

MISHNAYOTH

(In Six Volumes)

VOLUME V

ORDER KODASHIM

POINTED HEBREW TEXT, INTRODUCTIONS, TRANSLATION,
NOTES, APPENDIX, SUPPLEMENT, INDEXES

הוצאת תלמוד תשס"ד
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PREFACE

The text of this fifth Order **KODASHIM** is more rugged and terse than the texts of the preceding Orders, and this has necessitated the greater use of interpolations [in square brackets] in the Translation to clarify the meaning, but in all other respects the volume is uniform with the four preceding volumes (Orders **ZERAIM**, **MOED**, **NASHIM**, **NEZIKIN**).

This Order contains a variety of supremely important moral and ethical teachings ; it gives much information on the laws of *Tephillin*, *Tsitsith* and *Mezuzah*, and it devotes a whole Tractate, **CHULLIN**, to the vital subject of *Shechitah* with observations on the dietary laws ; it presents besides numerous interesting and instructive matters of historical and social importance. Special attention must be drawn to Tractate **MIDDOTH** with its entrancing descriptions of the Temple and Temple procedure. Tractate **ZEVACHIM**, in particular, is deserving of intensive study in order to acquire a thorough understanding of the significance of Chapter 5 (*Mishnahs* 1-8) as incorporated in the Liturgy of the *Daily Morning Service* which the devout read with meticulous attention and earnest devotion, prefacing each paragraph with an appropriate short prayer in the hope that the serious recital would receive Heavenly acceptance in place of the sacrifices pronounced.

The *Hadran* with prefatory Prayers and Benedictions, accompanied by full explanatory notes, has been added at the end of the volume.

The rendering has been recast several times to make the meaning fully clear to the reader and has received a thorough final check and revision by Rabbi Dr. S. M. Lehrman, M.A., Ph.D., to whom the author tenders his sincere thanks.

The author begs to acknowledge with gratitude valuable advice he has received from Rabbi Dr. I. Epstein, B.A., Ph.D., D.Lit., and for helpful suggestions made by Rev. Joseph Halpern, M.A.

To the Publisher Mr. Lasar M. Schoenfeld I render my deepfelt thanks for his unfailing enthusiasm, co-operation and generous financial support.

The Printers, Williams, Lea and Co., Ltd., deserve praise for their speedy and excellent production.

PHILIP BLACKMAN.

GENERAL INTRODUCTION

סדר קדשים (or סדר קדשים) is the fifth *Order* of the *Mishnah* and is so termed because all its *Tractates* or *Treatises* deal almost entirely with the laws and regulations concerning sacrifices and all subjects appertaining thereto (based on *Leviticus 1-10*).

The *Tractate חולין* is the only one of supreme practical importance, as it deals with the subject of שחיטה, the manner and methods of slaughtering beasts and birds and passing their flesh as ritually and hygienically fit for consumption. All the other *Tractates* are almost wholly of theoretical value only, as they treat of sacrifices, priestly contributions and other allied matters, none of which, since the destruction of the Second Temple, can be put into practice.

The term קדשים or קדשים, *holy (sacred, consecrated, dedicated) things*, is the plural form of the noun קדש, *holiness, consecration, sacredness, sanctity, dedicated (consecrated) object, something holy, sanctuary* and is a derivative of the verb קדש.

The eleven *Treatises* of this *Order* (described more fully in the separate **INTRODUCTIONS** to each) are:

1. זבחים, **Sacrifices** (entitled also [a] שחיטת קדשים, **Slaughtering of Consecrated Animal Sacrifices** and [b] קרבנות, **Offerings**) deals with the killing of sacrificial animals and the sprinkling (or tossing) of their blood, and the subjects of *disqualification* and *remnant*.

2. מנחות, **Meal-Offerings**, deals with *intention, ingredients, the handful, waving, the shewbread, and libations*.

3. חולין, **Unconsecrated** (also called שחיטת חולין, **Slaughtering of Undedicated Animals**) deals with the methods and manner of killing, the animal with a blemish, and *kasher* and *terefah*.

4. בכורות, **First-born**, deals with the firstlings of clean animals, those fit and unfit for sacrifice, and the ransom of the first-born son.

5. ערכין, **Estimations**, deals with the redemption of pledges.

6. תמורה, **Exchange**, deals with matters regarding the exchange of dedicated animals.

7. כרתות, **Exterminations**, deals with the sins entailing the penalty of extinction or excision, and expiatory offerings.

8. מעילה, **Trespass**, deals with the misappropriation of consecrated things.

אַלְעֶזֶר . . . אַלְיַעֲזָר . . . see

בֵּית הַלֵּל

זְבָחִים⁴; חוֹלֵין^{1, 8, 11}; בְּכוֹרוֹת⁵; כְּרִיתוֹת¹.

גַּמְלִיאֵל, רִבֵּן גַּמְלִיאֵל . . . see

דִּוְסָא בֶּן הֶרְכִּיָּס

חוֹלֵין^{1, 11}; בְּכוֹרוֹת⁷.

הַלֵּל, בֵּית הַלֵּל . . . see

הַלֵּל הַגָּדוֹל

עֲרֻכִין⁹.

חֲנִינָא בֶּן אֲנָטִינְיוֹס

עֲרֻכִין²; תְּמוּרָה⁶.

חֲנִינָא בֶּן גַּמְלִיאֵל

מְנַחוֹת⁵; בְּכוֹרוֹת⁶.

חֲנִינָא בֶּן עֲקֵבְיָא

עֲרֻכִין¹.

חֲנִינָא סֵגֵן הַכֹּהֲנִים

זְבָחִים^{9, 12}; מְנַחוֹת¹⁰.

טְרַפּוֹן

זְבָחִים^{10, 11}; מְנַחוֹת¹²; בְּכוֹרוֹת^{2, 4, 7, 8, 9}; כְּרִיתוֹת^{3, 5}.

יְהוּדָה בֶּן אֶלְעִי

זְבָחִים^{2, 3, 6, 7, 8, 12}; מְנַחוֹת^{1, 2, 3, 4, 5, 6}; 14¹⁰, 11³, 9², 8^{6, 12}, 7⁶, 6⁷, 3⁶, 2⁵.

חוֹלֵין^{2, 3, 4, 7}; 13¹, 11^{3, 4, 5}, 10^{5, 8}, 8², 10⁴, 9^{1, 2, 6}, 7^{1, 2, 3, 6}, 6^{4, 5, 6}, 5³, 3^{1, 4, 7}.

בְּכוֹרוֹת^{3, 4}; 12¹; עֲרֻכִין^{1, 2, 4, 5}; 9⁸, 8^{2, 4, 6}, 7^{1, 6}, 6¹⁰, 5³, 4^{3, 9}.

תְּמוּרָה^{1, 2}; 9⁵, 8⁵; כְּרִיתוֹת^{2, 4}; 5¹, 4^{2, 3}, 2^{3, 4}; מְעִילָה³, 6^{4, 5};

תְּמִיד⁷; מְדוֹת^{1, 3}, 4^{1, 2, 6}.

יְהוּדָה בֶּן בְּתִירָא

עֲרֻכִין⁸.

מַאִיר

זְבָחִים 4^{3,5}, 7⁶, 10^{6,7}; מְנַחֵחַ 2^{4,5}, 5¹, 6⁵, 9¹, 10^{4,5}, 11⁵; חוֹלֵין 2³;
 4^{4,5}, 5², 6^{2,8}, 7^{7,8}; בְּכוֹרוֹת 2⁸, 4³, 5⁴, 8^{1,3,4,10}, 9^{2,5,8}; עֶרְכִין 1¹;
 2^{1,4}, 7⁶, 9⁵; תְּמוּנָה 2¹, 5^{3,4}; כְּרִיתוֹת 1^{2,3}, 3^{1,3,4}, 6¹; מְעִילָה 6⁶;
 מִדּוֹת 2².

מִתְּנָא בֵּן שְׁמוּאֵל
 תְּמִיד 3³.

עֲקִיבָא בֶּן מִהֶלְלָאֵל
 בְּכוֹרוֹת 3⁴.

עֲקִיבָא (בֶּן יוֹסֵף)
 זְבָחִים 8¹¹, 9³, 12⁴; מְנַחֵחַ 4³, 9⁵, 10⁴, 11³, 12⁵; חוֹלֵין 2⁴, 8⁴, 9⁴;
 בְּכוֹרוֹת 2^{6,7,8,9}, 3¹, 4⁴, 6⁶, 7⁵, 8⁶, 9⁵; תְּמוּנָה 1¹; כְּרִיתוֹת 2⁵;
 3^{7,8,9,10}, 5^{2,3,4,5}; מְעִילָה 1^{2,3}, 5¹, 6⁵.

צְדוֹק

בְּכוֹרוֹת 1¹.

רַבִּי . . . יְהוֹנָדָה הַנָּשִׂיא . . . see

רַבֵּן זְמַלְיָאֵל (II)

זְבָחִים 9¹; כְּרִיתוֹת 3^{7,8,9}.

שְׂאוּל . . . אָבָא שְׂאוּל . . . see

שְׁמַעוֹן אַחֵי עֲזַרְיָה
 זְבָחִים 1¹.

שְׁמַעוֹן בֶּן בְּתִירָא
 זְבָחִים 1¹; מְנַחֵחַ 1¹.

מִסְכֵּת

זְבָחִים

TRACTATE
ZEVACHIM

[BEING THE FIRST TRACTATE OF THE FIFTH ORDER KODASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By
PHILIP BLACKMAN, F.C.S.

INTRODUCTION

זבחים, *Zevachim*, is the first *Tractate* or *Treatise* (מסכת) of the fifth *Order* (סדר) of the *Mishnah* (משנה).

The term **זבחים**, *sacrifices*, is the *plural* form of the *substantive* זבח (1) *slaughtering*, (2) *meal, repast*, (3) **sacrifice, (festive) peace-offering**, and is a derivative of the *verb* זבח.

The *Babylonian Talmud*, תלמוד בבלי, has אמרא to it. The *Tractate* does not appear in the *Jerusalem (or Palestinian) Talmud*, תלמוד ירושלמי.

This *Tractate* is also termed קרבנות, **Offerings, Sacrifices**, in the *Tosefta* (תוספתא) and שחיטת קדשים, **Slaughtering of Dedicated Animals**, in *פבא מציעא* 109b.

It deals chiefly with the laws and regulations to be observed for slaughtering sacrificial animals and for tossing (or sprinkling) their blood, with reference to the first Chapters of *Leviticus*.

The *Tractate* has fourteen Chapters whose titles are:

CHAPTER 1	כל-הזבחים	פרק א
CHAPTER 2	כל-הזבחים שקבל דמן	פרק ב
CHAPTER 3	כל-הפסולין	פרק ג
CHAPTER 4	בית שמאי	פרק ד
CHAPTER 5	אזהו מקומן	פרק ה
CHAPTER 6	קדשי קדשים	פרק ו
CHAPTER 7	חטאת העוף	פרק ז
CHAPTER 8	כל-הזבחים	פרק ח
CHAPTER 9	המוזבח מקדש	פרק ט
CHAPTER 10	כל-התדיר	פרק י
CHAPTER 11	דם חטאת	פרק יא
CHAPTER 12	טבול יום	פרק יב
CHAPTER 13	השוחט והמזעלה	פרק יג
CHAPTER 14	פרה חטאת	פרק יד

מִסְכֵּת

זְבָחִים

TRACTATE

ZEVACHIM

CHAPTER 1

פֶּרֶק א'

Mishnah 1

מִשְׁנָה א

All sacrifices¹ which have been slaughtered not under their own name² are valid,³ but they are not accredited to the owner in fulfilment of [his] obligation,⁴ save a⁵ *Passover-offering* and a *sin-offering*⁶— [this applies to] a *Passover-offering* at its appointed time⁷ and to a *sin-offering* at any time. R. Eliczer⁸ says, [Save] also a *guilt-offering*⁹— [hence this rule that they are valid applies to] a *Passover-offering* at its appointed time and to a *sin-offering* and a *guilt-offering* at any time. R. Eliezer¹⁰ said, A *sin-offering* is brought for a sin, and a *guilt-offering* is brought for a sin;¹¹ consequently, just as a *sin-offering* is invalid [if slaughtered] not under its own name so is a *guilt-offering* invalid [if slaughtered] not under its own name.

יְבֹלֵה הַזְּבָחִים שֶׁנִּזְבְּחוּ שְׁלֵא לְשֵׁמֶן
יְבֹשְׂרִים, אֲלֵא שְׁלֵא עָלוּ לְבַעֲלִים
לְשֵׁם יְחֻבָּה, חוּץ מִן־הַפֶּסַח, וּמִן־
הַחֲטָאת, הַפֶּסַח בְּזִמְנוֹ, וְהַחֲטָאת
בְּכָל זְמַן. רַבִּי אֱלִיעֶזֶר אוֹמֵר, אִף
הָאֲשָׁם, הַפֶּסַח בְּזִמְנוֹ, וְהַחֲטָאת
וְהָאֲשָׁם בְּכָל זְמַן. אָמַר רַבִּי
אֱלִיעֶזֶר, הַחֲטָאת בָּאָה עַל חֲטָא,
וְהָאֲשָׁם בָּא עַל יְיָ חֲטָא; מָה חֲטָאת
פְּסוּלָה שְׁלֵא לְשֵׁמָה, אִף הָאֲשָׁם
פְּסוּלָה שְׁלֵא לְשֵׁמוֹ.

