: ‘And he shall bring as his guilt offering to the Lord a ram without blemish out of the flock, according to your valuation’ (Lev. 5:25).*
- Q. *“We may then draw the parallel as follows: Whoever can [pledge] Valuations is subject to the law governing the ram brought as a guilt-offering. Then one of concealed sexual traits and one who has the sexual traits of both genders, classifications of persons who are not subject to the law of Valuations at all, also will not be subject to the requirement of bringing the ram brought as a guilt-offering [-- a position that is manifestly impossible!]” [Abayye’s proposed interpretation is weak, because the same reasoning would lead to an impossible conclusion, if every time we introduce the word “Valuation,” we must exclude those classifications of persons that, for reasons particular to Valuations, are not subject to the possibility of having their Valuation pledge.]*
- R. *“Rather,” said Raba — and there are those who maintain that it was stated by R. Ashi, “[The formulation given at A, specifying the obligation of priests] is necessary.*
- S. *[How so?] “I might have imagined the following argument: since it is written, ‘Then he shall be set before the priest’ (Lev. 27: 8), [I might suppose that only an Israelite would be set before the priest], but not a priest before a priest.*
- T. *“Therefore [the framer of the passage] informs us [that that is not the case].”*

As part of the systematic exposition of the prior composite, we now take up the further exposition of I.1C-D, above.

I.31. A. [All] are subject to the pledge of Valuation [by others] [M. 1:1A].

- B. *[What classification of persons does the framer of the passage intend] to include [by stressing the word, all]?*
- C. *It is to include a person who is disfigured or afflicted with a skin ailment [=I 1. C-D].*
- D. *Whence the authority [in Scripture] for that statement?*
- E. *It is in line with that which our rabbis have taught on Tannaite authority: “According to your valuation” (Lev. 27: 8) serves to encompass a generalized statement of Valuation.*
- F. *Another interpretation of “According to your Valuation:” the Valuation of the whole of a person one pays, and he does not pay the Valuation of distinct limbs.*
- G. *Is it possible that I should exclude [from a pledge of Valuation] even some [part of the person’s body] on which life depends? [If someone should pledge the Valuation, for example, of the other person’s heart, would the foregoing statement excluding limbs from the process of Valuation apply in such a case?]*
- H. *Scripture states, “[When a man makes a special vow of] persons [to the Lord at your Valuation]” (Lev. 27: 2).*

- I. [The meaning, then, is that] persons [are subject to the vow of Valuation,] excluding [therefore] a corpse [who would not be subject to such a vow. Hence if a person vows the Valuation of a part of a person on which life depends, the pledge of Valuation is valid and to be paid.]
- J. Thus I shall exclude a [pledge of Valuation] of a corpse. But perhaps I should not exclude a dying person [who then may be subject to a vow of Valuation]?
- K. Scripture states, “Then he shall be set [before the priest] and the priest shall value him” (Lev. 27: 8).
- L. Whoever is subject to the condition of being set before the priest also is subject to Valuation, and whoever is not subject to the condition of being set before the priest [such as a dying man, who cannot be moved] also is not subject to Valuation.
- M. Another interpretation [of the reference, at Lev. 27: 2, to] “persons:”
- N. I know only that the pledge of Valuation applies to a single individual who pledged the Valuation of a single individual. How do I know that the same obligation applies to a single individual who pledged the Valuation of a hundred persons?
- O. Scripture states, “...persons...”
- P. Another interpretation [of the reference, at Lev. 27: 2, to] “persons:”
- Q. **[4B]** I know only that the law applies in the case of a man who pledged the value of either a man or a woman.
- R. How do I know that the law applied to a woman who pledged the value of a man, [or to] a woman who pledged the value of a woman?
- S. Scripture states, “...persons...”
We now come to the point relevant to our interest.
- T. Another interpretation: “...persons...” serves to include one who is disfigured or afflicted with a skin ailment.
- U. For it is possible that I might have reasoned as follows: “When a man makes a special vow of persons to the Lord at your valuation” (Lev. 27: 2) [means that only] whoever possesses a worth [as above, I E-F] would be subject to a vow of Valuation. On the other hand, whoever does not possess a worth would not be subject to a vow of Valuation. [Thus excluding the disfigured person or person with skin ailment who could not be sold in the marketplace.]
- V. Now when Scripture states, “Persons...,” [it serves to include the categories under discussion here].

The next composition continues the exposition of the verses, Lev. 27: 2f.

I.32. A. “And... [then] your valuation [of a male from twenty years old up to sixty years old shall be fifty shekels of silver...” (Lev. 27: 3).

- B. Does [the use of and] serve to include as subject to value one of unclear sexual traits or of dual sexual traits, male and female?
- C. For it is possible that one might have reasoned as follows: “When a man makes a special vow of persons to the Lord at your valuation” (Lev. 27: 2) means that whoever possesses an [intrinsic] worth also would be subject to a vow of Valuation. On the other hand, whoever does not possess an [intrinsic] worth also would not be subject to a vow of Valuation. [Since

- the person of unclear sexual traits and the hermaphrodite have value, so we might suppose they should be subject to Valuation.]
- D. Accordingly, Scripture says, "...then your valuation of a male," meaning, a male, but not one of unclear sexual traits or dual sexual traits. [These are excluded.]
 - E. Is it possible to suppose that while such a one should not be subject to the Valuation pertaining to a man, persons in those classifications should be subject to the Valuation of a woman?
 - F. Scripture says, "...then your valuation of a male... if the person is a female..." (Lev. 27: 3-4).
 - G. [What is required therefore is status as] a male beyond doubt, or as a female beyond doubt, accordingly excluding one of unclear sexual traits or of dual sexual traits.

I.33. A. [Reverting to the amplification of No. 31,] a master said, "According to your valuation' (Lev. 27: 8) serves to include an unspecified statement of Valuation."

- B. What is "an unspecified statement of Valuation"?
- C. *[It is in accord with the following] teaching attributed to the authority of Tannaite authorities:*
- D. He who says, "An unspecified statement of Valuation is incumbent on me [by vow]" pays [what he has vowed] in accord with the minimum of all Valuations. [Since he did not specify the amount of the Valuation, he pays according to the minimum.]
- E. And what is the minimum of all Valuations? It is three sheqels [in line with the Valuation of an infant female, Lev. 27: 6].
- F. *[But why impose the minimum? Why not the maximum Valuation?] May I propose [that the person pay] fifty [in line with Lev. 27: 3's Valuation of an adult male]?*
- G. [If] you lay hold of too much, you hold nothing, [but if] you lay hold of a little, you [indeed] hold [on to it].
- H. *[In that case,] may I propose [that the person pay] [a single] sheqel, in line with the following verse: "And every valuation shall be according to the sheqel of the sanctuary" (Lev. 27:25). [So, it follows, the minimum amount would be a single sheqel]?*
- I. *That [passage] alludes to the issue of the minimum assessed in terms of the means of the one who made the pledge. [The least acceptable payment even from a very poor person is a sheqel. But when a specified Valuation comes under discussion, it can be no less than three sheqels.]*
- J. [If a general vow of Valuation cannot fall below the figure of three sheqels,] then what purpose is stated by the verse of Scripture (Lev. 27: 2) [which specifies, "According to your Valuation"]?
- K. Said R. Nahman said Rabbah bar Abbuha, "This verse indicates that a person [who makes an unspecified Valuation] does not fall into the

category of payment relative to one's resources [but however poor, he must come up with a minimum of three sheqels, no fewer].

- L. *"What is the reasoning behind such a view? It is that the person who has taken an unspecified vow of Valuation is in the status of one who has made the [minimum] sum explicit.* [Since it is commonly the fact that the minimum to be paid for a vow of Valuation is three sheqels, if someone takes such a vow, we assume that was his intent, without further specification.]
- M. [Providing a different version of the same matter,] *there are those who report the matter as follows:* Said R. Nahman said Rabbah bar Abbuha, "[One who takes an unspecified vow of Valuation, not specifying the amount he will pay,] falls into the category of one who is adjudged in terms of his capacity to pay.
- N. *"[Now is] such an opinion is self-evident? [No.] For you might have said he is in the status of one who makes explicit the [minimum] sum of money he pledges to pay on account of his vow of Valuation. Accordingly, we are informed that that is not the case [by the statement in Scripture, 'According to your Valuation']."*

- I.34.** A. [Continuing the amplification of No. 31, now at F:] "Another interpretation of 'According to your Valuation' (Lev. 27: 2): the Valuation of the whole of a person one pays, and he does not pay the Valuation of distinct limbs."
- B. *And lo, you have taken up that same phrase [as a proof-text in the explanation of the meaning of] an unspecified Valuation [and a single phrase may bear only one interpretation].*
 - C. [For the purpose of a single exegesis of the word,] one [may have stated it as,] "Valuation." [But since the phrase is given as,] "In accord with your Valuation," [with the suffix, "Your," the possibility of a dual interpretation of the same word is realized].
 - D. [Moving on to 31.F:] "[Another interpretation of 'According to your Valuation:' the Valuation of the whole of a person one pays, and he does not pay the Valuation of distinct limbs.] Do I therefore exclude the case of a person who vows the Valuation of a part of a person on which life depends? [No.] For Scripture states, '[When a man makes a special vow of] persons' (Lev. 27: 2). [Its meaning is that] persons [are subject to the vow of Valuation,] excluding [therefore] a corpse. [Hence if a person vows the Valuation of a part of a person on which life depends, the pledge of Valuation is valid and to be paid.]
 - E. *And lo, you have taken up that phrase [in another connection].*
 - F. [For the purpose of a single exegesis of the word, one might have stated it in the singular, as] "Person". [Since the word is given in the plural, as,] "Persons," [it serves for a dual interpretation].

- G. [Moving on to 31.J-K:] “Thus I shall exclude [a pledge of Valuation] of a corpse. But perhaps I should not exclude a dying person [who then may be subject to a vow of Valuation]? Scripture states, ‘Then he shall be set [before the priest] and the priest shall value him’ (Lev. 27: 8). [31 L: Whoever can be set before the priest also is subject to Valuation by another, etc.]”
- H. *If that is the case, then I [surely should derive from the same exegesis] the exclusion of the corpse [from the process of Valuation], relying on the exegesis of the words, “...shall be set... shall value...” [That is, whoever can be set before the priest is also subject to Valuation by another.]*
- I. *[On the basis of the foregoing, we proved that a corpse is subject to Valuation, thus rendering the exegesis at D-F unnecessary which says that from the plural “persons” we learn that a corpse is not subject to Valuation. In that case, Scripture should have written] “person.” Why did it state the plural “persons”?*
- J. *It serves for our exegetical requirements in what is to follow [concerning the disfigured person, below].*
- K. [Proceeding to 31 M-T:] “Another interpretation [of the reference, at Lev. 27: 8, to] ‘Persons:’ I know only that the pledge of Valuation applies to a single individual who pledged the Valuation of a single individual. How do I know that the same obligation applies to a single individual who pledged the Valuation of a hundred persons? Scripture states, ‘...persons...’
- L. “Another interpretation [of the reference to ‘persons,'] I know only that the law applies in the case of a man who pledged the value of either a man or a woman. How do I know that the law applies to a woman who pledged the value of a man, [or to] a woman who pledged the value of a woman? Scripture states, ‘...persons...’
- M. “Another interpretation: ‘...persons...’ serves to include one who is disfigured or afflicted with a skin ailment.”
- N. *But [referring to the case of the disfigured party], you have already made use [of the formulation, “Persons,”] for these other cases [K-L]!*
- O. *These other cases [involving numerous vows, or the vow of a female for a male] do not require a proof-text [of Scripture at all].*
- P. *Why not?* Because each of the categories [listed just now] is equivalent [to the others. Thus if one category is included, all by definition are included. Even if Scripture had merely used the singular “person,” indicating that an individual is subject to Valuation, we would know that the other categories are included as well. Accordingly,] all of them derive [from the same reference of Scripture].
- Q. *Where a verse of Scripture is required [to make explicit what otherwise would not enter the already-proved classification of*

persons and vows,] it is in the case of one who is disfigured or afflicted with a skin ailment.

We now revert to No. 32, pursuing the same secondary program.

- I.35.** A. [Proceeding to No. 32's proof-text once more:] "And your valuation [of a male...]" (Lev. 27: 3). [The use of and] serves to include [in the category of people who possess intrinsic value] one of unclear sexual traits or of dual sexual traits, male and female.
- B. *Possessing intrinsic value? Why should I need a verse of Scripture to prove that these classifications of persons possess intrinsic value? Let the Valuation of the persons at hand be merely that of the value of a palm-tree! If [the person who took the vow] had stated only, "The value of a palm tree [is incumbent on me],"* would he not have given it? *[So the purpose of the proof-text at hand seems hardly clear.]*
- C. Said Raba [alt.: Rabbah], "[It is to indicate] that one is assessed in terms of his personal standing [even in the case of the classifications at hand].
- D. *"It might have entered my mind to maintain that, since it is written, '...makes a special vow of persons...' (Lev. 27: 2), the rule is that whoever is subject to Valuations is assessed in accord with his personal standing, and whoever is not subject to Valuations is not assessed in accord with his personal standing. [We note that the classifications of those of unclear sexual standing are excluded from being subject to Valuations in general. Therefore, if a person should pledge the Valuation of such a party, whose value is not fixed by Scripture because of the unclarity of his or her (we know not which) sexual category, I might have imagined that such a one is not assessed in terms of his personal standing. That is why it is necessary for the Scriptural exegesis to establish what I should not otherwise have known]."*
- E. *Said to him Abayye, "But if one is not subject to a vow of Valuations at all, is he indeed assessed in terms of his personal standing?" [Surely not!]"*
- F. *[The framer now raises the following objection to Abbaye's position.] But has it not been taught: [If someone said,] "The head of this slave is sanctified," he [the owner] and the sanctuary are partners in [owning] him.*
- G. "The head of this slave is sold to you" — they divide [the value of the slave] between them [so that the one who purchased the head gets half the value of the slave, and the other party retains half of his value even though the head is obviously worth more than the rest of the body].
- H. "The head of this ass is sanctified" — he and the sanctuary are partners in [owning] it.

- I. “The head of this ass is sold to you” — they divide between them [the value of the ass].
- J. “The head of this cow is sold to you” — the owner has sold only the head of the cow.
- K. And not only so, but even if he said, “The head of the cow is sanctified,” the sanctuary receives only the head of the cow [and does not enter joint ownership of the cow].
- L. *[Explaining why the case of the cow differs from the foregoing cases], said R. Pappa, “For lo, butchers sell the head of a cow in butcher-shops. [Thus when a man says, ‘I sell to you the head of the cow,’ it is clear he specifically means the head. It is not merely a way of saying I sell you half.]”*
- M. *[The framer now asks whether the foregoing A-G is consistent with the view of Abbaye that one not assessed under a vow of Valuations also is not assessed in terms of the specific value of the limb that is sold or dedicated,] now, lo, [Abaye’s view is consistent with the case of the ass and cow, C-G, for an] ass and a cow are not subject to a vow of Valuations [which applies only to persons], and they are not assessed in terms of the standing [of the limb involved in the sale], but rather, simply in terms of a partnership in which each partner owns half of the beast, without regard to the issue of the value of the limb under discussion. Further, if one has sanctified the head of a slave, he has not sanctified the entire slave, only half.]*
- N. *Now, in accord with your [Abaye’s] reasoning, you have the problem of the slave, for he indeed is subject to the vow of Valuations, but he is not assessed in terms of his standing [e.g., the individual limb that is sanctified, cf. B above.]*
- O. *But there is in fact no insuperable difficulty, for one rule applies to things that have been sanctified for use on the altar [i.e., the foregoing rule concerning slave, cow and ass] [but the rule that an object that is subject to Valuation is assessed in terms of the value of his limb applies only to things that have] been sanctified for the upkeep of the Temple building. [Where one has made a vow of Valuation of the value of someone, it is solely for the upkeep for the Temple building. There the vow is valid and would apply, e.g., to a vital organ. But where a vow covers something to be used on the altar itself, a separate rule pertains. The person of unclear sexual traits falls into the former category.]*
- P. *How then have you disposed of matters? Is it that we speak of things that have been sanctified for use on the altar [at A-H]? How, then, do we account for the latter part of the cited passage: “And not only so, but even if he said, ‘The head of the cow is sanctified,’ the sanctuary receives only the head of the cow [and does not enter joint ownership of the cow].” Here, the animal is valued in terms of a single limb.]*