1 Also those whether of the individual or of the community. 2 *i.e.*, under the name of some other sacrifice, having in mind another purpose (another class of sacrifices), *e.g.*, an animal intended to be a *burnt-offering* was slaughtered in error for a *peace-offering*. 3 *viz.*, the blood must be sprinkled (or tossed) against the *Altar* and the sacrificial portions must be burnt on the *Altar*. 4 He must bring another *offering* due from him. 5 Literally *the*. 6 If they are offered mistakenly for another category of *offerings* they are invalid. 7 Between noon and dusk of the

the thirteenth; [but] ben⁴ Bathyra declares it invalid, as if it had been slaughtered at dusk. Simon ben Azzai said,⁵ 'I have heard a tradition from the seventy-two elders,⁶ on that day⁷ when they made R. Eliezer ben Azariah head of the Academy [of Sages], that all *sacrifices*⁸ which are eaten are valid even though slaughtered not under their own name but they are not credited to their owners in fulfilment of their obligation save a *Passover-offering* and a *sin-offering*⁹. And ben Azzai added the *burnt-offering* only;⁹ but the Sages did not agree with him.¹⁰

בֶּן בַּתִּירָא פּוֹסֵל כְּאִילוֹ גִּשְׁחַט בֵּין
הָעֶרְבָיִם. אָמַר שְׁמַעוֹן בֶּן עֲזַאי,
מְקוּבֵל אֲנִי מִפִּי שִׁבְעִים וְשָׁנַיִם וְזָקֵן
בַּיּוֹם שֶׁהוֹשִׁיבוּ רַבִּי אֶלְעָזָר בֶּן
עֲזַרְיָה בִּישִׁיבָה, שֶׁכָּל הַזִּבְחִים
הַנֶּאֱכָלִים שֶׁנִּזְבְּחוּ שְׁלֵא לְשֵׁמֶן
כְּשֵׁרִים, אֲלָא שְׁלֵא עָלוּ לְבַעֲלִים
מִשׁוּם חוֹבָה, חוּץ מִן־הַפֶּסַח וּמִן
הַחֲטָאת. וְלֹא הוֹסִיף בֶּן עֲזַאי אֶלְא
הָעוֹלָה; וְלֹא הוֹדוּ לוֹ חֲכָמִים.

1 שֶׁשְּׁחָטוּ, which one slaughtered (it), or שֶׁשְּׁחָטוּ, which they slaughtered. 2 Instead of the prescribed time, viz., between noon and twilight. 3 His view is rejected. 4 His opinion is accepted. 5 See יד"מ 42. 6 Literally elder; the singular is used to indicate that all were present and were unanimous in the decision. 7 Compare בְּרֵכּוֹת 28a; שֶׁבֶת 14. 8 With the exception of the *burnt-offering*. 9 i.e., he maintained that a *burnt-offering* (which is not eaten) is also invalid if it is slaughtered under the designation of some other *sacrifice*. 10 Compare בְּרֵכּוֹת 28a.

Mishnah 4

If a *Passover-offering*¹ or a *sin-offering* were slaughtered not under their own name,² or if [the blood] were received, conveyed or sprinkled³ not under its own name, or under its own name and [then] under a name not its own, or not under its own name and [then] under its own name, it is invalid. How [does a case arise of] 'under its own name and [then] not under its own name'? [If it were first treated] under the name of a *Passover-offering* and then under the name of a *peace-offering*. How [does a case arise of] 'under another name and [then] under its

מִשְׁנֵה ד
הַפֶּסַח וְהַחֲטָאת שֶׁשְּׁחָטָן שְׁלֵא
לְשֵׁמֶן, קָבַל וְהִלֵּךְ וְנָרַק שְׁלֵא
לְשֵׁמֶן, אוֹ לְשֵׁמֶן וְשְׁלֵא לְשֵׁמֶן, אוֹ
שְׁלֵא לְשֵׁמֶן וְלְשֵׁמֶן פְּסוּלִים. כִּי צַד
לְשֵׁמֶן וְשְׁלֵא לְשֵׁמֶן? לֵשֶׁם פֶּסַח
וְלֵשֶׁם שְׁלָמִים. שְׁלֵא לְשֵׁמֶן וְלְשֵׁמֶן?
לֵשֶׁם שְׁלָמִים וְלֵשֶׁם פֶּסַח? שֶׁהִזְבַּח
נִפְסָל בְּאֶרְבָּעָה דְבָרִים, בְּשַׁחֲטָה,
וּבְקַבּוּל, וּבְהִלּוּף, וּבְזִרְקָה. רַבִּי
שְׁמַעוֹן מְכַשֵּׁר בְּהִלּוּף; שֶׁהִיא

feet,⁶ or [by a priest] who is uncircumcised,⁷ or unclean, or [who ministers while] sitting,⁸ or while standing on any object,⁹ or on the back of a beast or on the feet of his fellow. If he received [the blood] in his left hand, [the *sacrifice*] is invalid; but R. Simon¹⁰ declares it valid. If the blood were poured out* on the pavement and [the priest] gathered it up, it is invalid.

If [the priest] sprinkled it on the ramp¹¹ and not against the base [of the Altar], or if he sprinkled¹² below what should have been sprinkled above,¹³ or [if he] sprinkled above what he should have sprinkled below, or if what should have been sprinkled within [against the Golden Altar¹⁴ he sprinkled] outside [against the Altar in the *Temple Court*], or if what should have been sprinkled outside [was sprinkled] within, [the *offering*] becomes invalid,¹⁵ but [punishment by] *excision*¹⁶ is not [incurred] thereby [if the flesh be eaten]. *Straight from the animal's neck.

1 In contradistinction to an אָבֵל, a mourner after burial (especially during the first seven days). 2 *Leviticus* 21, 11 (father, mother, brother, sister, wife, son, daughter). 3 §*Leviticus* 22, 7. He must await sunset before he is deemed completely clean. 4 See חֲגִיגָה 33; כְּרִיתוֹת 21. An ordinary priest had to wear four garments, the High Priest eight garments. 5 He had not yet brought the *offering* before being deemed clean. 6 On entering the Forecourt. §See *Exodus* 30, 10ff. 7 Who was not circumcised because his brothers had died as a result of circumcision. 8 *Deuteronomy* 18, 5. 9 §Literally articles, objects. 10 His view is rejected. 11 The inclined plane or slope on the south leading up to the Altar. 12 §Literally gave. 13 מִדֹּוֹת 31. The upper and lower parts of the Altar were distinguished by a red horizontal line round the middle. 14 Compare 52.1 15 The invalid sacrificial portions must not be burnt on the Altar nor may the flesh be consumed by the priests or owners. 16 See *Appendix, Note 2*. §See ADDENDA at the end of this *Tractate*.

Mishnah 2

משנה ב

If one slaughtered the *sacrifice*¹ intending² to sprinkle³ its blood outside [the *Temple Court*] or [intending to sprinkle] some of its blood outside, or [with the intention of]

עַל הַרְצָפָה וְאַסְפוֹ, פָּסוּלִי. וְתָנוּ
עַל גַּב הַכֶּבֶשׂ שֶׁלֹּא כִנְגַד הַיְסוּד,
וְתָנוּ אֶת-הַנֶּחֱמִין לְמַטָּן.¹³ לְמַעְלָן,
וְאֶת-הַנֶּחֱמִין לְמַעְלָן, לְמַטָּן, אֶת-
הַנֶּחֱמִים.¹¹ בְּפָנִים בַּחוּץ, וְאֶת-הַנֶּחֱמִין
בַּחוּץ בְּפָנִים,¹⁵ פָּסוּל, וְאֵין בּוֹ
יְכָרֶת.¹⁶

הַשׁוֹחֵט אֶת-יְהוֹבֵחַ יִלְזָרוֹק דָּמוֹ
בַּחוּץ, אוֹ מִקְצַת דָּמוֹ בַּחוּץ, לְהַקְטִיר
אֶת-אֲמוּדָיו בַּחוּץ, אוֹ מִקְצַת

or to burn the fat] outside its proper time [or on the morrow, the *offering*] becomes *abomination*,² and [punishment by] *excision* is thereby [incurred by those that eat thereof], provided that whatsoever renders [the *offering*] permissible³ is offered in accordance with its prescribed rite.⁴

1 See the preceding *Mishnah*, **Note 5**. 2 See the preceding *Mishnah*, **Note 8**. 3 The correct sprinkling (*i.e.*, without any invalidating intention) of the blood renders permissible the burning of the sacrificial portions on the *Altar* and also permits the consumption of the flesh by the priest or owner. *Leviticus* 3, 9-11; 14, 16. See 4⁴. Compare מְעִילָה 2⁹; זְבָחִים 2³. See ADDENDA Page 96. 4 See the next *Mishnah*. And no other disqualifying thought is committed.

Mishnah 4

What is meant by 'Whatsoever¹ renders [the *offering*] permissible offered in accordance with its prescribed rite'? If he slaughtered in silence [without the invalidating intention], but when he received, (and) conveyed and sprinkled² [the blood, while intending an invalidating act]² outside its proper time; or if he slaughtered [an *offering*, purposing and invalidating intention]² outside its proper time, but received, (and) conveyed and sprinkled [the blood] in silence [without any invalidating intention];² or if he slaughtered, (and) received, (and) conveyed and sprinkled [the blood, while in all these four cases he had in mind an invalidating intention] outside the proper time, such is a case of 'Whatsoever renders [the *offering*] permissible offered in accordance with its prescribed rite'. What is meant by 'Whatsoever renders [the *offering*] permissible not offered according to its prescribed rite'?³ If he slaughtered [while intending an invalidating act]² outside its proper place, and also received, (and) con-

משנה ד

כיצד יקרב המתיר כמצותו? שחט בשתיקה קבל והלך וזרק חוץ לזמנו; או ששחט חוץ לזמנו קבל והלך וזרק בשתיקה; או ששחט וקבל והלך וזרק, חוץ לזמנו, זה הוא שקרב המתיר כמצותו, כיצד לא קרב המתיר כמצותו? שחט חוץ למקומו קבל והלך וזרק חוץ לזמנו; או ששחט חוץ לזמנו קבל והלך וזרק, חוץ למקומו; או ששחט קבל והלך וזרק חוץ למקומו; הִפְסֵחַ וְהַחֲטָאת שְׁשַׁחֲטָן שְׁלֵא לְשֵׁמֶן קָבַל וְהִלֵּךְ וְזָרַק חוץ לזמנו או ששחט חוץ לזמנו קבל והלך וזרק, שְׁלֵא לְשֵׁמֶן, או ששחט קבל והלך וזרק, שְׁלֵא לְשֵׁמֶן, וְהוּא שְׁלֵא קָרַב הַמֵּתִיר כְּמִצְוֹתוֹ.

place, [the offering] becomes *abomination*³ and punishment by *excision* is incurred thereby [by them that eat thereof]; but if the intention about the place preceded the intention about the time, [the offering] becomes invalid but the penalty of *excision* is not suffered [by those who eat thereof]. But the Sages say, In both cases* [the offering] becomes invalid, but punishment by *excision* is not incurred [by those that eat thereof]. [If he intended] to eat half of an olive's bulk and to burn a half olive's bulk [outside the proper place or time], [the offering] is valid, for eating and burning can not be included together.⁴

וְיָת וְלִהְיוֹת כְּשֶׁר שְׂאִין
אֲכִילָה וְהִקְטֶרָה יִמְצָטְרְפִין.

1 See *Appendix, Note 2*. 2 His view§ is rejected. 3 Compare 2², *Note 5*. 4 The prohibited olive's bulk is neither burnt nor eaten. §See ADDENDA at the end of this *Tractate*. *Less idiomatic וְהָ וְהָ.

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

If any that be ineligible [to slaughter an offering] did slaughter, their slaughtering is nevertheless valid, for (the) slaughtering is valid if it be performed by such as are non-priests, or by women, or by [Canaanitish] bondservants, or by them that are unclean, even in the case of the *most holy sacrifices*,¹ provided that none who are unclean touch the flesh. Hence, too, [since they are permitted to slaughter], they render [an offering] invalid through a [wrongful] intention,² but if any of them received the blood [which they were ineligible to do, purposing an act] outside the proper time or outside the proper place, and the lifeblood³ still remained [in flow], [the priest] that is eligible comes and receives it.⁴

כָּל-הַפְּסוּלִין שֶׁשָּׁחְטוּ, שֶׁחֲטָתָן
כְּשֶׁרָה, שֶׁהִשְׁחִיטָה כְּשֶׁרָה בְּזָרִים,
בְּנָשִׁים, וּבַעֲבָדִים וּבְטַמְאִים, אֲפִילוּ
יִבְקָדְשֵׁי קִדְשִׁים, וּבְלִבָּד שְׁלֵא יְהוּ
טַמְאִים נוֹגְעִים בְּבָשָׂר. לְפִיכֵךְ הֵם
פּוֹסְלִים בְּמַחְשָׁבָה, וְכֵלֶן שֶׁקִּבְּלוּ
אֶת-הַדָּם חוּץ לְזִמְנוֹ, וְחוּץ לְמְקוֹמוֹ,
אִם יֵשׁ יָדָם הַנֶּפֶשׁ יַחֲזוֹר הַכֶּשֶׁר
וַיִּקְבֹּל.

1 See 1². 2 See 1^{1a}. 3 *Leviticus 17, 11*. Atonement is effected by the blood issuing at the moment of death. 4 He collects the flowing blood in another vessel for sprinkling (or tossing), and the offering is valid.

olive's bulk] that it is usual to eat [outside its proper time or place], or [intended] to burn ought that it is usual to burn [outside its proper place or time] and it was less² than an olive's bulk, [the offering] remains valid; or if [he had it in mind] to eat [ought of an offering as much as] a half-olive's bulk and to burn a half-olive's bulk [outside its proper time or place], [the offering] remains valid, since eating [a half-olive's bulk of flesh] and burning [a half-olive's bulk of fat] can not be included together [to render an offering invalid].

כֶּשֶׂר ; לְאָכֹל כְּחֲצֵי זֵית וּלְהַקְטִיר
כְּחֲצֵי זֵית כֶּשֶׂר , שְׂאִין אֲכִילָה
וְהַקְטָרָה מִצְטַרְפִּין .

1 רִבִּי, but R., in some editions. His view is rejected. 2 Or פָּחוֹת, popular traditional pronunciation.

Mishnah 4

מִשְׁנָה ד

If one slaughtered the sacrifice [intending] to eat an olive's bulk of the hide, [or] of the broth,¹ [or] of the sediment,² [or] of the offal,³ [or] of the bones, [or] of the sinews,⁴ [or] of the hooves, [or] of the horns, outside the proper time or outside the proper place, [the offering] remains valid, and none become liable to excision,⁵ because of a wrongful intention to eat thereof [out of its proper time or place] thereby through [transgressing the laws of] refuse,⁶ or remnant,⁷ or uncleanness.⁸

הַשּׁוֹחֵט אֶת־הַזֶּבַח לְאָכֹל כְּזֵית
מִן־הָעוֹר מִן־הַרוֹטֵב מִן־הַקִּיפָה
מִן־הָאֵלֶל מִן־הַעֲצָמוֹת מִן־
יְהִידִים מִן־הַטְּלָפִים מִן־הַקַּרְנִים,
חוּץ לְזִמְנוֹ אוֹ חוּץ לְמְקוֹמוֹ כֶּשֶׂר וְאֵין
יְחִיבִין עֲלֵיהֶם מִשּׁוּם פְּגוּל יְנוּתָר
וְטָמֵא .

1 Or meat-juice. 2 Or jelly, coagulated broth, from the boiled flesh. 3 Fatty substance or flesh torn away with the hide or flayed from it. 4 Or tendons, arteries. 5 See Appendix, Note 2. 6 Compare 22. 7 See Exodus 29, 34; Leviticus 7, 17; Appendix, Note 18. 8 See Leviticus 7, 20, 22, 3.

Mishnah 5

מִשְׁנָה ה

If one slaughtered consecrated beasts [with the intention] to eat a foetus¹ or a placenta² outside [the Forecourt or proper place, he has not rendered it invalid], and outside [its proper time] he has not made it rejectable.³

הַשּׁוֹחֵט אֶת־הַמוֹקְדָּשִׁין לְאָכֹל
יִשְׁלִיל אוֹ יִשְׁלֵא בַחוּץ יֵלֵא פִיגּוּל .
הַמוֹלֵק תּוֹרִים בְּפָנִים לְאָכֹל
יְבִיצִיהֶם בַּחוּץ לֹא פִיגּוּל . חֵלֵב

circumcised should offer it, or [if he intended] to break the bones of the *Passover-offering*⁹ or to eat thereof¹⁰ raw,¹¹ or [if he intended] to mingle¹² its blood with the blood of invalid [offerings],¹³ [the offering none the less] remains valid, for no other intention can invalidate [the offering] save [that which concerns an act] outside its proper time or outside its proper place, or, if it be a *Passover-offering* or a *sin-offering*, [slaughtering it] not under its own¹⁴ name.

1 Or להניח. 2 i.e., those portions of sacrifices offered on the Altar. 3 His view is rejected. 4 Their opinion is accepted. 5 שחטו is omitted in the גמרא. 6 Or sprinkle. 7 See 2¹, Note 13. 8 See 2¹, Note 7. 9 See Exodus 12, 46. 10 Or הימנו. 11 See Exodus 12, 9. 12 לערב Kal, or לערב Piel. 13 See 87. 14 Compare 1^{1a}.

CHAPTER 4

פֶּרֶק ד

Mishnah I

מִשְׁנֵה א

The School of Shammai say, [Any offering whose blood] must be sprinkled¹ on the Outer Altar, even if it be sprinkled with one act of sprinkling, or, in the case of a *sin-offering*, with two acts of sprinkling, effects atonement; and the School of Hillel say, Even a *sin-offering* [whose blood] was sprinkled with but one act of sprinkling effects atonement. Therefore, if [the priest] performed the first act of sprinkling in the prescribed manner, but the second act of sprinkling outside the proper time, it still effects atonement; [but] if the first act of sprinkling were carried out not in its proper time² and the second one not in its proper place,³ the offering becomes refuse⁴ and punishment by excision⁵ is thereby incurred.

בית שמאי אומרים, כל-הנותנין על מזבח החיצון שאם נתנו מתנה אחת כפר, ובחטאת שתי מתנות; ובית הלל אומרים, אף חטאת שנתנה מתנה אחת כפר. לפיכך אם נתן את-הראשונה כמתקנה ואת-השנייה חוץ לזמנה כפר; נתן את-הראשונה חוץ לזמנה ואת-השנייה חוץ למקומה פגול ותיביבן עליו כרת.

1 Or tossed. See 5^{1a}. See ADDENDA, Page 96. 2 i.e., at the sprinkling he purposed to eat of it outside the ordained time. 3 i.e., at the sprinkling he had it in mind to eat of it outside the proper place. 4 See Appendix, Note 18. 5 See Appendix, Note 2.

the individual¹⁹ or for the *Altar*,²⁰ they become liable thereby [if what renders an offering permissible has become *refuse* and thus renders the offering also *refuse*] through [transgressing the law of] *refuse*.

1 See Appendix, Note 2. 2 See Appendix, Note 18. 3 See Leviticus 2, 2. When the priest removed a handful of meal from the *meal-offering* to burn it on the Altar, he purposed to eat the rest of the meal on the morrow, he made the offering *refuse*; and if he ate of the handful of meal he is not liable to the penalty of *excision*. 4 See Leviticus 2, 2. On removing the frankincense* from the *meal-offering* on the morrow, and thus both the frankincense and the *meal-offering* become *refuse*. 5 See Exodus 30, 7, 8. If he intended to offer it later than the ordained time. 6 See Leviticus 6, 23. If a priest brought a (*freewill*) *meal-offering* which had to be wholly burned and he purposed to offer it later than the prescribed time. 7 See Leviticus 6, 22. This had to be offered daily—morning and evening—and had to be entirely burned, and he intended to offer it after the proper time. 8 This part in parentheses is omitted in some editions. The *meal-offerings* and *libations* were brought with the *daily burnt-offerings* and with the *additional-offerings* on ראש הודש and יום טוב. 9 If he meant to sprinkle it outside the proper time. 10 *Freewill-offerings* of wine, for *drink-offerings* (*libations*), without accompanying *animal offerings*. If he purposed to offer it outside the ordained time, such wine does not become *refuse*. 11 A *drink-offering*, accompanying an *animal offering*, becomes *refuse* if the latter becomes *refuse*, but this opinion is rejected. 12 Their view is accepted that the *drink-offerings* do not become *refuse*—neither on their own account nor because of the accompanying *animal offerings*. 13 See וְרָעִים, Page 18f. 14 See Leviticus 14, 10. 15 His view is accepted. 16 i.e., if the *leper's offering* becomes *refuse* the oil is not affected; nor can the oil become *refuse* on its own account. 17 His opinion, that an offering becoming *refuse* also renders its accompanying oil *refuse*, is rejected. 18 Compare 2³. The blood of the offering is placed upon the thumbs followed by the oil (but vice versa is invalid). 19 viz., a priest or an owner who eats of the *animal offering*. 20 On which are burnt the ordained sacrificial portions. *See SUPPLEMENT II.

Mishnah 4

In the case of a *burnt-offering*,¹ it is the blood thereof which renders permissible² the flesh [to be burned] upon the *Altar* and the hide for the priests. Of the *burnt-offering* of a bird,³ it is the blood thereof that renders the flesh permissible² [to be burned] on the *Altar*. Of the *sin-offering* of a bird,⁴ it is the blood which renders its flesh permissible²

משנה ד
 יהעולה דמה מתיר את-בשרה
 למזבח ועורה לפהגים. עולה
 הקעוף דמה מתיר את-בשרה
 למזבח. חטאת יהעוף דמה מתיר
 את-בשרה לפהגים. פרים
 הגשרפים, ושעירים הגשרפים.

1 See *Appendix, Note 2*. See *ADDENDA*. 2 See *Appendix, Note 18*. 3 If the offering was valid, but some of the flesh was wrongfully eaten outside the ordained time. 4 If one ate of it in uncleanness. 5 *i.e.*, he is not culpable and is not liable to the penalty of excision. 6 Or רִבִּי שִׁמְעוֹן *R. Simon*, in some texts. 7 And liable to the punishment of excision. 8 Enumerated in 4³. 9 If such were valid, but if one ate of some of the remainder later than the prescribed time the penalty is excision. 10 If an unclean person ate of it he suffers the penalty of excision. 11 One who eats the blood of remnant or refuse, or in uncleanness, is culpable only under the law of *Leviticus 17, 10 et seq.* (but is exempt from excision). 12 His view is not accepted. In the גִּמְרָא is given רִבִּי שִׁמְעוֹן מְתִיב, 'R. Simon declares culpability in the case of aught. . . .'. 13 If one in uncleanness eats of the *handful* or the *priest's meal-offering*, or the anointed High Priest's *meal-offering* or the leper's *log of oil* or *drink-offerings* (see 4³), he is liable to the punishment of excision. The גִּמְרָא has לֶאֱכֹל [Kal] instead of לְהֵאָכֵל [Niphal]: ' . . . aught that it is usual to eat. . . .'. 14 כִּגוֹן is omitted in the גִּמְרָא. *See SUPPLEMENT II.

Mishnah 6

Six matters must be borne in mind when a *sacrifice* is slaughtered: the category of the *sacrifice*,¹ the category of the *offerer*,² the *Name [of God]*,³ the category of the [Altar] *fires*, the category of the *odour*, and the category of the *sweet savour*,⁴ and [a seventh matter] in the case of a *sin-offering* or a *guilt-offering* the nature of the *guilt*. R. Jose said, Even if one were not mindful in his heart of one of these matters, [the offering] is valid, for it is a condition enjoined by the Court that the intention [that renders an offering invalid must be unuttered and] is dependent only on one who carries out the act.

מִשְׁנֵה ו
 לְשֵׁם שְׁשֵׁה דְּבָרִים הַזֹּבַח נֹזֶחַ,
 יְלִשְׁם זֹבַח, יְלִשְׁם זֹבַח, יְלִשְׁם הַשֵּׁם,
 לְשֵׁם אֲשִׁים, לְשֵׁם רִיחַ, יְלִשְׁם
 גִּיחוּחַ; וְהַחֲטָאת וְהָאֵשֶׁם לְשֵׁם
 חֲטָא. אָמַר רַבִּי יוֹסִי, אַף מִי שֶׁלֹּא
 הָיָה בְּלִבּוֹ לְשֵׁם אֶחָד מִכָּל אֱלֹהִים
 כָּשֶׁר, שֶׁהוּא תִּנְאִי בֵּית דִּין שֶׁאִין
 הַמַּחֲשָׁבָה הוֹלֶכֶת אֵלָא אַחַר
 הָעוֹבֵד.

1 The slaughterer must be mindful of its denomination and must not wrongfully slaughter it under another name. 2 The slaughterer must bear in mind the rightful donor. 3 The גִּמְרָא has לְשֵׁם מִי שֶׁאָמַר וְהָיָה הָעוֹלָם, *the category of Him Who 'said' and the universe came into existence*. 4 With the thought that the offering be accepted by the Almighty.

the north side; and (their blood) had to be sprinkled [seven times] towards the *Vail* and upon the *Golden Altar*. [The lack of] one of these sprinklings² rendered [the entire atonement ceremony] invalid. The residue of the blood [the priest] poured out at the western base of the *Outer Altar*,³ if, however, he omitted to do so, he did not invalidate [the atonement ceremonial]. Both these and the preceding [offerings]⁴ were burned in the repository of ashes [outside Jerusalem].⁵

1 Compare 4⁴. 2 See the preceding *Mishnah*, **Note §**. 3 See the preceding *Mishnah*, **Note 5**. 4 *i.e.*, the remainder of the carcasses after the sacrificial portions had been consumed on the *Altar*. Less idiomatic אָלוּ וְאָלוּ. 5 See *Leviticus* 6, 11. See **ADDENDA** at the end of this *Tractate*.

Mishnah 3

The *sin-offerings*¹ of the congregation and of the individual—these are the *sin-offerings*¹ of the congregation: the he-goats offered on the *New Moons*² and on the *Festivals*.³ They were slaughtered on the north side [of the *Altar*] and their blood was received in a vessel of ministry on the north side, and (their blood) required four sprinklings, one upon each of the four corners of the *Altar*. How was this performed? [The priest] went up the *slope*⁴ [to the *Altar*] and passed around the *ledge*⁵ and came [successively] to the south-east corner, north-east [corner], north-west [corner] and south-west [corner]. The remainder of the blood he poured out⁶ at the southern base [of the *Outer Altar*]. And [these offerings], dressed after any manner, were eaten by the males of the priesthood⁷ within the *Hangings*⁸ [of the *Court*], during that same day and evening until midnight.⁹

משנה ג

יְחִסָּאוֹת הַצְּבוֹר וְהַיְחִיד, אֱלוֹ הַן
 יְחִסָּאוֹת הַצְּבוֹר שְׁעִירֵי רָאשֵׁי
 חֲדָשִׁים וְשֵׁל־מוֹעֲדוֹת. שְׁחִיטָתָן
 בְּצִפּוֹן וְקַבּוּל דָּמָן בְּכָלִי שְׁרֵת
 בְּצִפּוֹן, וְדָמָן טְעוֹן אֲרֵבַע מַתָּנוֹת עַל
 אֲרֵבַע קְרָנוֹת. כִּי־צִדָּה עָלָה יִבְכָּבֵשׁ
 וּפְנֵה יִלְסוֹבֵב וּכְאֵלּוּ לְקָרְן דְּרוֹמִית
 מִזְרְחִית, מִזְרְחִית צְפוֹנִית, צְפוֹנִית
 מִזְרְחִית, מִזְרְחִית דְּרוֹמִית. שְׁעִירֵי
 הַדָּם הָיָה שׁוֹפֵךְ עַל יְסוֹד דְּרוֹמִי.
 וְנֹאכְלִין לַפְּנִים מִן־הַקְּלָעִים
 לְזִכְרֵי כְהוֹנֵה בְּכָל־מֵאֲכָל לְיוֹם
 וְלַיְלָה יַעֲרֹחֲצוֹת.