- Q. *Now why should this be so? [I might propose that] the sanctification [imposed by the dedication of the cow] should spread throughout the entire corpus of the cow [and not be limited to its head, for an animal dedicated for the altar as this one is, is not to be valued in terms of a single limb, but in terms of its whole body as at J].*
- R. *Has it not been taught on Tannaite authority: “If someone said, [5A] “The hoof of this [cow] is for a whole-offering.*
- S. *“Is it possible that the entire beast shall serve as a whole-offering?*
- T. *“Scripture states, “All that any man shall give thereof shall be holy (Lev. 27: 9).*
- U. *““Thereof” [a part thereof] shall be holy, but the whole of it shall not be holy.*
- V. *“May I then suppose that the rest of the beast [apart from the dedicated limb] may go forth for secular use [since it is not sanctified in its entirety]?”*
- W. *“Scripture says, ‘...shall be...,’ meaning, ‘will remain in its established state of being,’ [which is a condition of sanctification].*
- X. *“How is this to be carried out? Let the beast be sold for use by those who require animals for burnt offerings, and the proceeds received will be deemed unconsecrated except for that portion of the proceeds which covers the limb [that alone has been declared consecrated,]” the words of R. Meir.*
- Y. *R. Judah and R. Yosé and R. Simeon say, “How do we know that in the case of one who says, “The hoof of this beast shall be a burnt-offering,’ the whole of the beast enters the category of burnt offering?*
- Z. *“Scripture states, ‘All that any man shall give thereof shall be holy’ (Lev. 27: 9).*
- AA. *“That statement serves to include the whole of the beast [even where only part of it has been declared consecrated].”*
- BB. *Now even in accord with the view of him who has stated that the whole of the beast does not fall into the category of a burnt-offering, that ruling applies to the case in which one has sanctified a part of the beast on which life does not depend. But if he consecrated a part of the beast on which life depends, the act of consecration takes effect over the entire beast. [How, then, do we explain the ruling above, E-F, that states that when a man dedicates the head of his cow, only the head is dedicated. Shouldn’t the whole cow become holy?]*
- CC. *There is no difficulty. The one ruling pertains to the act of sanctification of the body of the beast itself [in which case the whole animal is consecrated], the other to the sanctification of the value [in which case, as above, only the value of the limb is owing to the Temple.]*

- DD. *But the master himself has stated, “He who consecrates a male beast only as to its value — the sanctification covers the body of the beast [and not only the funds received in payment for it. Since the beast can be used on the altar, it is deemed consecrated for use on the altar. So the proposed distinction does not serve.]*
- EE. *Indeed, there still is no difficulty. The one rule applies to a case in which one has consecrated the whole of the beast, the other to a case in which he has consecrated only one limb.*
- FF. *But even a vow concerning a single limb is a matter of difficulty for us, for Rabbah raised the question, “If one has sanctified the value of a single limb of a beast, what is the rule?”*
- GG. *[No, that is not pertinent, for] when that question was raised, it was raised in the context of an unblemished animal [so that the beast could serve on the altar]. But here we deal with a blemished beast, which, like an ass, [cannot serve on the altar in any case].*
- HH. *No, the case of a blemished beast also poses a problem for us, for Rabbah raised the following question: “If one has vowed the value of his head for the altar, what is the law?” [And surely one could not make such into a sacrifice on the altar].”*
- II. *When we raised the question, it was before this teaching [about the status of the ass was announced, but now that this teaching has been announced, it is no longer a problem for us].*

I.36. A. *Returning to the body of the matter:* Rabbah asked, “If someone said, ‘Let the value of my head be used for the altar,’ what is the law? Is the man assessed in terms of the value [of his head] or not assessed in terms of the value [of his head]?”

- B. *We do not find a case involving money equivalents in which [a person’s limb] is not assessed in terms of its value.*
- C. *Or perhaps, we do not find a case involving what is consecrated for the altar in which [a person’s limb] is assessed in terms of its value.*
- D. *The question must stand [there being no clear criterion for choosing between the two conflicting principles].*
- E. *Raba asked, “If someone said, ‘My Valuation is incumbent on me for use on the altar,’ what is the rule? Is he assessed in terms of his resources, or is he not assessed in terms of his resources [but rather according to a set standard supplied by Scripture]?”*
- F. *We do not find a case involving Valuations in which a man is not assessed in terms of his resources.*
- G. *Or perhaps the operative principle is that we do not find a case involving the altar in which a person is involved solely in terms of his resources.*
- H. *The question must stand.*

- I. *R. Ashi raised the following question: “If one has consecrated an inherited field [ownership of which cannot permanently be alienated] for use for the altar, what is the rule”?*
- J. *Do we maintain that we find no case in which an inherited field can be redeemed except on the basis of fifty sheqels for each part of the field that suffices for the sowing of a homer of barley?*
- K. *Or do we rule that we find no case of something consecrated for the altar that may be redeemed other than in accord with its actual value [without reference to the price fixed in Scripture]?*
- L. *The question must stand.*

The Mishnah-pericope is in four parts, an introduction, A-B, which is limited at C, then three special cases, D, explained by E, F, explained by G. A speaks of paying the fixed Valuation specified at Lev. 27: 1-8, and B, of vowing the estimated worth of another, not under the rule of the fixed Valuation. C completes the opening rule but, of course, also reverses the sense of A’s blanket statement that all effect and are subject to both forms of donation. D then flows from C, also limiting the force of A, and its reason is clear at E. One cannot ascertain the Valuation of one who may be either male or female, since Scripture specifies a different Valuation for each. F then excludes those who, for one reason or another, are not deemed to exercise effective judgment. The Talmud’s opening exercise proposes to examine the meaning of the formulation of the Mishnah-passage with its emphatic reference to “all.” What follows is that a range of such usages come under discussion. The passage at hand is so arranged as to serve M. Ar. 1:1, but, as we see, it serves equally well, if rearranged for the purpose, any other passage in which the emphatic language is used and then subjected to discussion such as is at hand. Accordingly, it is the traits of the formulation of the Mishnah over all that comes under discussion, and not the passage at hand in particular. The formulation of such an interchangeable discussion of Mishnah-language therefore is prior to the composition of an exegesis of the present passage in particular.

1:1H

H. One who is less than a month old is subject to the vow [of payment of worth by another], but is not subject to the pledge of Valuation.

We begin with an account of the conflicting theories, one of which the Mishnah-rule represents, along with the principle that is expressed in each.

- I.1 A.** *Our rabbis have taught on Tannaite authority: “He who pledges the Valuation of an infant less than a month old —*
- B. *R. Meir says, “He pays his value [since there is no Valuation specified in Scripture].”*
- C. *And sages say, “He has not made a statement of any consequence at all [and pays nothing].”*
- D. *Concerning what underlying principle do they dispute?*

- E. *R. Meir maintains the theory that, in general, a person does not make a statement that is to begin with null. [On the contrary,] the person knows that vows of Valuation do not apply to an infant younger than a month old, so he made the decision to make a statement for the sake of Heaven [and thereby deliberately pledged, not the Valuation, but the assessed market-value].*
- F. *Rabbis maintain the theory that a person will make a statement that is to begin with null. [Thus, Rabbis and Meir dispute concerning the intention of the man who offered the statement.]*
- G. *In accord with which of the foregoing positions is the following statement that R. Giddal said Rab said, "He who says, 'The Valuation of this utensil is incumbent on me' [while Valuations pertain only to human beings], pays the monetary worth of the utensil"?*
- H. *It accords with the view of R. Meir [since Meir maintains that a person never makes a statement that is to begin with null].*
- I. *Obviously, the statement may accord with the position of R. Meir. [Who needs to be told that!] But the issue is whether or not you may claim that, even in accord with [the principle of] rabbis [at C, above], [the framer of the statement at hand may concur].*
- J. *[How so? By what principle may we distinguish the case at A+C from the case at G]? In the former case [at C], the person who made the statement erred, thinking that, just as Valuations apply to someone from a month of age and older, so also Valuations may apply to an infant even less than a month of age. [So one made the statement in error, and it was null and void. It was made on the base of a false supposition as to the facts.]*
- K. *But here, where there is no possibility of making such a mistake [since Scripture explicitly speaks only of human beings, not of objects,] a person most certainly knows that a vow of Valuation does not apply to a utensil. Yet he deliberately made his statement for the sake of Heaven. [So in the present case, we might suppose, even rabbis can concur that the man pays the monetary value of the object.]*
- L. *Accordingly, we are informed that that is not the case [and rabbis do not proffer the proposed distinction. Under all circumstances in their view the person's statement is null.]*
- M. **[5B]** *But [since Rab is merely explaining] the view of R. Meir, for what purpose [did Rab find it] necessary [to make such a statement? Surely Meir's position encompasses the case at hand. What possible consideration can have led Rab to the view that, within Meir's principle, one might err and suppose that the pledge of the Valuation of a utensil would produce no consequences? Surely Meir is clear at A+B.]*
- N. *What might you have said? The reason for the view of R. Meir in the former case is that [Scriptural law has included by] decree an infant less than a month old on account of the [case of the infant] a month old, [who indeed is subject to a vow of Valuation. That is, if a man did not have to pay for an infant less than a year old, he may become confused and not pay when he vows to pay the worth of an infant one month old even though in the latter case he is liable. Thus, Meir forces him to pay even for the child younger than a month.] But here, [where we have] no*