1 See *Leviticus* 23, 19. 2 וְגִלּוֹת in some texts. 3 See *Leviticus* 19, 20; כְּרִיתוֹת 25. 4 *Numbers* 6, 12. 5 *Leviticus* 14, 12. 6 *Leviticus* 5, 17, 18, 19. The *sin-offering* (also termed *trespass-offering*) of one who is in doubt whether he has committed an offence requiring expiation by a *sin-offering*. 7 Compare 54. 8 See *Leviticus* 7, 6, 7. In the *Prayer Book*, כְּהֵנָּה. 9 Compare וּבְרִכּוֹת 1.

Mishnah 6

משנה ו

The *thank-offering*¹ [of individuals] and the ram of the *nazirite*² [at the close of his vow] are of the *lesser holy sacrifices*.³ They were slaughtered in any part of the [Temple] Court; and of their blood two doubled sprinklings⁴ had to be made [at the *Altar*] in such wise as to constitute four; and they might be eaten,⁵ in any part of the City, by any person, and prepared in any manner, during the whole of that day and evening until midnight. To the portions thereof appertaining to the priests⁶ the same rules applied [as to the rest], save that these [former] might be eaten only by the priests, their wives, (and) their children and their bondservants.⁷

יְהוֹדָה וְאֵיל יְנִיר קְדָשִׁים קָלִים.
שְׁחִיטָתָן בְּכָל מְקוֹם בְּעֹזְרָה, וְדָמָן
טָעוֹן שְׁתֵּי מִתְנוֹת שֶׁהֵן אַרְבַּע;
וְנֹאכְלִים בְּכָל הָעִיר לְכָל אָדָם
בְּכָל-מֵאכָל לְיוֹם וּלְלֵילָה עַד חֲצוֹת.
הַמּוֹרָם מֵהֶם כִּיּוֹצֵא בָהֶם אֵלָא
שֶׁהַמּוֹרָם נֹאכָל לַכֹּהֲנִים לְנִשְׁיָהֶם
וּלְבָנֵיהֶם וְלַעֲבָדֵיהֶם.

1 See *Leviticus* 7, 12. 2 See *Numbers* 6, 14. 3 *i.e.*, holy in a minor degree of holiness. 4 Compare 54. 5 וְנֹאכְלִין in some texts. Even by a זָר. 6 *viz.*, the part separated as *heave-offering* (or *priest's-due*—see *Appendix, Note* 1). See *Exodus* 29, 27; *Leviticus* 7, 14, 32. 7 See *Leviticus* 10, 14. Or slaves.

Mishnah 7

משנה ז

[The] *peace-offerings* were [also] of the *lesser holy sacrifices*;¹ they were slaughtered in any part of the [Temple] Court; (and) of their blood two doubled sprinklings² had to be made [at the *Altar* in such wise] as to constitute four; and they might be eaten, dressed after any manner, anywhere in the City,³ by any

שְׁלָמִים קְדָשִׁים קָלִים; שְׁחִיטָתָן
בְּכָל-מְקוֹם בְּעֹזְרָה, וְדָמָן טָעוֹן
שְׁתֵּי מִתְנוֹת שֶׁהֵן אַרְבַּע; וְנֹאכְלִין
בְּכָל-הָעִיר לְכָל-אָדָם בְּכָל-
מֵאכָל, לְשָׁנֵי יָמִים, וּלְלֵילָה אֶחָד.

CHAPTER 6

פֶּרֶק ו'

Mishnah 1

If the *most holy sacrifices*¹ were slaughtered above² the *Altar*, R. Jose³ says, It is as though they were slaughtered on the north side [of the *Altar*, on the floor]. R. Jose ben R. Judah says, From midway of the *Altar* northwards is deemed as the north side, [and] from midway of the *Altar* southwards is deemed as the south side. The *handfuls*⁴ from the *meal-offerings* could be taken in any part of the [Temple] Court, and they⁵ might be eaten within the *Hangings* [of the Court] by males of the priesthood, and dressed [for eating] in any manner, during that [same] day and evening until mid-

מִשְׁנֵה א
 יְקָדְשֵׁי קְדָשִׁים שֶׁשָּׁחֲטָן בְּרֹאשׁ
 הַמִּזְבֵּחַ, רַבִּי יוֹסִי אוֹמֵר, כְּאִלוֹ
 נִשְׁחָטוּ בְּצָפוֹן. רַבִּי יוֹסִי בְּרַבִּי
 יְהוּדָה אוֹמֵר, מִחֲצֵי הַמִּזְבֵּחַ וְלְצָפוֹן
 כְּצָפוֹן, מִחֲצֵי הַמִּזְבֵּחַ וְלְדָרוֹם
 כְּדָרוֹם. הַמִּנְחוֹת הֵיוּ גִקְמָצוֹת בְּכָל
 מְקוֹם בְּעֻזָּה, וְנִנְאָכְלִין לְפָנִים מִן־
 הַקְּלָעִים לְזִכְרֵי כְּהוֹנֵה בְּכָל מַאֲכָל
 לַיּוֹם וְלַיְלָה עַד חֲצוֹת.

1 And also the *lesser holy sacrifices*. 2 And not at the north side (as enjoined in 5¹). They are valid. 3 His view is accepted. 4 See *Leviticus* 2, 2. 5 The rest of the meal.

Mishnah 2

The *sin-offering* of a bird was prepared¹ at the south-west corner [of the *Altar*]. It was valid [if it were made ready] in any [other] part [of the Court], but this [north-western corner of the *Altar*] was its [proper] place [for the sprinkling of the blood]. (And) three purposes did that [north-west] corner serve below and three [purposes] above: below [the red line]²—for the *sin-offering* of a bird,³ (and) for the bringing near [of the *meal-offerings* before removal of the *handfuls*], and [for pouring away] the remnant of the blood [of

מִשְׁנֵה ב
 חֲטָאת הָעוֹף הֵיחָה יִנְעָשִׂית עַל קַרְן
 דְּרוּמִית מְעַרְבִית. בְּכָל מְקוֹם הֵיחָה
 כְּשֶׁרָה אֶלָּא זֶה הָיָה מְקוֹמָהּ.
 וְשִׁלְשָׁה דְּבָרִים הֵיחָה אוֹתָהּ הַקַּרְן
 מִשְׁמַשֶּׁשׁת מִלְּמַטָּה וְשִׁלְשָׁה מִלְּמַעְלָה;
 מִלְּמַטָּה חֲטָאת הָעוֹף וְהַהֲגָשׁוֹת
 וְשִׁירֵי הַדָּם; * מִלְּמַעְלָה גִּיסוּף
 הַמִּים וְהֵינֵן וְעוֹלַת הָעוֹף כְּשֶׁהִיא
 רַבָּה בַּמִּזְרָח.

back of the hand and the back of its neck upwards, stretching the front of the neck with the throat across the breadth of the middle and second fingers; and he thrust the right thumb nail into the throat and severed the spinal column, piercing the flesh up to either the windpipe or the gullet, but the head was not completely divided from the body but was left hanging; he then pressed the throat which was cut against the side of the Altar and let a sprinkling run down, and the residue of the blood was then expressed against the Altar at its base. 2 Or *tossed*. 3 See *Leviticus 5, 8 et seq.*

Mishnah 5

How was the *burnt-offering* of a bird made ready? [The priest] descended by the ramp¹ and passed on to the middle gallery that surrounded [the Altar];² when he came to the south-east corner,³ he used to pinch its head at the border of the neck, and divide it right off,⁴ and drain out [by squeezing] its blood against the side of the Altar. He took the head and pressed the part where it was severed against [the side of] the Altar [to express all the blood], and dried it by rubbing salt⁵ on it and cast it on the fire⁶ [of the Altar]. He came then to the body and removed the craw⁷ and the feathers⁸ and the entrails that came forth with it [—the craw—] and threw them on the place of ashes.⁹ He [then] slit open¹⁰ [the body between the wings] but did not divide it apart; yet if he did sunder it, [the offering] is valid; and he dried it by rubbing salt on it and cast it on the [Altar] fire.

1 לִכְבֹּשׁ in the מִזְבֵּחַ. 2 Compare 53. 3 Which was near the place of ashes where the craw and feathers were thrown. 4 He severed both the windpipe and the gullet. 5 *Leviticus 2, 13*. 6 Literally *fires*. 7 Or *crop, gizzard, mau*. 8 The plumage was cut away with the skin. 9 See *Leviticus 6, 10*; תַּעֲוִית 14. 10 שָׁסַע *Piel* or שָׁסַע *Kal*.

משנה ה

עולת העוף ביצד הימה נעשית?
עלה יבכבש ופנה לסוכב; בא לו
לקרן ידרומית מזרחית, היה מולק
את ראשה ממול ערפה ומבדיל
וממצה את דמה על קיר המזבח.
נטל את הראש והקיף בית מליקתו
למזבח וספגו במלח וזרקו על גבי
האשם. בא לו לגוף והסיר את
המוראה ואת הגוצה ואת בני
מעים היוצאים עמה והשליכן
לבית הדשן, שסע ולא הבדיל;
ואם הבדיל כשר, וספגו במלח
וזרקו על גבי האשם.

bird and in the case of a *burnt-offering* of a bird, if he pinched off their heads or drained out their blood [at the same time purposing] to eat a thing [—the *sin-offering*—] that it is usual to eat, or to burn a thing [—the *burnt-offering*—] that it is usual to burn, outside its appointed place, it is invalid, but the penalty of *excision*⁵ is not incurred, but [if he had in mind to eat or burn respectively] outside its proper time, it becomes *refuse*,⁶ and punishment by *excision* is incurred thereby, provided that what renders [the *offering*] permissible is offered in accordance with the enjoined rite.⁷ How is 'what renders [the *offering*] permissible' offered in accordance with its prescribed rite? If [the priest] had pinched off [its head] in silence [without purposing a wrongful act] and drained out its blood [while purposing to eat of the *sin-offering* or to burn the *burnt-offering*] outside its proper time, or when he had pinched off [its head while intending to eat of the *sin-offering* or to burn the *burnt-offering*] outside its proper time, and had drained out the blood in silence [without purposing a wrongful act], such are cases where 'what renders [the *offering*] permissible' is offered in accordance with its enjoined rite. How is 'what renders [the *offering*] permissible' not offered according to its enjoined rite? If he had pinched off [its head while purposing to eat of the *sin-offering* or to offer the *burnt-offering*] outside its rightful place,⁸ and drained out its blood [while intending to eat of the

חויז למקומו פסול ואין בו כפרת, חויז לזמנו פגול ותיביין עזיו כרת, ובלבד שיקרב המתיר כמצותו. כיצד קרב המתיר כמצותו? מלק בשתיקה, ומיצה הדם חויז לזמנו, או שפלק חויז לזמנו ומיצה הדם בשתיקה או שפלק ומיצה הדם חויז לזמנו, זה הוא שקרב המתיר כמצותו. כיצד לא קרב המתיר כמצותו? מלק חויז למקומו ומיצה הדם חויז לזמנו, או שפלק חויז לזמנו ומיצה הדם חויז למקומו, (או שפלק ומיצה הדם חויז למקומו) חטאת העוף שפלקה י¹⁰שלא לשמה ומיצה דמה חויז לזמנה, או שפלקה חויז לזמנה ומיצה דמה י¹⁰שלא לשמה, או שפלקה ומיצה דמה י¹⁰שלא לשמה, זה הוא שלא קרב המתיר כמצותו. לאכול כזית בחוץ וכזית למחר, כזית למחר וכזית בחוץ, כחצי זית בחוץ וכחצי זית למחר, כחצי זית למחר וכחצי זית בחוץ, פסול ואין בו כפרת. אמר רבי יהודה, זה הכלל, אם מחשבת הזמן קדמה

case of the *sin-offering* of a beast. 4 As with the *sin-offering* of a beast. 5 See *Appendix, Note 2*. 6 See *Appendix, Note 18*. Compare 2². 7 Compare 2³, 4⁴. The draining out of the blood validates the flesh to be eaten by the priest or to be burned on the Altar as the case may be. 8 In the Temple Court. 9 The part in parentheses—(א'...?מקומי)—is redundant according to some authorities. 10 *i.e.*, but under the name of עולה, *burnt-offering*. 11 Because of the intermingling of another invalidating factor. 12 *i.e.*, if he purposed to eat or to offer up not at the proper time and then purposed to eat or to offer up not in the proper place. 13 *i.e.*, if he purposed first to eat or offer up not in the proper place and then purposed to eat or offer up not at the proper time. 14 Compare 2⁵.

CHAPTER 7

פָּרָק ז'

Mishnah 1

מִשְׁנָה א

The *sin-offering* of a bird which [the priest] offered¹ below [the red line round the middle of the Altar],² after the manner of a *sin-offering*,³ under the name of a *sin-offering*, [even though he pinched the head right off the body], is valid.⁴ [If it were offered] after the manner of a *sin-offering*,⁵ and under the name of a *burnt-offering*, or after the manner of a *burnt-offering*, and under the name of a *sin-offering*,⁶ or after the manner of a *burnt-offering*, and under the name of a *burnt-offering*,⁷ it is invalid. If he offered it *above** [the red line] in a manner like to any of them all [just mentioned, and even after the manner of a *sin-offering* under the name of a *sin-offering*], it is invalid.