[grounds to include] by decree [the case of the utensil], I might have maintained the view that no such liability is incurred [when a person says 'the Valuation of this utensil is incumbent on me].'

- O. *[In making his statement, Rab therefore] informed us that the principle behind R. Meir's position is that, in general, a person does not make a statement that is to begin with null. There is then no difference whatsoever between the present case and the former case [such as is proposed at N].*
- P. *In accord with which position is the following statement, which Rabbah bar Joseph said Rab said, and there are those who state the matter in terms of the authority of R. Yeba bar Yosé in citing Rab: "He who sanctifies a beast belonging to his fellow pays the value of the ox." [The man cannot sanctify the ox itself, for one cannot sanctify a thing which is not his own possession to begin with. But the man in making his statement validly pledged the value of the ox, since he presumably possesses sufficient means to make such a statement of consecration of Funds.]*
- Q. *In accord with whose view is that statement? It [obviously] accords with the view of R. Meir. [Sages surely should not concur that an invalid statement of consecration bears any consequences whatsoever. But Meir can agree that the statement is not made without intent, and hence we impute the intent to consecrate the value of the beast.]*
- R. *Now lo, Rab made that statement already [in the familiar matter above].*
- S. For R. Giddal said Rab said, "He who says, 'The Valuation of this utensil is incumbent on me' pays the monetary worth of the utensil." [Accordingly, the statement would surely cover the case of the cow as much as that of the utensil, and why should it have proved necessary to develop the foregoing discussion, P-Q, at all?]
- T. *[It indeed was necessary to do so. For] what might you have concluded? In the former case, in which a person knows that there is no vow of Valuation for a utensil, the person has intended to pay its value for the sake of Heaven.*
- U. *But in the present case, we deal with a cow, which indeed is subject to an act of sanctification [since one can offer the beast itself on the altar].*
- V. *Accordingly, there is the possibility of maintaining that this is what the person who made the statement was thinking: "If I report the matter to its owner, he will sell it to me. Let the beast then be deemed effectively consecrated as of this moment, and later on I shall offer it up." But it never entered the man's mind to consecrate the mere value of the beast.*
- W. *[In stating the matter in the present context, the author] thus informs us [that Rab made no such distinction].*
- X. *Said R. Ashi, "But that entire conception pertains only if the person used the language, "...it is incumbent on me." But if he had said only, "Lo, this [beast is consecrated, without specifying that its value is incumbent upon him,] it is not in such a case [that Meir would deem a consequential statement to have been made. In this latter instance, in which the man has said, 'Lo, this beast is consecrated,' no consequence ensues. The man has not taken a pledge to pay the value of the beast at all.]"*

M.1:1H simply restates the Scriptural specification that Valuations apply to one more than a month old. It links M.1:1 to M.1:2, building upon the distinction between M.1:1A and B, the pledge of a Valuation as against the vow of one's worth. The Talmud sustainedly and at length discusses not the Mishnah-passage at hand but the secondary issues of a teaching bearing Tannaitic authority. The issue then is systematically worked out, first, the debate between Meir and sages, and, second the secondary implications of Meir's and sages' views, possible distinctions between the case at hand and other matters. The discussion is fluent and uninterrupted, beginning to end.

1:2

- A. **The gentile - [printed text: idolator]**
- B. **R. Meir says, "He is subject to the pledge of Valuation [by others], but he does not pledge the Valuation [of others]."**
- C. **R. Judah says, "He pledges the Valuation [of others] but is not subject to the pledge of Valuation [by others]."**
- D. **And this one and that one agree that they vow and are subject to the vow [of payment of worth].**

The scriptural basis for the positions of the contending authorities is spelled out and analyzed.

- I.1** A. *Our rabbis have taught on Tannaite authority.* "Israelites make a pledge of Valuation, but idolators do not make a pledge of Valuation.
- B. "Is it possible to suppose that they also are not subject to a pledge of Valuation?
- C. "Scripture states, '[When a] man [makes a special vow of persons]' (Lev. 27: 2)," the words of R. Meir
- D. Said R. Meir, "Now since one verse of Scripture has so stated matters as to broaden the coverage of the law, while another verse of Scripture serves to limit the coverage of the law, on what account do I maintain that [a gentile] is subject to a vow of Valuation but may not make a vow of Valuation?
- E. "It is because the framing of Scripture serves to include a broader classification of persons who are subject to Valuations than in the case of those who make a pledge of Valuations. [How so?]
- F. "For lo, a deaf-mute, idiot, and minor may be subject to a vow of Valuation, but they may not make a vow of Valuation [as at M. **Arakh. 1:1**]."
- G. R. Judah says, "Israelites are subject to a vow of Valuation, but idolators are not subject to a vow of Valuation.
- H. "Is it possible to suppose that they also are not able to make a vow of Valuation?
- I. "Scripture says, '...man...' (Lev. 27: 2)"
- J. Said R. Judah, "Now since one verse of Scripture has so stated matters as to broaden, while another verse of Scripture serves to limit [the coverage of the law], on what account do I maintain that [a gentile] may make a vow of Valuation but is not subject to a vow of Valuation?
- K. "It is because the framing of Scripture serves to encompass a broad classification of persons who are able to make vows of Valuation than those who are subject to vows of Valuation.

- L. “For lo, a person of undefined sexual traits and a person who bears the sexual traits of both genders are able to make vows of Valuation, but they are not subject to vows of Valuation [as at M. **Arakhin 1:1**].”
- M. Said Raba, “*The practical decision of R. Meir is well-founded, but the reason that he gives for it is not, while the reason of R. Judah is well-founded, but the practical decision is not.*”
- N. “*The practical decision of R. Meir is well-founded, for it is written in Scripture, ‘You [referring to gentiles] have nothing to do with us in the building of the house of our God’ (Ezr. 4: 3), [and funds deriving from the vow of Valuation go to support the upkeep of the Temple buildings].*”
- O. “*The reason that he gives for it is not, for lo, he introduces the analogy of the deaf-mute, idiot, and minor. But they are distinct [from others in question], for they are not assumed to exercise mature judgment [and so they cannot take vows anyhow, while the gentile does exercise mature judgment].*”
- P. “*The reasoning behind the decision of R. Judah is well-founded, for he derives proof from the analogy of the person of indistinct sexual traits or dual sexual traits. That indeed is a pertinent parallel [to the gentile], for even though they are assumed to be able to exercise intelligent judgment [still, they are not subject to a vow of Valuation], for Scripture itself has excluded them from consideration, [and since the gentile falls into their category, he too may not be subjected to a pledge of Valuation].*”
- Q. “*But [Judah’s] practical decision is not well-founded, for it is written in Scripture, ‘You [referring to gentiles] have nothing to do with us in the building of the house of the Lord, our God’ (Ezr. 4: 3).*”

I.2. A. *As to this statement, “You have nothing to do...,” how does R. Judah deal with it?*

- B. Said R. Hisda said Abimi, “[It is not that the funds received from the gentile who pledged a Valuation are actually used for the Temple. Rather, such funds as are paid in by reason of his Valuation are left on deposit [‘hidden away’, and not used for any purpose whatsoever.]”
- C. But if that is the case, then the laws of sacrilege should not apply to those funds [which would create an anomaly in the law, since what is dedicated to the Temple’s service is ordinarily subject to the protection of the laws of sacrilege].
- D. *Yet we have learned [at T. **Meilah 1:8 A-G**]: **Animals set aside for sin-offering under five classifications are left to die, and the funds received in their connection go to the Dead Sea, so that one may not derive benefit from those funds, but the laws of sacrilege do not apply to them.** [Since the animals will not serve as sacrifices, the laws of sacrilege no longer apply. Therefore one cannot say that the laws of sacrilege apply to the money given by a gentile since the money will never serve for maintaining the Temple.]*
- E. *Therefore it has been taught on Tannaite authority with respect to Holy Things declared consecrated by gentiles: ‘Under what circumstances [do the laws of sacrilege apply]? With respect to Holy Things consecrated for*

use on the altar. But as regards Holy Things consecrated for use in the upkeep of the Temple house the laws of sacrilege do apply to them.” [Accordingly, the proposed explanation is contrary to the explicit law at hand.]

- F. Rather,” said Raba, “It is on account of the possibility of weakening the resolve [of the Israelites that the gentiles’ contribution is excluded], for it has been written in Scripture, ‘Then the people of the land weakened the hands of the people of Judah and harmed them while they were building’ (Ezra 4: 4). [Judah then understands the cited verse to refer to the conditions prevailing at that time and not to the law that would govern for all time.]”

I.3. A. **[6A]** *One Tanna taught:* As to a gentile who offered a voluntary contribution for the upkeep of the Temple building, they accept it from him.

B. *Another Tanna taught:* They do not accept it from him.

C. *Said R. Ila, said R. Yohanan, “There is no contradiction [between the two teachings]. One refers to [accepting a contribution] at the initial [stages of building the Temple], the other to [accepting a contribution for the maintenance of the Temple once the initial construction] is finished.” [This explanation is now spelled out.]*

D. For R. Assi said R. Yohanan said, “At the beginning [of construction], even water or salt do they not accept from the [gentiles]. But after the fact, while an identifiable object [to which a gentile may point as his contribution] they do not accept from him, an object that is not readily identified they do accept from him.” [Thus, if he changes his mind he cannot ask for its return.]

E. *What would fall into the category of an object that is readily identified?*

F. Said R. Joseph, “It would, for instance, be a pointed cubit used to fend off ravens [from the Temple precincts].”

G. *R. Joseph objected [citing a verse of Scripture that indicates gentiles indeed did make contributions of identifiable objects], “‘And a letter to Asaph, keeper of the king’s park, that he may give me timber to make beams’ (Neh. 2: 8).”*

H. *Said to him Abayye, “The case of a gift from a [gentile] government is different, for the Monarch [government] will never retract [and so may be relied upon to make a contribution that will permanently remain in the Temple].*

I. *“That is in line with what Samuel said, ‘If the monarch [government] says, ‘I shall uproot mountains,’ the monarch will uproot mountains and not retract.’”*

I.4. A. Said Rab Judah said Rab, “A gentile who set apart a portion of his crop, designating it as priestly rations — those who know him examine his [motives in doing so]. If [when he did so] it was to

accord with the intention of an Israelite that he set apart a portion of the crop, then it is to be given to a priest [as his rations].

- B. “But if it is not [the case that it was simply to accord with Israelite practice, but that the gentile himself proposed to contribute to the upkeep of the cult], then the crop that he has set apart requires permanent deposit [and may not be used]. [How so?]
- C. “*We take account of the possibility that he intended [to set apart the crop] for the sake of Heaven, [which he may not do].*”
- D. *They objected [by citing an authoritative teaching, now at T. Meg. 2:16:] A gentile who sanctified a beam for use [T. adds: in a synagogue] and on it is written, “For the Name [of God]” —*
- E. **they examine him. If he said, “I set it apart to accord with the prevailing intention of Israelites, they plane it off [the Name] and make use of the remainder. But if not, it must be left on permanent deposit, lest it was in the intention of his heart to [contribute the beam] for the sake of Heaven.**
- F. *Now the operative criterion at hand is that on the beam was written the Name [of God]. That is why the beam has to be left on permanent deposit. Lo, if there is no Name written on it, then it does not require permanent deposit. [So the operative criterion is not merely that the gentile has given the beam, but a further consideration is involved.]*
- G. *[No, that is not the case.] The same law applies, for even though the Name is not written on an object, the requirement of leaving the object on permanent deposit still applies [when he intends it for the sake of Heaven].*
- H. *But the law just now cited informs us that even though the Name is written on the beam, one has to plane the beam [and reimburse the holy Name] and only then may make use of the beam. For when the name of God is written not in its appropriate place it is not holy.*
- I. *For we have learned: [If the Name of God] was written on the handles of utensils or on the legs of beds, lo, one should plane the name off and leave it on permanent deposit. [Therefore, there are two operative criteria in the law at E. It cannot be used because of the improper intention and it must be planed because of the use of God’s name.]*

The next units take up the analysis of the issues introduced just now through T. Megillah 2:16, that is, the status of an act of dedication. So one explanation for No. 5’s inclusion is its intersection with the afore-cited passage. But there is a second way of viewing matters. The issue is now addressed not in the context of a gentile’s action but in the framework of our reading of the intention of the use of a given linguistic formula, that is to say, the issue introduced at the outset. Hence we find ourselves in the odd position of dealing with a tertiary continuation of a subordinate discussion, which also forms an original analysis of the generative issue of the whole, starting at M. 1:1H, namely, the effect of a given formula, that is to say, is it the fact that a person does not make a statement that is to begin with

null? The issue surfaces at 5.E. One or the other explanation of the appearance of No. 5 will govern how we categorize the composition. In my outline I treat it as a continuation of the principled discussion of whether or not someone makes a statement that to begin with is null; hence I classify the passage as an address to the Mishnah-proper. But it is equally reasonable to see it as a subordinate treatment of No. 4.

- I.5.** A. Said R. Nahman said Rabbah bar Abbahu, “He who says, ‘This coin is to serve for philanthropy’ is permitted to use it for some other purpose.”
- B. The assumption in the foregoing statement is that he may make use of the coin for his own need. But for the need of a third party [he may] not [utilize the coin].
- C. [Rejecting the gloss at B,] said R. Ammi said R. Yohanan, “Whether it is for his own purposes or for the purposes of a third party, [he may make use of the coin at hand].”
- D. Said R. Zeira, “The foregoing teaching applies only in the case of one who said, ‘Lo, incumbent on me [is a sela for charity.]’ But if the man had said, ‘Lo, this [particular coin is incumbent on me to donate to charity],’ *he certainly has to give [that coin and may not use it either for himself or another].*”
- E. *Raba objected to that statement, “Quite to the contrary, exactly the opposite conclusion is more reasonable. If the man had made explicit reference to this coin, he may make use of it, since he thereby accepts upon himself liability to replace the coin should it be lost. But if he said, ‘Incumbent on me...,’ [he has already accepted upon himself liability to pay no matter what, therefore] he may not [use it for other purposes] may he not do so? [Since both arguments are logical D-E,] there really is no difference [in the two situations].*”
- F. *It was taught on Tannaite authority in accord with the position of Raba: A vow is in the category of philanthropy, but an act of consecration is not in the category of philanthropy.*
- G. *What is the meaning of this statement?* Neither a vow nor an act of consecration in fact falls into the category of charity.’
- H. *But is not this the meaning of the cited statement: A pledge to donate to philanthropy, lo, it is subject to the admonition not to delay [paying off just like a vow] [stated at Deu. 23:22].*
- I. [But philanthropy] is not in the category of an act of consecration. *For in the case of what has been subject to an act of consecration it is forbidden to make use of such an object, while in the case of something designated for philanthropy, it is permitted to make use of such an object [until it is handed over for the purpose for which it has been designated].*
- J. Said R. Kahana, “I stated this tradition before R. Zebid of Nehardea. He said, ‘As to you, that is how you stated the matter. But as to us, this is how we repeat it:’
- K. ““Said R. Nahman said Rabbah bar Abbuhah said Rab, “He who says, ‘This coin is for philanthropy’ — he is permitted to make use of it for some other purpose, whether for his own benefit or for the benefit of a third party, whether he used the language, ‘Incumbent on me’ or whether he used the language, ‘Lo, this...’”””