חֲטָאת הָעוֹף שֶׁשָּׂאָהּ לְמַטָּה, כְּמַעֲשֵׂה חֲטָאת לְשֵׁם חֲטָאת אֲבִישָׁרָהּ. כְּמַעֲשֵׂה עוֹלָה, כְּמַעֲשֵׂה עוֹלָה לְשֵׁם חֲטָאת, כְּמַעֲשֵׂה עוֹלָה לְשֵׁם עוֹלָה פְּסוּלָהּ. עֲשָׂהּ לְמַעַל * כְּמַעֲשֵׂה כוֹלָם, פְּסוּלָהּ.

1 Literally *made, prepared*. 2 Compare 2¹, 7¹. 3 *i.e.*, by severing (nipping through either the gullet or windpipe and performing the sprinkling and pressing the blood). 4 Compare 6⁶. 5 The head was not severed, and the blood was tossed and pressed below the red line. 6 *i.e.*, the blood was applied above the red line. 7 Compare עירובין 37a, קדושין 59a. *Some prefer the pointing לְמַעַלָּה.

Mishnah 2

מִשְׁנָה ב

The *burnt-offering* of a bird which [the priest] offered¹ above [the red line round the middle of the Altar],² after

עוֹלָה הָעוֹף שֶׁשָּׂאָהּ לְמַעַלָּה, כְּמַעֲשֵׂה עוֹלָה לְשֵׁם עוֹלָה אֲבִישָׁרָהּ;

59). 2 Or *sacrilege*. See *Leviticus* 5, 15. 3 Compare 21, 71. 4 And even if a non-priest derived any benefit from it he did not have to bring a *guilt-offering for sacrilege*.

Mishnah 4

If [the priest] offered¹ the *burnt-offering* of a bird *below* [the red line round the middle of the *Altar* sides]² after the manner of a *sin-offering* under the name of a *sin-offering*, R. Eliezer says, *The law of the malappropriation of sacred property*³ applies thereto⁴ [still]. R. Joshua says, *The law of the malappropriation of sacred property* [now] does not apply to it.⁵ Said R. Eliezer, If the *sin-offering*, which is not subject to *the law of the malappropriation of sacred property*⁶ when offered under that designation, become subject to *the law of the malappropriation of sacred property* if it be offered under another designation, [that is, a *burnt-offering*], how much more must the *burnt-offering*, which is subject to *the law of the malappropriation of sacred property* when offered under that designation, be subject to *the law of the malappropriation of sacred property* if it be offered under another designation, [namely, a *sin-offering*]⁷! R. Joshua said to him, 'No! If thou arguest of a *sin-offering* which, when [the priest] changed its designation to that of a *burnt-offering*, he has thereby altered to a thing, subject* to *the law of the malappropriation of sacred property*, wouldest thou also reason of a *burnt-offering* which, when [the priest] altered its designation to that of a *sin-offering*, he has thereby altered [it] to some-

משנה ד

עולת העוף ¹שעשאה ²למטה
 כמעשה חטאת לשם חטאת, רבי
 אליעזר אומר, ³מועלין בה. רבי
 יהושע אומר, אין מועלין בה.
 אומר רבי אליעזר, מה אם חטאת
 שאין מועלין בה לשמה כששינה
 את-שמה מועלין בה, עולה
 שמועלין בה לשמה, כששינה את-
 שמה אינו דין שימעלו בה. אומר
 לו רבי יהושע, לא, אם אמרת
 בחטאת ששינה את-שמה לשם
 עולה, שכן שינה את-שמה לדבר
 שיש-בה מעילה, תאמר בעולה
 ששינה את-שמה לשם חטאת, שכן
 שינה את-שמה לדבר שאין בו
 מעילה. אומר לו רבי אליעזר,
 והרי קדשי קדשים ששחטן בדרום,
 ושחטן לשם קדשים קלים יוכיחו;
 שכן שינה את-שמן לדבר שאין בו
 מעילה ומועלין בהן; אף אפה
 אל תתמה על העולה, שאף על פי

Mishnah 5

If he had pinched off [its head] with the left hand, or at night, or if he had slaughtered unconsecrated [birds] within [the *Temple Court*] or consecrated [birds] outside [the *Temple Court*], they do not convey *uncleanness of the gullet*.¹ If he had chopped off² [their heads] with a knife, or pinched off [the heads of] unconsecrated [birds] inside [the *Temple Court*] or of consecrated [birds] without [the *Temple Court*], or if they were turtle doves whose time was not yet arrived,³ or young pigeons whose time was past,⁴ or [a bird] whose wings were dried up or if its eye were blinded or if its foot were cut off, such [a bird] communicates *uncleanness of the gullet*. This is the general principle: if [the bird] became invalid while in the [*Temple*] *Court*,⁵ it does not convey *uncleanness of the gullet*; if it did not become invalid in the *Court* [but became invalid before being brought there], it conveys *uncleanness of the gullet*. And if all those who are invalid⁶ [to perform the pinching off of the heads] pinched off [the heads], their [act of] pinching off is invalid, but they do not communicate *uncleanness of the gullet*.

1 Though it is prohibited to eat them. Compare 73. **2** Literally *nipped off, pinched off*. **3** Big turtle doves are valid, small ones are invalid; small young pigeons are valid, large ones are invalid. The sign of validity in doves is the absence of blood when the feathers were plucked. See 14²; חולין 15. **4** Such as were consecrated and already in the *Court*, only they were large and their feathers had begun to turn golden coloured. **5** Literally *holiness*. **6** See 2¹.

Mishnah 6

If [the priest] pinched off [the bird's head] and it was found to be *terefah*,¹ R. Meir says, It does not communi-

משנה ה

מִלֵּק בְּשִׂמְאל, או בְּיָמִינוּ, שָׁחַט
 חוּלִין בְּפָנִים וְקָדָשִׁים בְּחוּץ, אֵינָן
 מְטַמְּאִים יְבֵבִית הַבְּלִיעָה. מִלֵּק
 בְּסָבִין, מִלֵּק חוּלִין בְּפָנִים וְקָדָשִׁים
 בְּחוּץ, תּוֹרִין שֶׁלֹּא הִגִּיעַ זְמַנּוֹ, וּבְגֵי
 יוֹנָה יִשְׁעֵבֵר זְמַנּוֹ, שֶׁיֵּבֵשׁ גִּפְתָּה
 לְשִׁנְסָמִית עֵינָה, וְשִׁנְקָטְעָה רִגְלָהּ
 מְטַמְּא בְּבֵית הַבְּלִיעָה. זֶה הַכֶּלֶל,
 כָּל־שֶׁהָיָה פְּסוּלָה בְּקָדָשׁ אֵינָה
 מְטַמְּאָה בְּבֵית הַבְּלִיעָה; לֹא הָיָה
 פְּסוּלָה בְּקָדָשׁ מְטַמְּאָה בְּבֵית
 הַבְּלִיעָה. וְכֹל הַפְּסוּלִים שֶׁמִּלְקוּ
 מְלִיקְתָן פְּסוּלָה וְאֵינָן מְטַמְּאוֹת
 בְּבֵית הַבְּלִיעָה.

משנה ו

מִלֵּק וְנִמְצָא יִטְרַפָּה רַבִּי מֵאִיר
 אֹמֵר, אֵינָה מְטַמְּאָה בְּבֵית

offerings], they must all be left to die [naturally]. If [the offerings] were confused with an ox where-with transgression had been committed,³ [as for instance,] it had killed a person [the act being substantiated] either on the evidence of one witness⁴ or on the evidence of the owner,⁵ or [on the testimony of only one witness or of the owner] that [the ox] had suffered unnatural connection [with a woman] or had undergone unnatural connection [with a man],⁶ or which had been set aside [for idolatrous purpose] or had been worshipped [idolatrously], or that was [a harlot's] hire, or the

price [of a dog],⁷ or that was crossbred [under the prohibition of forbidden junction],⁸ or that was terefah,⁹ or [as a foetus] it had been extracted by caesarean operation,¹⁰ they must be put to pasture till they contract a blemish and they are then sold¹¹ and with the proceeds of the sale the best among them of that same kind¹² must be offered. If [an offering] were confused with undedicated beasts that are without blemish, the undedicated beasts must [all] be sold¹³ to such as need that same kind [of offering].¹³

1 Such as could not be offered (for example, if an offerer died before the animal could be offered), or otherwise be made use of, and it could not be redeemed but had to be left to die naturally. 2 See Exodus 21, 28 et seq. 3 And it is in consequence invalid for an offering. 4 There must be at least two witnesses for valid evidence. Leviticus 22, 25. 5 Being the only witness his testification is also inadmissible. 6 Sodomy or buggery. See 9³. רָבַע is used specially with reference to Leviticus 20, 16, to have connexion with a beast; הִרְבַּע, the animal that copulated [with a woman]; הִנְרַבַּע, the animal that suffered copulation [with a man]; compare 14; סְנֵהֲדָרִין 14; בָּבָא קָמָא 40b. These terms could be vowelized in the indefinite forms thus: וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע. 7 See וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע. 8 See וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע. 9 See וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע. 10 See וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע. 11 See וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע. 12 See וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע. 13 See וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע, וּבְנֵרַבַּע. INTRODUCTION. 9 It had a fatal complaint. 10 דוֹפָן, the paries of the abdomen. יוֹצֵא דוֹפָן, [the foetus] issuing by hysterotomy [cutting into the uterus]. 11 וּמְכָרוֹ, וּמְכָרוֹ [Niphal] or וּמְכָרוֹ [Kal]. 12 Which was inextricably intermingled with the invalid animals. 13 Seeing that there is a doubt as to who was the actual owner of each beast, each offerer must make a declaration: 'I bring this offering on behalf of its owner whoever he is.' *Compare 9³.

בְּשׂוֹר שֶׁנֶּאֱבָדָה בּוֹ עֲבִירָה, אוֹ שֶׁהָמִית אֶת־הָאָדָם, עַל פִּי יַעֲד אַחֵד, אוֹ עַל פִּי הַבְּעָלִים, בְּרוֹבַע וּבְנֵרַבַּע, וּבְמִוְקָצָה וּבְנֵעֲבָד, וּבְאֵתָן, וּבְמַחִיר, וּבְכֵלָאִים, וּבְטֵרֶפֶה, וּבְיוֹצֵא דוֹפָן, יֵרָעוּ עַד שֶׁיִּסְתָּאֲבוּ וְיִמְכְרוּ, וְיָבִיא כְּדָמֵי הַיָּפֶה שֶׁבָּהֶן, מֵאוֹתוֹ הַמִּין. נִתְעַרְבַּב בְּחוֹלִין תְּמִימִים וְיִמְכְרוּ הַחוֹלִין לְצָרְכֵי אוֹתוֹ הַמִּין.

sum and the other for less, he must bring the two new offerings each of the higher value as he cannot know which he had intended for which offering. Compare **פְּסָחִים** 9⁸. 6 **וַיֹּאכְלוּ** [*Kal*] or **וַיֹּאכְלוּ** [*Niphal*]. 7 Compare **תְּמוּרָא** 3⁵. A firstling and a beast of tithe of cattle, though they suffer a blemish and are invalid for sacrifice, yet retain their status of holiness, and their flesh may not be sold in the shop nor weighed out in portions for sale, but it may be sold unweighed in portions at home and to acquaintances. 8 These two cannot be confused, for a *sin-offering* is a lamb or a he-goat, and a *guilt-offering* is a ram or a he-lamb.

Mishnah 3

If a *guilt-offering* were confused with a *peace-offering*, they must be left to pasture¹ until they contract a blemish,² [when they are sold and with the sale money substitute beasts are bought for offerings]. R. Simon³ says, Both of them should be slaughtered⁴ at the northern side and consumed⁴ after the manner of that to which the stricter rules apply. [The Sages]⁵ said to him, Consecrated things must not be suffered to become invalid.⁶ If pieces [of the flesh of an offering] were confused with pieces [of the flesh of other offerings], the *most holy offerings* with *lesser holy offerings*,⁷ or what must be consumed on the same day [and that night] with what may be consumed during two days [and the intermediate night], they must be eaten in accordance with the more stringent rules applying to them.⁸

1 The bracketed phrase is omitted in the **זְמֵרָא**. 2 The manner of sprinkling (or tossing) the blood is the same for an **אֶשֶׁם** and **שְׁלָמִים**. 3 His view is not accepted. 4 **וַיֹּאכְלוּ** [*Niphal*], or **וַיֹּאכְלוּ** [*Kal*]. 5 Their opinion is accepted, *viz.*, according to the more stringent rules that apply to the *guilt-offering* (*sc.*, in the Temple Court, within the Hangings, by the male members of the priesthood, and during that same day and night). 6 Seeing that *peace-offerings* may be eaten during two days and the intervening night, by anyone (non-priests and females also), and anywhere in the City of Jerusalem. And if, according to R. Simon, the *peace-offering* is eaten as stringently as a *guilt-offering*, any remnant becomes sooner invalid, hence it is preferable to sell them after suffering a blemish and buy with the proceeds of sale other offerings of the like kind. 7 See 5¹. 8 In this case the Sages agree with R. Simon.

מִשְׁנָה ג

אֶשֶׁם שְׁנַתְעָרַב בְּשָׁלָמִים¹ (יִרְעוּ עַד
שְׁיִסְתָּאבוּ). רַבִּי שְׁמַעוֹן אָמַר,
שְׁנֵיהֶם יִשְׁחַטּוּ בְּצִפּוֹן, וַיֹּאכְלוּ
בְּחֵמור שְׁבָהֵן. אָמְרוּ לוֹ, אֵין
מִבֵּיאִין קִדְשִׁים לְבֵית הַפְּסוּל.
וְנִתְעָרְבוּ חֲתִיכוֹת בְּחֲתִיכוֹת, קִדְשֵׁי
קִדְשִׁים בְּקִדְשִׁים קָלִים, הַנֶּאֱכָלִין
לְיוֹם אֶחָד בְּנֶאֱכָלִים לְשְׁנֵי יָמִים,
יֹאכְלוּ בְּחֵמור שְׁבָהֵן.