I.6. A. *Our rabbis have taught on Tannaite authority [at T. Meg. 2:15 E-F]: [if someone said,] “This coin is for philanthropy, “before the coin has actually reached the possession of the charity collector, it is permitted to make use of the coin for some other purpose.*

B. *Once the coin has reached the possession of the charity collector it is forbidden to make use of it for some other purpose.*

C. **[6B]** *Is that so? But lo, R. Yannai [who himself was a charity collector] would make use of funds for his own purposes and then pay them back.*

D. *The case of R. Yannai is different, for it was acceptable to the poor [that he postpone paying over the funds he had collected for them], for so long as he delayed, he continued to collect and bring them [more money].*

I.7. A. *Our rabbis have taught on Tannaite authority: As to an Israelite who contributed a candelabrum or a candle to the synagogue — it is forbidden to [make use of these objects for some purpose] other [than that for which they were originally contributed, e.g., disposing of them.]*

B. *R. Hiyya bar Abba [in considering the passage at hand] considered ruling that there is no difference between [one’s using the object for some purpose other than the original one, whether the new purpose is] optional or religiously required.*

C. *Said to him R. Ammi, “This is what R. Yohanan taught: ‘The teaching at hand applies only [to using the object for a new purpose] that is an optional matter. But as to a matter of carrying out a religious duty, it is permitted to make use of the object for some matter other than that for which it was originally contributed.’”*

D. *This is implicit in what R. Assi said R. Yohanan said, “As to an idol worshipper who donates a candelabrum or a candle to a synagogue, as long as the name of the donator is not forgotten it is forbidden to alter its use. But once his name is forgotten it is permissible to alter its use.”*

E. *Now for what purpose has the object been changed from its original one? Shall we say that it is an optional matter? On what basis then would one specify the case of idolator [who donates]? Even [in the case of a gift from an] Israelite it would be forbidden to do so.*

F. *So it must involve altering its use for the purpose of a religious duty.*

G. *Then the applicable consideration is that the donor was an idolator, who would complain about the matter [for he would not want his gift being used to fulfill an Israelite religious obligation]. But in the case of an Israelite, who would not complain about the matter, it would be acceptable. [Hence, so far as Yohanan is concerned, even when the new purpose is optional, the object indeed may be used for some purpose other than the original one.]*

I.8. A. *Shaazeroq, a Tai [Arab] contributed a lamp to the synagogue, of Rab Judah.*

B. *Rahba used it for another purpose [than that for which it had been contributed], and Raba took it amiss [Jung].*

C. *Some report that Raba changed [the use of the object], and Rahba took it amiss.*

- D. *Some report that the sextons of Pumbedita changed [the use of the object], and Rahba and Rabbah took it amiss.*
- E. *The one who changed [the use of the object from the original purpose] maintained that the donor was not often about, and the one who took it amiss reasoned that there are times that the donor does happen to come by.*

The dispute at M.1:2 is perfectly balanced, with the point at issue expressed in the reversal of word order, B/C. Meir's position is that an Israelite may pledge the Valuation of a gentile (B.'s text: idolator), but a gentile may not pledge the Valuation either of himself or of anyone else. Judah's view is the opposite. Both parties have to figure out how the gentile is excluded from the law of Valuations (Lev. 27: 2: speak to the children of Israel). In Meir's view, the matter rests upon the action of the person who takes upon himself to pay the Valuation; hence others may pledge the Valuation of the gentile, but the gentile may not pledge the Valuation of others. In Judah's view, the matter rests upon the status of that which is subject to Valuation. Hence the gentile may pledge the Valuation of an Israelite, but not of himself. Both parties agree that vows are permitted in all cases.

1:3

- A. **He who is on the point of death or he who goes forth to be put to death**
 - B. **is not subject to the vow [of payment of his worth by others] nor subject to the pledge of Valuation [by others].**
 - C. **R. Hananiah b. 'Aqabya says, "He is subject to the pledge of Valuation,**
 - D. **"because its [a Valuation's] price is fixed.**
 - E. **"But he is not subject to the vow [of payment of his worth by others],**
 - F. **"because its [a vow's] price is not fixed."**
 - G. **R. Yosé says, "He may vow [the value of another] and may pledge a Valuation [of another] and may declare something sanctified.**
 - H. **"And if he caused damage, he is liable to make restitution."**
- I.1 A.** **[He who is on the point of death or he who goes forth to be put to death is not subject to the vow of payment of his worth by others nor subject to the pledge of Valuation:]** *There is no problem [in understanding why] he who is on the point of death is not subject to the vow [of payment of his worth by others], because he no longer possesses a money-value at all [that is, since he is about to die he would not be worth any money if he was sold in the market as a slave. It is also understandable why he is... subject to the pledge of Valuation [by others], for he cannot be set up [before the priest, as Scripture requires, since he is not free to go where he wishes cf. Lev. 27: 8].*
- B. *But as to him who goes forth to be put to death, while he is not subject to the vow [of payment of his worth by others], because he no longer possesses a money-value at all, why should he not be subject to the pledge of Valuation [by others]?*
 - C. *For it has been taught in a teaching in the authority of a Tanna: How do we know that in the case of him who was being taken forth to execution and said, "My Valuation is incumbent on me," he has said nothing?*

- D. Scripture has said, “No devoted thing... shall be redeemed” (Lev. 27:28). [A condemned person falls into the category of herem.]
- E. Is it possible [that the same rule applies] even prior to the completion of his trial?
- F. Scripture says, “...from man [in part]” and not the whole of a man [and before the end of the trial and the sentencing, he remains a whole man. Afterward he is no longer whole.]
- G. *Now in the view of R. Hananiah b. Aqabya, who holds, “He is subject to a pledge of Valuation,” because [in the case of a pledge of Valuation] there is a fixed fee [specified by Scripture, so the issue of the diminishing value of a person about to die does not enter],*
- H. *how would one interpret this reference to “no devoted thing [shall be redeemed]”?*
- I. *It is to be interpreted [for a quite separate purpose] in line with that which has been taught by a Tanna: R. Ishmael, son of R. Yohanan b. Beroqah, says, “Since we find that those who are subject to the death penalty at the hand of Heaven are able to pay a monetary find and attain atonement for themselves, as it is said, ‘If a ransom is laid on him’ (Exo. 21:30), is it possible to suppose that the rule is the same for one who has been condemned to the death penalty to be executed by man?*
- J. “[No, it is not possible, for] Scripture states, ‘No devoted thing... shall be redeemed [and a man sentenced to death falls into that category]’ (Lev. 27:28).
- K. “I know only that rule applies in the case of those who are condemned to death as guilty of a most severe crime, the inadvertent performance of which is not subject to atonement [such as blasphemy].
- L. “How do I know that the same rule applies to those who are put to death for lesser crimes, the inadvertent performance of which is subject to atonement?
- M. “Scripture states, ‘No devoted thing...’”

II.1. A. R. Yosé says, “He vows [the value of another] and pledges a Valuation [of another and declares something sanctified, and if he has caused damage, he is liable to make restitution]” (M. 1:3G-H).

- B. *Now did the authority behind the contrary opinion, stated at the outset [A-F] maintain that he does not [vow or pledge a Valuation? No one has raised the issue at all!]*
- C. *Thus in respect to his making a vow [of someone else’s market value] or pledging a Valuation or declaring something to be consecrated, all parties concur.*
- D. *Where there is a point of difference, it concerns a case of [the condemned or dying man’s] causing damage [to a third party, through his own chattels, e.g., his cow].*
- E. *The first party [to the Mishnah-passage] maintains that if he caused damage, he is not liable [to pay] monetary compensation, while R. Yosé holds that if he caused damage, he is liable to pay monetary compensation [as M. 1:3H makes explicit. Since H makes such a statement, the exegete reasonably assumes that a contrary position is to be imputed to the party with whom Yosé at H differs.]*
- F. *What is the point at issue?*

- G. Said R. Joseph, "At issue is the case in which there is a debt of the status of an oral debt [not secured by a bond] to be collected from the condemned man's estate. [If, for example, the condemned man's chattels caused damage, but the injured party did not bring the case to court prior to the man's own trial. The assumption is that, since the Torah has secured for the injured party restitution for his damages, what is owing is in the status at least of an oral debt. Can the injured party collect from the estate of the condemned man?]
- H. *"The first party [to the dispute] maintains that an oral debt may be not collected from the estate [of the condemned man], while R. Yosé maintains that an oral debt may be collected from the estate."*
- I. *Raba said, "All parties [to the dispute at hand] concur that an oral debt is not collected from the estate [of the condemned man]. Here the dispute concerns a monetary penalty imposed by the law that is written in the Torah [for a person who causes damage.]*
- J. *"The first party to the dispute maintains that a debt [i.e. this monetary penalty] that is imposed by law written in the Torah is not tantamount to one that is secured by a written bond. [Hence it cannot be collected from the estate, as a debt secured by a bond can be but may be collected only when the man is alive.] R. Yosé takes the view that it is in the status of a debt that is secured by a written bond, [and hence may be collected even after the man's death]."*

II.2. A. *Now there are those who report the dispute at hand, II F-J, in connection with another passage entirely.*

- B. **He who goes forth to be put to death — if he inflicted injury on others, he is liable [to make restitution]. If others inflicted injury on him, they are exempt from making restitution. R. Simeon b. Eleazar says, "Also in the case of his having inflicted injury on others, he is exempt, for he may not once again be summoned to court [so there is no possibility of a court action against him]" (T. B.Q. 9:15, with slight revisions in the wording).**
- C. **[7A]** *May we then infer that the first party to the dispute maintains the view that the man may be summoned a second time to court [under the present circumstances]?*
- D. *R. Joseph said, "At issue is the case in which there is a debt in the status of an oral debt to be collected from the condemned man's estate. The first party to the dispute maintains that an oral debt may be collected from the estate, while R. Simeon b. Eleazar maintains that an oral debt may not be collected from the estate."*
- E. *Raba said, "All parties concur that an oral debt is not collected from the estate [of the condemned man]. Here the dispute concerns a debt imposed by the law that is written in the Torah. The first party to the dispute maintains that a monetary penalty that is imposed by law written in the Torah [for causing damages] is tantamount to one that is secured by a written bond. [Hence, it can be collected from his estate without taking him to court]. R. Simeon b. Eleazar takes the view that it is not in the status of a debt that is secured by a written bond [and hence, cannot be collected without a trial. Since he cannot be put into double jeopardy, the money cannot be collected.]"*

- F. *[To the view that at issue is the matter of the status of the debt imposed by the law that is written in the Torah] the following passage was raised as an objection: He who dug a pit in the public domain, and an ox fell on him and killed him — [the owner of the ox] is exempt [from having to pay compensation,] and not only so, but if the ox died, the state of the [deceased] owner of the pit is liable to pay compensation for the value of the ox to the owner [of the ox] [M. B.Q. 5:5].* [Clearly, all parties concur that a debt imposed by the law that is written in the Torah is treated as if it is secured by a written bond and can be collected after the man's death. How then can Raba maintain that that principle is what is subject to dispute?]
- G. Said R. Ila said Rab, "The [foregoing] law speaks of a case in which the case had already been brought to court [and the man had been ordered by the court to pay compensation. That order is equivalent in effect to a written bond.]"
- H. *But lo, "killed him" is what has been stated [by the authority of the passage implying that he died before a trial took place]!*
- I. Said R. Ada bar Ahbah, "The passage speaks of a case in which the injury was such as to be fatal [but the man died later after the trial had taken place.]"
- J. *But did not R. Nahman say that Hagga taught, "...died and buried him..."* [That is, the ox killed the man and buried him. There is no possibility then to maintain that the injury was not fatal forthwith, so there also is no possibility that the one who dug the pit was ordered by the court to pay. The man who dug the pit, now wounded and lying inside, prior to death surely could not have been taken to trial and been instructed by the court to pay compensation for the beast. Accordingly, the explanation proposed by Raba for the earlier dispute is not possible, for clearly all parties here concur in the principle that he maintains is subject to dispute.]
- K. *The case involves the situation where the court was convened at the mouth of the pit* [and instructed the dying man to pay for damages. Accordingly, the monetary penalty specified by Scripture is not treated as if secured by a written bond. Hence, it can only be collected from the dead man's estate if a trial had taken place before his death].

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

- B. As to him who is going forth to be put to death, they sprinkle on him blood from a beast that he has offered up as a sin-offering or as a guilt-offering [on account of some prior infraction of the law.] But if he committed a sin at that very moment, [priests are not] obligated [to attend to] his [need for bringing a sin — offering]. [No further cultic procedures are to be inaugurated on account of the condemned man. Since he continues to disobey the law, no sin or guilt offering may be made on his account.]
- C. *What is the reason for this principle?*
- D. Said R. Joseph, "It is because the court is not to delay the execution of the decree against the man [so inflicting on him further, needless suffering]."
- E. *Said Abayye to him, "If that is the operative principle, then even [in the case described in] the opening clause [he should not be sprinkled with blood. Here too you have the case of a delay in executing the court's penalty]!"*

- F. “[No. *The former case*] deals with a case in which the animal that has been set aside for sacrifice was sacrificed at that very moment. [Hence, there was no delay.]”
- G. *But if his sacrificial animal had not been sacrificed [immediately], what is the law?*
- H. *Is [the law] not as indicated in the second clause [at A]: “But if he committed a sin at that moment, [priests are not] obligated [to attend to] his need for bringing a sin-offering].*
- I. *[If that were so], then [instead of repeating the tradition in the language, “But if he committed a sin at that very moment, [priests are] not obligated [to attend to] his [cultic requirements]],” the passage should be phrased differently and the distinction should be made with reference to the [sacrifice itself] [Jung], [phrasing matters as follows:]*
- J. “Under what circumstances? In a case in which the animal-sacrifice had been sacrificed at that very moment. But if the animal set apart for the sacrifice had not been sacrificed at that moment, [the rite is] not [carried out at all].”
- K. *That indeed is how the matter has been stated: “Under what circumstances? In a case in which the animal-sacrifice had been sacrificed at that very moment. But if the animal set apart for the sacrifice had not been sacrificed at that moment, then the condemned man is treated as if he had committed the sin at that very moment, and [priests are] not obligated [to attend to] his need [for bringing a sin-offering,” as at A].*

M.1:3 consists of a dispute, A-B vs. C-F; the form of the second opinion, C-F, follows that of M.1:1D-E, F-G, that is, the specification of a reason for a rule. One who is about to die is worth nothing if sold in a marketplace, so too the one about to be executed. Therefore he is not subject to the vow that others will pay his worth or the pledge of Valuation. Hananiah rejects this view for the stated reason. The pledge of Valuation certainly is fixed and payable; the worth to be paid by a vow is null. Yosé’s saying is separate from the foregoing. The man’s estate can be encumbered by these vows or other obligations. The Talmud’s exegesis of the Mishnah-paragraph follows a clear-cut program. Unit I undertakes to clarify the language of the Mishnah-passage itself. Unit II does the same, now carrying out a close reading of the later part of the same passage. The rest is continuous with the foregoing but pursuing its own interests, takes over the thesis given in unit II about what is at issue and assigns the disputed principle to another case entirely. This moves in its own direction, as we see.