Mishnah 6

מִשְׁנָה ו

If the blood [of an offering] were mingled with water,¹ but still had* the appearance of blood, it remains valid [for the enjoined tossing];² if [the blood of an offering] were mixed with wine,³ the wine is considered as if it were water;⁴ if it⁵ were mixed with the blood of a beast [that was not consecrated] or with the blood of a wild animal, this is accounted to be water.⁴ R. Judah⁶ says, Blood does not invalidate other blood.

דָּם שֶׁנִּתְעַרַב בְּמַיִם אִם יֵשׁ בּוֹ מְרֵאָה דָּם בְּשֵׁר; וְנִתְעַרַב בְּיַיִן רֹאֵין אוֹתוֹ כְּאֵלוֹ הוּא מַיִם; וְנִתְעַרַב בְּדָם בְּהֵמָה אוֹ בְּדָם חַיָּה רֹאֵין אוֹתוֹ כְּאֵלוֹ הוּא מַיִם. רַבִּי יְהוּדָה אוֹמֵר, אֵין דָּם מְבַטֵּל דָּם.

1 If water fell into the blood. 2 But if the blood fell into water it is invalid for sprinkling (or tossing). 3 Wine fell into the blood. The difficulty arises from the red colour of both. 4 *i.e.*, if an equal quantity of water would not have altered the shade of [the colour of] the blood, the blood remains valid. 5 *viz.*, the blood of an offering. 6 His view is rejected. *Or *בְּשֵׁר*.

Mishnah 7

מִשְׁנָה ז

If [valid blood] were mingled with the blood of invalid [offerings], it must be poured away into the gutter;¹ if [valid blood mingled] with the last blood oozing sluggishly [from the cut vein],² it is to be poured out into the gutter. R. Eliezer declares [the last blood mingled with valid blood] valid [for sprinkling]. But the Sages³ say, If [the priest] had not taken counsel [with the Court when the last blood mingled with the valid blood] and sprinkled [it], it is valid.⁴

וְנִתְעַרַב בְּדָם פְּסוּלִים יִשְׁפֹּךְ לְאַמָּה, בְּדָם תְּמַצִּית יִשְׁפֹּךְ לְאַמָּה. רַבִּי אֱלִיעֶזֶר מְכַשֵּׁר. יֵאָם לֹא נִמְלָךְ וְנִתֵּן בְּשֵׁר.

1 The water channel from the Temple Court to the Brook Kidron.* 2 *sc.*, the slow flowing blood, in contradistinction to the gush of blood when the animal is slaughtered and which is used for sprinkling (or tossing). 3 Their view is accepted. 4 But if he had enquired of Beth Din he would have been told to pour the blood into the gutter. *Which carried the blood away.

blood from] each is tossed once.² If [blood] that should be tossed four times were confused with [other blood] which should be tossed four times,³ [the blood from] each is tossed four times.⁴ If [blood] that should be tossed four times were confused with [blood] that should be tossed once,⁵ R. Eliezer says, Let each be tossed four times.⁶ R. Joshua says, Let each be tossed just once. R. Eliezer said to him, Then would he not transgress⁷ the law *thou shalt not diminish therefrom*?⁸ R. Joshua replied to him, But would he not transgress⁹ the law *thou shalt not add thereto*? R. Eliezer said to him, the law *thou shalt not add* [applies] only when that [offering requiring only one tossing] is by itself,¹⁰ [and there is no doubt that it is—but when there is confusion, and in consequence uncertainty, the greater number of tossings must be made]. R. Joshua made answer to him, The law *thou shalt not diminish* [applies] only when that [offering requiring four tossings] is by itself, [and there is no doubt what it is—but when there is confusion, and consequent uncertainty, only one tossing must be made]. And R. Joshua said further, If thou hast tossed [more than is enjoined], thou hast transgressed the law *thou shalt not add* and thou hast performed a [forbidden] act with thy hand; and if thou didst not toss [more than once], thou hast transgressed the law *thou shalt not diminish*, but thou hast not performed a [forbidden] act with thy hand.¹¹

מִתְּנָה אַחַת. מִתֵּן אַרְבַּע בְּמִתֵּן אַרְבַּע, יִתְּנוּ בְּמִתֵּן אַרְבַּע. מִתֵּן אַרְבַּע בְּמִתְּנָה אַחַת, רַבִּי אֱלִיעֶזֶר אָמַר, יִתְּנוּ בְּמִתֵּן אַרְבַּע. רַבִּי יְהוֹשֻׁעַ אָמַר, יִתְּנוּ בְּמִתְּנָה אַחַת. אָמַר לוֹ רַבִּי אֱלִיעֶזֶר, וְהָרִי הוּא עוֹבֵר עַל בֵּל תִּגְרַע? אָמַר לוֹ רַבִּי יְהוֹשֻׁעַ, וְהָרִי הוּא עוֹבֵר עַל בֵּל תּוֹסִיף? אָמַר לוֹ רַבִּי אֱלִיעֶזֶר, לֹא יֵאמַר בֵּל תּוֹסִיף אֶלֶּא כִּשְׁהוּא בְּעֶצְמוֹ. אָמַר לוֹ רַבִּי יְהוֹשֻׁעַ, לֹא יֵאמַר בֵּל תִּגְרַע אֶלֶּא כִּשְׁהוּא בְּעֶצְמוֹ. וְעוֹד אָמַר רַבִּי יְהוֹשֻׁעַ, כִּשְׁנִתְּתָ עֲבֵרְתָ עַל בֵּל תּוֹסִיף וְעִשִׂיתָ מַעֲשֵׂה בְּיָדְךָ; וְכִשְׁלֹא יָתָתָ עֲבֵרְתָ עַל בֵּל תִּגְרַע וְלֹא עִשִׂיתָ מַעֲשֵׂה בְּיָדְךָ.¹¹

1 For instance, the blood of an animal of *tithe of cattle* with the blood of a *firstling*, and it was forgotten which vessel contained which blood. 2 *i.e.*, one sprinkling (or tossing) is made from one vessel and one from the other. 3 For example, a vessel containing the blood of a *guilt-offering* from which two sprinklings are made each at a corner (thus each covering two adjacent sides of the Altar), and a vessel containing

1 viz., of a sin-offering. Tossed or sprinkled. 2 יִשְׁפְּכוּ [Niphal]; or יִשְׁפְּכוּ [Kal]. 3 In both cases, since the owners have received atonement; and the flesh is also permitted to be eaten or offered. 4 His opinion is rejected. 5 Their view is accepted. It is valid in both cases (except in the case of the blood of a sin-offering—which had been confused with blood that was to have been offered inside and that had already become invalid—when it was brought in before atonement was effected with it outside). 6 But the blood of any other offering under similar circumstances remains valid. 7 Leviticus 7, 7. 8 i.e., both are alike. The ruling is in accordance with the opinion of the Sages.

Mishnah 12

If the priest received the blood of a sin-offering¹ in two basins, and one of them was taken outside [the Temple Court], [the blood which is left in the basin inside the Temple Court] remains valid. If one of them were taken inside [the Sanctuary], R. Jose² the Galilean declares the one outside [in the Temple Court] valid, but the Sages declare it invalid. R. Jose the Galilean said, If, in the case³ where the intention invalidates [as when there is the design to toss the blood] without⁴ [the Temple Court], this does not in like manner invalidate [the blood] that is left,⁵ should not the conclusion be, where the intention does not invalidate [as when there is the thought to toss the blood] within [the Sanctuary], that what remains⁶ must not be treated in like manner as that which comes within [and is invalid]? If it were brought within [the Sanctuary] to effect atonement, even though it has not made atonement [being still not tossed], it is rendered invalid. This is the view of R. Eliezer. R. Simon says, [The blood does not become invalid] until it effects atone-

מִשְׁנֵה יב

חֲטָאתָ שֶׁקִּבַּל דָּמָה בְּשָׁנֵי כוֹסוֹת
 יָצָא אֶחָד מֵהֶן לְחוּץ הַפְּנִימִי בְּשֵׁרִי.
 נִכְנָס אֶחָד מֵהֶן לְפָנִים, רַבִּי יוֹסֵי
 הַגִּילִי מְכַשֵּׁר בְּחִיצוֹן וְחֹכְמִים
 פּוֹסְלִין. אָמַר רַבִּי יוֹסֵי הַגִּילִי,
 מֵה־אֵם בַּמָּקוֹם שֶׁהִמְחִשְׁבָה פּוֹסְלָת
 בַּחוּץ לֹא עָשָׂה אֶת־הַמְּשׁוֹאֵר
 כִּי יָצָא, מָקוֹם שֶׁאֵין הִמְחִשְׁבָה פּוֹסְלָת
 בְּפָנִים אֵינּוּ דִין שֶׁלֹּא נַעֲשֶׂה אֶת־
 הַמְּשׁוֹאֵר כְּנִכְנָס? נִכְנָס לְכַפֵּר אֶף
 עַל פִּי שֶׁלֹּא כִפֵּר פְּסוּל. דִּבְרֵי רַבִּי
 אֱלִיעֶזֶר. רַבִּי שִׁמְעוֹן אוֹמֵר, עַד
 יִשְׁכַּפֵּר. רַבִּי יְהוּדָה אוֹמֵר, אִם
 הִכְנִיס יִשׁוּגָה בְּשֵׁרִי. כָּל־הַדָּמִים
 הַפְּסוּלִים שֶׁנִּתְּנוּ עַל גַּב הַמִּזְבֵּחַ,
 לֹא הִרְצָה יִהְיֶיךָ, אֲלֵא עַל
 הַטָּמֵא, שֶׁהִצִּיץ מִרְצָה עַל יִי הַטָּמֵא
 וְאֵינּוּ מִרְצָה עַל הַיֹּצֵא.

enjoined as the due of the [Altar] fires, if it have gone up [on the Altar], may not come down again.³ Rabban Gamaliel says, All that pertains to the Altar, having gone up, may not again come down [even if it have become unclean], for it says, *it is that which goeth up on its fire-wood upon the Altar*: like as the burnt-offering that is enjoined [to be burned] upon the Altar, if [though invalid] it go up [on the Altar], may not come down again, even so whatever is prescribed as appertaining to the Altar, having gone up, [even if invalid, upon the Altar], may not again come down. There is no difference between the view of Rabban Gamaliel and the view of R. Joshua save regarding the blood and the libations⁴ concerning which Rabban Gamaliel says, [The libations that have become invalid when brought up on the Altar] may not come down again, whereas R. Judah says, They must come down [from the Altar]. R. Simon says, If [an animal] sacrifice were valid, and the libation [pertaining to it] were invalid,⁵ or if the libation were valid and the [animal] sacrifice [pertaining thereto] were invalid, or if both* were invalid, the sacrifice may not again come down, but the libations must again come down.⁶

1 העלה in the Scripture. 2 See *Leviticus* 6, 2. And the word עלה, which goeth up, can have the meaning a burnt-offering. 3 But invalidated blood or libations must be brought down. 4 Which are fit for the Altar but not for the fire. 5 See *Numbers* 28, 7, 10, 14ff. 6 But the accepted ruling is in accordance with the opinion of R. Joshua. But if invalid blood or invalid wine, not accompanying an offering (for instance, the wine was a free-will-offering), is brought upon the Altar, such may not come down again. *Less idiomatic וזה וזה.

Mishnah 2

And these, if they have gone up [on the Altar], may not come down again: [blood or sacrificial portions] that

הָרָאוּ לְמִזְבֵּחַ אִם עָלָה לֹא יֵרֵד, שְׁנֵאֲמַר, הִיא הָעוֹלָה עַל מִזְבֵּחַהּ עַל-הַמִּזְבֵּחַ, מֵהַ עוֹלָה שֶׁהִיא רְאוּיָה לְמִזְבֵּחַ אִם עָלְתָה לֹא תֵרֵד, אֲפִי כֹל-דְּבָר שֶׁהוּא רְאוּי לְמִזְבֵּחַ אִם עָלָה לֹא יֵרֵד. אֵין בֵּין דְּבָרֵי רֶבֶן גַּמְלִיאֵל לְדְבָרֵי רַבִּי יְהוּדָה אֶלָּא הַדָּם וְהַנְּסֻכִים, שֶׁרֶבֶן גַּמְלִיאֵל אוֹמֵר, לֹא יֵרֵדוּ, וְרַבִּי יְהוּדָה אוֹמֵר יֵרֵדוּ. רַבִּי שְׁמַעוֹן אוֹמֵר, הַזֶּבַח כְּשֶׁרִין וְהַנְּסֻכִים פְּסוּלִין, הַנְּסֻכִים כְּשֶׁרִין וְהַזֶּבַח פְּסוּל, אֶפְּלוּ *זֶה וְזֶה פְּסוּלִין, הַזֶּבַח לֹא יֵרֵד וְהַנְּסֻכִים יֵרֵדוּ.

מִשְׁנָה ב

וְאֵלוֹ אִם עָלוּ לֹא יֵרֵדוּ, הַלֶּזֶן וְהַטָּמֵא וְהַיּוֹצֵא וְהַנְּשָׁחֵט חוּץ לְזִמְנוֹ וְחוּץ

terefah,⁵ or [a beast] which was extracted by caesarian section, or [a beast] that had a blemish.⁶ R. Akiba⁷ declares valid those with a blemish. R. Chanina the Prefect of the Priests says, My father used to push away⁸ from the *Altar* such [offerings] as had a blemish.

1 Or *disqualification*. 2 Compare 8¹, 14². See *Leviticus* 20, 16; טְהוֹרָרִיץ 14; כָּבֵא קָמָא 40b. 3 A gift to a whore. See תְּמִירָה 62, 29a. 4 *sc.*, obtained by exchange for a dog. 5 *sc.*, it had a fatal complaint. 6 All such offerings must be brought down from the *Altar*. 7 His opinion is rejected. 8 *sc.*, he did not conspicuously remove the offerings, for appearance's sake and not to bring disrespect upon the operations, but slid them off with his hand in such manner as not to attract attention.

Mishnah 4

Just as such [offerings that have become disqualified and] have been brought up [on the *Altar*] may not come down again, so [offerings] that have come down may not go up again [upon the *Altar*]. But all [offerings that are invalid—as, for example, those with a blemish—] that went up alive to the top of the *Altar* must come down again.¹ A [valid] *burnt-offering* that went up

מִשְׁנֵה ד
כֶּשֶׁם שָׂאם עָלוּ לֹא יֵרְדוּ כִּן אִם
יֵרְדוּ לֹא יַעֲלוּ וְכוּלָן שְׂעָלוּ חַיִּים
לְרֹאשׁ הַמִּזְבֵּחַ יֵרְדוּ עוֹלָה שְׂעֵלְתָּהּ
חִיָּה לְרֹאשׁ הַמִּזְבֵּחַ תֵּרַד, שְׁחָטָהּ
בְּרֹאשׁ הַמִּזְבֵּחַ יִפְשִׁיט וַיִּנְתֵּחַ
בְּמִקְוָה²

alive to the top of the *Altar* must come down again. If the priest slaughtered it, [namely, the valid *burnt-offering*], on the top of the *Altar*, he must flay [it] and dissect it where it is.²

1 The *Altar* does not sanctify disqualified live beasts. 2 Literally *in its place viz.*, on the *Altar*.

Mishnah 5

These are they which, [even if they be valid], if they have gone up [on the *Altar*], must come down again:¹ the flesh of the *most holy sacrifices*,² (and) the flesh of the *lesser holy sacrifices*, (and) the remainder of the *omer*,³ (and) the *two loaves*,⁴ (and) the *shewbread*,⁵ (and) the remnants of

מִשְׁנֵה ה
אֵלֶּה אִם עָלוּ יֵרְדוּ, בֶּשֶׂר קִדְשֵׁי
קִדְשִׁים וּבֶשֶׂר קִדְשִׁים קְלִיִּים וּמוֹתֵר
הָעוֹמֵר וְשֵׁתֵי הַלֶּחֶם וְלֶחֶם הַפָּנִים
וְשִׁירֵי הַמִּנְחוֹת וְהַקְטוֹרֶת. הַצֶּמֶר
שֶׁבְּרֹאשֵׁי כִבְשִׁים וְהַשְּׂעִיר שֶׁבְּזֶבֶן

Mishnah 7

Just as the *Altar* hallows what appertains to it so also does the [*Altar*] *ramp*. Just as the *Altar* and the *ramp* hallow what pertains to them, so also do the [*Temple*] vessels hallow. The vessels for liquids hallow the liquids,¹ and the measures for dry wares² hallow the dry wares [poured into them]. The vessels for liquids do not hallow dry wares nor do measures for dry wares hallow liquids [when poured into them]. Sacred vessels that have holes in them, but which³ nevertheless can still do their work that they did when whole, can still render holy [their contents]; otherwise [if they can no longer serve the same purpose as when they were entire], they do not make [their contents] holy.⁴ And⁵ none of them can render [their contents] holy save in the Temple.

1 Blood, wine, oil, water. 2 Flour, incense. 3 Some consider *בָּהֵן* redundant. 4 An impaired metal vessel may be melted down and made into another vessel; a worn-out knife may not be repaired for holy use; worn-out sacred garments are made into lamp wicks or torches for holy use. *לְאוֹ* is the popular traditional reading. 5 Literally *And all of them do not sanctify . . .*

CHAPTER 10

Mishnah 1

Whatsoever [is offered] more frequently than another precedes that other.¹ [Thus], the *daily burnt-offerings* precede the *additional-offerings*,² the *additional-offerings* of the *Sabbaths*³ precede the *additional-offerings* of the *New Moons*,⁴ the *additional-offerings* of the *New Moons*⁴

משנה ז

כֶּשֶׁם שֶׁהַמִּזְבֵּחַ מְקַדֵּשׁ אֶת-הָרְאוּי לוֹ, כִּף הַכֶּבֶשׂ מְקַדֵּשׁ כֶּשֶׁם שֶׁהַמִּזְבֵּחַ וְהַכֶּבֶשׂ מְקַדְּשִׁין אֶת-הָרְאוּי לָהֶן, כִּף הַכֵּלִים מְקַדְּשִׁין כְּלֵי הַלַּח מְקַדְּשִׁין אֶת-הַלַּח, וּמְדוֹת הַיֵּיבֵשׁ מְקַדְּשׁוֹת אֶת-הַיֵּיבֵשׁ. אֵין כְּלֵי הַלַּח מְקַדְּשִׁין אֶת-הַיֵּיבֵשׁ, וְלֹא מְדוֹת הַיֵּיבֵשׁ מְקַדְּשׁוֹת אֶת-הַלַּח. כְּלֵי הַקֶּדֶשׁ שֶׁנִּקְבְּוּ אִם עוֹשִׂים בָּהֶן הֵם מַעֲשִׂין מְלֹאכְתָּן שֶׁהֵיוּ עוֹשִׂין וְהֵן שְׁלֵמִים מְקַדְּשִׁים, וְאִם לֹא אֵין מְקַדְּשִׁים. וְכֻלָּם אֵין מְקַדְּשִׁים אֶלָּא בַּקֶּדֶשׁ.

פֶּרֶק י

משנה א

כָּל-הַתְּדִיר יִמְתְּבִירוּ קוֹדֵם אֶת-תְּבִירוֹ. הַתְּמִידִין קוֹדֵמִין לְמוֹסְפִין, מוֹסְפֵי יְשֻׁבֵת קוֹדֵמִין לְמוֹסְפֵי רֹאשׁ הַקֶּדֶשׁ, מוֹסְפֵי רֹאשׁ הַקֶּדֶשׁ קוֹדֵמִין לְמוֹסְפֵי רֹאשׁ הַשָּׁנָה, שְׁנֵאַמֵּר,

against the south-west corner of the *Altar* and once against the north-east corner, thus covering the *four* sides, but the blood of the *firstling* is tossed only once], and the *laying on of the hands* [by its owner, upon its head before the slaughtering] and the *libations* [of wine and flour] and the *waving* of the breast and thigh [by its owner in conjunction with the priest, whereas a *firstling* requires neither the *laying on of the hands*, nor the *libation* nor the *waving* of the breast and thigh].

1 Compare הוֹרִיזוֹת 36. 2 The blood of a *sin-offering* makes expiation for a wilful transgression whose penalty is כְּרִת (excision). 3 After both kinds of blood have been sprinkled (or tossed) the members of the *burnt-offering* are offered followed by the fat of the *sin-offering*. 4 This is enjoined in the Law; but the blood of a *guilt-offering* is sprinkled on two corners only, and it is not prescribed in the Law that the residue of its blood is to be poured away on the base.

Mishnah 3

מִשְׁנָה ג

The *firstling* precedes the *tithe* [of cattle], since it is holy from the womb, and is consumed by the priests only, [but the *tithe of cattle* becomes holy only when it has been chosen, and all persons may eat of it]. The *tithe* [of cattle] precedes the *bird-offerings*, since it is a [slaughtered] *sacrifice*,¹ [whereas the bird² requires pinching off the head], and its blood and its sacrificial portions possess* [some] attributes of *most holy sacrifices* [since they are put on the *Altar*, whereas only the blood of a *bird-offering* comes upon the *Altar*].³ *Or וְיִשְׁבּוּ.

הַבְּכוֹר קוֹדֵם לְמַעֲשֵׂר מִפְּנֵי
שֶׁקֹּדְשׁוֹ מִרְחֹם וְנֹאכַל לְכֹהֲנִים.
הַמַּעֲשֵׂר קוֹדֵם לְעוֹפוֹת מִפְּנֵי שֶׁהוּא
וְיִשְׁבּוּ *וְיִשׁ בּוֹ קֹדְשֵׁי קֹדְשִׁים דָּמוֹ
תְּאִימורֵיו.³

1 Being slaughtered with the knife, as in the case of all sacrifices. 2 A *bird-offering* is not slaughtered with the knife. 3 None the less the *tithe of cattle* is of a higher status than the *bird-offering*.

Mishnah 4

מִשְׁנָה ד

The *bird-offerings* precede the *meal-offerings*, for they are of the category of blood [offerings]; the *meal-offering* of a sinner¹ precedes the *freewill-meal-offering*, since it is offered for sin; the *sin-offering* of a bird precedes the *burnt-offering* of a bird and likewise on dedication.²

הָעוֹפוֹת קוֹדְמִין לְמִנְחֹת מִפְּנֵי שֶׁהֵן
מִיַּי דָּמִים; מִנְחַת יְהוֹטֵא קוֹדְמַת
לְמִנְחַת נִדְבָה מִפְּנֵי שֶׁהִיא בָּאָה עַל
חֵטָא; חֲטַאת הָעוֹף קוֹדְמַת לְעוֹלַת
הָעוֹף וְכֵן בְּהַקְדְּשָׁה.

of the same day, while that of the same day may be eaten up to the night of the following day. 3 Because the *peace-offering* of the preceding day cannot be eaten after the night of the same day, whereas the *sin-offering* and the *guilt-offering* may be eaten all the night of the same day until dawn. But his opinion is rejected. 4 Their ruling is accepted.

Mishnah 7

And the priests may vary all of them¹ for their food in any manner, to eat them roast, or seethed,² or cooked,³ and put therein non-consecrated spices or spices of *priest's-due*.⁴ This is the opinion of R. Simon. R. Meir says, They may not put therein spices of *priest's-due* in order not to render *priest's-due* invalid.⁵

משנה ז
 יובכולם הכהנים רשאים לשנות
 באכילתן, לאכלן צלויים, שלוקים
 ומבושלים, ולתת לתוכן תבלין
 חולין ומבלין, תרומה. דברי רבי
 שמעון. רבי מאיר אומר, לא יתן
 לתוכו תבלין תרומה, שלא יביא
 את התרומה לידי פסול.

1 וכולן in the זמרא. 2 i.e., thoroughly done. 3 i.e., gently boiled or stewed. 4 See Appendix, Note 1. 5 If any of the flesh is left over beyond the prescribed time for eating *priest's-due* it will become גותר, remnant (see Appendix, Note 18), and neither the flesh nor the spices may then be eaten, and it is forbidden to invalidate *priest's-due*.

Mishnah 8

R. Simon said, If thou seest¹ oil being shared out [to the priests for food] in the [Temple] Court, thou dost not need to enquire as to what it is—[it is naught else] but the remainder [of the oil] for the wafers of a *meal-offering*² brought by a non-priest³ or the leper's *log*⁴ of oil. If thou seest oil being put on the [Altar] fires, thou needest not inquire as to what it is—[it is nothing] but the residue of the wafers of *meal-offerings* of [the] priests⁵ or the *meal-*

משנה ח
 אומר רבי שמעון, אם ראיית שמן
 שהוא מתחלק בעזרה אין אתה
 צריך לשאול מה הוא, אלא מותר
 רקיקי מנחות ישראל, ילוג שמן
 של מצורע. אם ראיית שמן שהוא
 נתון על גבי האש, אין אתה צריך
 לשאול מה הוא, אלא מותר רקיקי
 מנחות כהנים, ומנחת כהן המשית

Mishnah 2

[In the case of] an invalid *sin-offering*, its blood [splashed on to a garment] does not require [ritual] washing out, whether there was a time¹ when [the blood]² was valid or there was no time when it was valid. What³ kind [of blood] had a time when it was valid? Such [blood, though the *sin-offering* was valid], that had remained overnight, or that had become unclean, or that had been taken outside [the *Temple Court*]. And what⁴ manner [of blood] had not a time of validity?

[The blood of] such [a *sin-offering*] that was slaughtered [by one that purposed to eat thereof] outside its proper time or outside its correct place, or such whose blood was received by [priests that were] invalid who sprinkled it.⁵

1 Or שַׁעַת, popular traditional pronunciation. 2 דָּם is masculine; as לֵהּ is feminine, it might in error be taken to refer to חֲטָאת which is feminine. 3 *אֵיזָה is masculine; אֵיזָה [f. sing.] or אֵיזָה [m. and f., sing. and pl.] is the correct grammatical form here. 4 Or וְאֵיזָה. 5 And a garment must be cleaned from such blood. *See Volume II, Page 12.

Mishnah 3

If [the blood] were splashed¹ from the neck [of the beast] on to a garment,² it does not require [ritual] washing;³ [and] if [the blood⁴ were splashed upon a garment] from the corner or the base [of the *Altar*], it does not need washing.⁶ If [the blood] were poured out on to the pavement, and [the priest] gathered it up again [in a vessel and it splashed on to a garment], it does not require washing. Only that blood needs washing out which has been received in a vessel and is suitable for tossing [or sprinkling].