1:4

- A. **The [pregnant] woman who goes forth to be put to death —**
- B. **they do not postpone [the execution] for her until she will give birth.**
- C. **[If] she sat on the travailing stool, they postpone [the execution] for her until she will give birth.**
- D. **The woman who is executed — they derive benefit from her hair.**
- E. **A beast which is executed — it [the hair] is prohibited from benefit.**

- I.1 A.** [The pregnant woman who goes forth to be put to death — they do not postpone the execution until she will give birth:] *[The rule of A-B] is self-evident, for [the foetus] is [merely part of] her body [and not a separate creature, until labor pains begin. There is no reason to take account of the foetus.]*
- B. *[No, it was] entirely necessary [to state the matter explicitly. Why?] I might have proposed the thesis that, since it is written, “According as the woman’s husband shall lay on him” (Exo. 21:22) [in paying the indemnity for the miscarriage], [the foetus] belongs to the husband and should not be taken away from him.*
- C. *Accordingly, we are informed [that that is not the case where a woman is going to be executed].*
- D. *And may I perhaps maintain the view that that is indeed the case?*
- E. [No, you may not entertain such a proposition. For,] said R. Abbahu said R. Yohanan, “A verse of Scripture has said, ‘[If a man is found lying with the wife of another man,] they shall die, even both of them’ (Deu. 22:22). [The word, even,] serves to include the foetus.”
- F. *But the cited verse serves to prove [a different proposition:] “Both of them [the man and woman offender] must be equivalent [in status, that is, as adults. If adultery is committed by a minor and an adult, the former is not put to death],” the words of R. Josiah, [so that is the point proved by the cited verse when it says “even.”]*
- G. *That is in accord with what you have stated [and, indeed, the word serves to prove both propositions.]*

II.1 A. If she sat on the travailing stool [M. 1:4C]: *What is the reason for the stated rule?*

- B. *Because once the foetus has begun parturition, it is deemed a separate human being.*

- II.2. A.** Said Rab Judah said Samuel, “As to a woman who is going forth to be put to death, they hit her on the womb so as to kill the foetus first, in order that the woman may not be disgraced [by having the foetus come forth after she has died].”
- B. *[The foregoing statement therefore] implies that the woman [without doing this] would die first. But we have it as fact that the foetus dies first.*
- C. *For we have learned the following rule [at M. **Nid. 5:3**]: **An infant merely a day old may inherit an estate or cause [one of his legal heirs to] inherit an estate. [The pertinence of this statement becomes clear presently.]***
- D. In this connection R. Sheshet stated, “He inherits the estate of the mother, so as to cause his brothers on his father’s side to inherit that estate. [That is, if the infant survives the mother and then dies, his brothers on his already deceased father’s side inherit his deceased mother’s estate. The estate then does not pass back to his mother’s family, as it would if the infant died without surviving brothers on his deceased father’s side.]
- E. *“Now that is the rule specifically in a case in which the infant is a day old. But in the case of a foetus, that is not the case.”*

- F. [And the reason, obviously, is that we assume that if the mother died her foetus would die first] and a male offspring may not [theoretically] inherit the estate of his mother when he already is in the grave [before she dies] so as to pass on that estate to his brothers on his father's side. [Accordingly, the assumption above, A-B, that the foetus dies after the woman is clearly not held in the present instance and is called into question.]
- G. *[No, that is really not the case. Why not?] The rule just now given [assuming that the mother dies first] applies to natural death, for, since the infant is small, the poisonous drop [of death] given by the angel of death goes in very quickly and destroys the vital organs [so the infant dies first].*
- H. *But in a case in which the woman is put to death, she dies first.*
 - I. *Now there was a case, in which [the foetus] moved three times [thus indicating that it survived the execution of the mother].*
 - J. *[No.] It was comparable to the case of the tail of a lizard, which twitches [after death even though the lizard is already dead].*

- II.3.** A. Said R. Nahman said Samuel, "In the case of a woman who sat down on the travelling stool and died, [even] on the Sabbath people may bring a knife and cut open her belly and remove the infant [even though carrying across the lines from private to public domain and cutting are normally forbidden]."
- B. *That rule is self-evident [and hardly requires articulation], for what has one done? [7B] He has only cut into meat [which one may do on the Sabbath, e.g., even in eating a meal. Why therefore was it found necessary to make such a self-evident statement?]*
 - C. *Said Rabbah, "No, [it is not self-evident, and] it was necessary to state matters to indicate that one may bring a knife even through public domain."*
 - D. *Yet what does he wish to tell us [in so stating]? Is it that in a case of doubt [as to the saving of life] one people may violate the sanctity of the Sabbath?*
 - E. *On Tannaite authority we already have learned that very point: In the case of one upon whom debris has fallen [on the Sabbath], in which case there is doubt whether he is there or not, whether he is alive or dead, whether he is a Canaanite or an Israelite, people may remove the mound [of debris] from on him. [So it is clear that, in a case of doubt, in order to save life one carries out an otherwise prohibited action.]*
 - F. *[No, it nonetheless was necessary to state the same principle in the present case. For] what might you otherwise have ruled? In that other case, the rule applies because there is the presumption that the man is alive [since he was alive before the debris fell], but here, in which there is no presumption that the infant is alive to begin with, I might have ruled that the rule does not pertain.*
 - G. *Accordingly, we are informed [to the contrary, that that is not the case, and even in a case of doubt such as we have at hand, the same rule applies.]*

III.1 A. The woman who is executed [M. 1:4D], etc.:

- B. *Why [in this case is it the rule that one may use the woman's hair]? [Is it not the case that her hair] is subject to a prohibition against deriving benefit?*
- C. Said Rab, "The rule applies [however, only] in a case in which the woman herself has stated, 'Hand over my hair to my daughter'" [cf. T. Ar. 1:4D-F].

- D. *But if she had said, "Hand over my hands to my daughter," would we have handed them over? [Of course not!]*
- E. Said Rab, "The rule speaks of a wig made from the hair of a gentile woman. [In such a case, we do not regard the wig as part of her body and therefore prohibited for further utilization. Why not? Since she has spoken of the wig as separate from her body, we treat it as separate and hand it over to the daughter.]"
- F. *So the reason is that the woman herself has stated, "Give [my wig to my daughter]." Lo, if she had not said, "Give...", [we should have regarded it as] part of her body and forbidden.*
- G. *But lo, this very principle [which you take for granted as valid] presents a problem to R. Yosé b. R. Hanina, for R. Yosé bar Hanina raised the question, "What about the hair of righteous women," and in this very regard, Raba stated, "[In asking about the hair of righteous women, Hanina refers to the case of a righteous woman who is wearing] a wig made from the hair of a gentile woman." [Under discussion is the case of a rebellious city, which, in accord with Deu. 13:13 ff. is to be destroyed. The property of all residents is destroyed, and those who actually committed idolatry are put to death. Righteous persons are saved, but they too lose their property. Is the wig of a righteous woman part of her body, therefore not destroyed, or is it mere property, therefore destroyed?]*
- H. *The reason that the problem troubled R. Yosé bar Hanina was that the wig was hung on a peg, [and so was not clearly part of the woman's body at any time]. But here [in the case of the woman who is put to death] we deal with a case in which the wig is permanently attached to the woman.*
- I. The operative reason then is that the woman has stated, "Give...", but had she not said, "Give...", it would have been regarded as part of her body and therefore forbidden.
- J. *[If the rule governing the woman refers to her wig when it says "one may derive benefit from her hair," then that interpretation] poses a problem to R. Nahman bar Isaac, [for he stated matters as follows]: "Lo, the rule at hand treats the woman as analogous to the beast. [Hence the reference of the framer of the Mishnah cannot be to the wig, which is not part of the woman's body. Why not?] Just as, in the case of the beast, we refer to its body [when we say one may not derive benefit from it], so here too we refer to the body of the woman [and not to her wig. So the wig would introduce an anomaly.]"*
- K. "Rather," said R. Nahman, "[The cases are not analogous at all. For,] in the case of the woman, it is only when she actually dies that [her body] becomes prohibited, while in the case of the beast, it is at the conclusion of the trial [and not merely at the moment of execution] that the beast becomes prohibited [That is the operative distinction explaining the Mishnah-passage.]"
- M. *Levi repeated the rule in accord with the view of Rab, and Levi repeated the rule also in accord with the position of R. Nahman bar Isaac.*
- N. *Levi repeated the rule in accord with the position of Rab [by formulating matters as follows]: "As to a woman who is going forth to be put to death and said, 'Hand over my hair to my daughter,' they hand it over to the daughter.*

- N. “[Once she] has died, they do not hand it over to her, for what derives from a corpse is not given over for the benefit [of survivors].”
- O. *[That second point] is self-evident [and hardly regards specification].*
- P. “Rather,” [repeat the tradition as follows:] “the ornaments of the dead are not given over for the benefit of survivors.” [This version then must refer to the wig, just as Rab has said].
- Q. *He further repeated the tradition in accord with the interpretation of R. Nahman bar Isaac:* “As to a woman who has died, people may derive benefit from her hair. As to a beast who has been put to death, it is forbidden to derive benefit [from the corpse].
- R. “Now what is the difference between the one and the other? In the case of the woman, it is only when she actually dies that [her body] becomes prohibited while in the case of the beast, it is at the conclusion of the trial [and not merely at the moment of execution] that the beast becomes prohibited.”

The Talmud systematically works out the explanation of the Mishnah’s rules.