משנה ב

חֲטָאת פְּסוּלָה אֵין דְּמָה טְעוֹן כְּבוֹס, בֵּין שֶׁהָיָה לָהּ יְשַׁעַת הַכּוֹשֵׁר, בֵּין שֶׁלֹּא הָיָה לָהּ יְשַׁעַת הַכּוֹשֵׁר. אֵיזָה הִיא שֶׁהָיָה לָהּ יְשַׁעַת הַכּוֹשֵׁר? שְׁלֵגָה, שְׁנַטְמָאָה, וְשִׁצְצָאָה. וְאֵיזָה הִיא שֶׁלֹּא הָיָה לָהּ יְשַׁעַת הַכּוֹשֵׁר? שְׁנַשְׁחָטָהּ חוּץ לְזִמְנָהּ וְחוּץ לְמִקְוָמָהּ וְשָׁקַבְלוּ פְּסוּלִין, וְזָרְקוּ אֶת דְּמָהּ.

that was slaughtered [by one that purposed to eat thereof] outside its proper time or outside its correct place, or such whose blood was received by [priests that were] invalid who sprinkled it.⁵

משנה ג

יִגְתַּן מִן-הַצְּנוּאר עַל-הַכֶּהֱנֵד אֵינוֹ טְעוֹן כְּבוֹס; מִן-הַקֶּרֶן וּמִן-הַיִּסוּד אֵינוֹ טְעוֹן כְּבוֹס. וְשִׁפְףָה עַל הַרְצָפָה וְאֶסְפוּ אֵינוֹ טְעוֹן כְּבוֹס. אֵין טְעוֹן כְּבוֹס אֶלָּא הַדָּם שֶׁנִּתְקַבַּל בְּכֵלִי, וְרֵאוּי לְהִזְיָה. וְגַם עַל הָעוֹר עַד שֶׁלֹּא הוּפְשַׁט אֵינוֹ טְעוֹן כְּבוֹס; מִשְׁהוּפְשַׁט טְעוֹן כְּבוֹס. דְּבָרֵי רַבִּי יְהוּדָה. רַבִּי אֱלִיעֶזֶר אוֹמֵר, אֶף

Court], it must be brought in again and [ritually] washed in a holy place. If it contracted uncleanness outside the *hangings*, it must be rent² [outside the *Temple Court*] and brought in again and washed in a holy place. If any earthenware vessel [used for boiling the flesh of *offerings*] were taken outside the *hangings*, it must be brought in again and broken in a holy place. If [the vessel] became unclean outside the *hangings*, a hole must be made therein [whereby it is rendered clean], and it is then brought in again and broken in a holy place.

1 See 5³. 2 Unclean woven material and unclean vessels become clean on being rent or broken respectively so as to be useless for their former purposes. See פְּלִים 22, 31^a, 271^a. See ADDENDA at the end of this *Tractate*.

Mishnah 6

If a copper vessel¹ [in which the flesh of *offerings* was boiled] were taken outside the *hangings* [without the *Temple Court*], it must be brought in again and scoured and rinsed in a holy place; if it became unclean outside the *hangings*, it must be broken,² and then brought in again and scoured and rinsed in a holy place.

1 Or *brazen* [brass] *utensil*. 2 Literally *let him reduce it* [in size].

Mishnah 7

It is all the same whether one had cooked therein [—in an earthenware or brazen vessel—] or poured boiling water into it; it is all one [whether there were cooked in it the flesh of the] *most holy sacrifices*¹ or the *lesser holy sacrifices*—they require scouring and rinsing.² R. Simon says, In the case of *lesser holy sacrifices*, they do not

less holy [or non-consecrated] must be consumed under the stringent conditions³ [enjoined for the more holy flesh]; but [if there were not enough to give a flavour], scouring and rinsing are not required, and other things are not invalidated through contact.⁴ If one wafer [that was holy but invalid] touched [another] wafer [that was consecrated and valid], or if one piece [of holy but invalid flesh] came in contact with another [piece of holy, valid flesh], neither the whole wafer nor the entire flesh becomes forbidden, but only that [valid] part that was contacted.

שָׁנַע בְּרִיקָה, וְחִתִּיכָה בְּחִתִּיכָה,
לֹא כָל-הֶרְקִיקוֹן וְלֹא כָל-
הַחִתִּיכוֹת אֲסוּרִין, אֵינּוּ אֲסוּר אֲלָא
מִקּוֹם שֶׁבָּלַע.

1 See 51^a. 2 Or וְקִדְשֵׁים. 3 *i.e.*, it must be eaten in the *Temple Court*, that same day and night only, the pot must be scoured and rinsed, and if the flesh becomes invalid it renders invalid any food it comes in contact with. 4 And in this case the flesh may be eaten outside the Temple Court, and if there be of the *less holy sacrifice* flesh this may be eaten during two days and the intervening night, and if the flesh is unconsecrated it may be consumed at any time. *Or וְשֶׁ-בָּהוֹן.

CHAPTER 12

פֶּרֶק יב

Mishnah 1

מִשְׁנָה א

A priest who had immersed himself in the ritual bath but must await sunset of the selfsame day¹ to be clean and whose atonement was still lacking, must not have any share² in the *holy* sacrifices to eat of them in the evening [when he becomes clean]. [A priest] who is mourning [before the burial of his near of kin]³ may touch [*holy offerings*] but may not offer [them] nor have any share⁴ [in them] to consume of them in the evening [after the burial]. [Priests] that have a permanent blemish or they that have a temporary blemish⁵ may have a share [in them]⁶ and consume [of them], but they may not offer [them].

יִטְבּוֹל יוֹם וּמְחוּסָר כְּפוּרִים, אֵינּוֹן
חוֹלְקִים בְּקִדְשֵׁים לְאֵכוֹל לְעֶרֶב.
אֵינּוֹן נוֹגֵעַ וְאֵינּוֹ מְקַרֵּב, וְאֵינּוֹ חוֹלֵק
לְאֵכוֹל לְעֶרֶב. בְּעֵלֵי מוּמִין, בֵּין
בְּעֵלֵי מוּמִין קְבוּעִין, בֵּין בְּעֵלֵי מוּמִין
עוֹבְרִין, חוֹלְקִין וְאוֹכְלִין אֲבָל לֹא
מְקַרֵּבִין. וְכָל שְׂאִינוֹ רְאוּי לְעִבּוּדָה
אֵינּוֹ חוֹלֵק בְּבֶשֶׂר; וְכָל שְׂאִין לוֹ
בְּבֶשֶׂר, אֵין לוֹ בְּעוֹרוֹת. אֲפִילוּ
טָמֵא בְּשַׁעַת זְרִיקַת דָּמִים וְטָהוֹר
בְּשַׁעַת הַקָּטֵר הַחֲלָבִים, אֵינּוֹ חוֹלֵק

Mishnah 3

The hides of the *lesser holy sacrifices*¹ pertain to the owners, and the hides of the *most holy sacrifices* pertain to the priests. It is a *deduction from minor to major*:* if in [the case of] the *burnt-offering*, to the flesh of which [the priests] have no right, they nevertheless have the right to the hide, how much more then in [the case of] the *most holy sacrifices*, to whose flesh they have the right, have they the right to the hide thereof! The *Altar* provides no proof² since the hide never belongs to it.

1 See 51ⁿ. 2 By a converse deduction, *i.e.*, the Altar cannot afford proof that it is not an inference from minor to major, since the flesh of a *burnt-offering* belongs to the Altar but the hide does not, none the less the flesh of *sin-offerings* and *guilt-offerings* may belong to the priests yet their hides do not; therefore the *Mishnah* argues, this is no proof since never does the hide belong to the Altar (for the hide is never offered up), but it does belong to the priests all the same, hence the inference from a minor to a major from a *burnt-offering* is valid, since though the priests have no right to the flesh they nevertheless have the hide; how much more so must they have the right to the hides of *sin-offerings* and *guilt-offerings* if they have their flesh! [מוכיח] in the אמרא and in [רשי"י]. *Or a conclusion from the lesser to the greater, an inference a minori ad majus [and vice versa].

Mishnah 4

[In the case of] all *holy sacrifices* to which invalidity befell before they were flayed, their hides¹ do not belong to the priests; but if [invalidation occurred] after their flaying, their hides belong to the priests. R. Chanina² the Prefect of the Priests said, I have never seen a hide taken forth to the place of burning [if the invalidating cause were discovered after the flaying, even if the invalidity existed, but unnoticed,

משנה ג

עורות הקדשים קלים לבעלים, ועורות הקדשי קדשים לכהנים. קל וחומר, מה אם עולה שלא זכו בבשרה זכו בעורה, קדשי קדשים שזכו בבשרה, אינו דין שיזכו בעורה! אין מזבח מוכיח שאין לו עור מכל מקום.

משנה ד

כל הקדשים שאירע בהם פסול קודם להפשטן, אין עורותיהם לכהנים; לאחר הפשטן עורותיהם לכהנים. אמר רבי חנינא סגן הכהנים, מימי לא ראיתי עור יוצא לבית השרפה. אמר רבי עקיבא, מדבריו למדנו שהמפשיט את-

had not yet come forth, the front ones render [the] garments unclean but the hinder ones do not render [the] garments unclean until they come out.² When both* [the front ones and the rear ones] have come forth, then both render [the] garments unclean. R. Simon³ says, Neither [those in front nor those behind] render [the] garments unclean until the fire has caught hold of the greater parts [of the carcasses].

When the flesh has been burned up⁴ [even though it was not completely incinerated], he [that now assists further to] burn [them] up no longer renders [the] garments unclean.

1 *sr.*, the bullocks and the he-goats. See 12^b; וְיִמָּא 67. 2 Or perhaps, as preferred by some, שִׁצְצָאוּ, they have come out (compare וְצָאוּ שִׁצְצָתָהּ, in the following phrases; but even וְצָאוּ might here be vocalised וְצָאוּ, (shall) come forth). 3 His opinion is rejected. 4 *i.e.*, it suffices if the outer flesh had been burned away. *Less idiomatic אֵלָיו וְאֵלָיו.

CHAPTER 13

פָּרֶק י"ג

Mishnah 1

If one slaughtered [an offering outside the Temple Court] and offered [it] outside, [not knowing that the beast was an offering, or unaware that it was prohibited to do so], he is culpable because of the slaughtering¹ and culpable by reason of the act of offering.² R. Jose³ the Galilean says, If he slaughtered [it] within [the Temple Court], and offered [it] outside, he is culpable;⁴ if he slaughtered [it] without [the Temple Court], and also offered it outside, he is exempt,⁵ since he is invalid. [The Sages]⁶ said to him, [the Temple Court] and offers [it] outside, has rendered [it] invalid.⁸

מִשְׁנָה א

הַשּׁוֹחֵט וְהַמַּעֲלָה בַחוּץ, תְּחִיב עַל
 יְהִשְׁחִיטָהּ וְתְחִיב עַל הַעֲלִיָּה. רַבִּי
 יוֹסֵי הַגַּלִּילִי אוֹמֵר, שָׁחַט בַּפְּנִים
 וְהַעֲלָה בַחוּץ יְתִיב, שָׁחַט בַחוּץ
 וְהַעֲלָה בַחוּץ פְּטוֹר, שֶׁלֹּא הַעֲלָה
 בַחוּץ אֶלֶּא דְּבָר פֶּסוּל. אָמְרוּ
 לוֹ, אַף הַשּׁוֹחֵט בַּפְּנִים וּמַעֲלָה בַחוּץ
 כִּיִּן שְׁהוּצִיאוֹ פְּסוּל.

offered outside what was already
 Even one who slaughters [it] within
 outside, once⁷ he has taken it out-

to slaughtering [outside the *Temple Court*]. Greater stringency applies to slaughtering: if one slaughtered [outside the *Temple Court*] for a common person [for food], he is culpable;¹ but if he offered it for a common person [in his honour], he is exempt.² Greater stringency may pertain to offering, [thus] if two grasped a knife and slaughtered [an offering outside the *Temple Court*], they are exempt,² but if they grasped a member [of a slaughtered offering] and offered it [outside the *Temple Court* on behalf of someone], they are culpable^{1,3}. If one offered [a member or flesh of an offering, not knowing

it was an offering, and then became aware that it was, [outside the *Temple Court*], and then again [in the same erroneous manner] offered [more from the same offering], and then once more offered [after the like fashion from the same offering], he is culpable for each act of offering. This is the view of R. Simon.⁴ R. Jose⁵ says, He is liable on one count only.⁶ (And) no one is liable unless he offers on an altar [that he set up outside the *Temple Court*]. R. Simon says, Even if he offered on a rock or on a stone [outside the *Temple Court*] he is culpable.

1 And liable to the punishment of extirpation, *כָּרַת* (see *Appendix, Note 2*). 2 From *פָּרָה*. *Leviticus 17, 14*.* 3 *Leviticus 17, 8*. 4 His opinion that he must bring a *sin-offering* for each count is rejected. 5 His view is accepted. 6 He brings only one offering. *See *ADDENDA* at the end of this *Tractate*.

Mishnah 4

There is no distinction whether the *holy offerings* are valid or whether the *holy offerings* are invalid whose invalidity occurred in the *Temple*—if one offered them outside [the *Temple Court*], he is liable.¹ If one offered an olive's bulk of a *burnt-offering* and of (the) sacrificial portions [both together constituting an olive's bulk]

לְהַדְיוֹט פֶּטוּר. חֹמֶר בְּעֹלִייהָ, שְׁנַיִם
שָׂאֲחוּ בְּסִכִּין וְשָׁחֲטוּ פֶּטוּרִין, אֲחִזּוּ
בְּאֶבֶר וְהֵעִלוּהָ, וְיִחְיִיבִין. הֵעֵלָה
וְחֹר וְהֵעֵלָה, וְחֹר וְהֵעֵלָה, חַיִּיב עַל
כָּל־עֹלִייהָ וְעֹלִייהָ. דְּבָרֵי רַבִּי
יִשְׁמְעוּן. רַבִּי יוֹסֵי אוֹמֵר, אֵינוֹ חַיִּיב
אֶלָּא אֶחָת. וְאֵינוֹ חַיִּיב עַד שְׂעִיעֵלָה
לְרֹאשׁ הַמִּזְבֵּחַ. רַבִּי שְׁמַעוֹן אוֹמֵר,
אֶפִּילוּ הֵעֵלָה עַל הַסֵּלַע, אוֹ עַל
הָאֶבֶן, חַיִּיב.

משנה ד

אֶחָד קִדְשִׁים בְּשָׂרִין, וְאֶחָד קִדְשִׁים
פְּסוּלִין, שְׁהֵי פְּסוּלִין בְּקִדְשׁ,
וְהַקְרִיבֵן בַּחוּץ יִחְיִיב. הַמַּעֲלָה
בְּזֵית מִן־הָעוֹלָה וּמִן הָאֵימורִין
בַּחוּץ יִחְיִיב. הַקּוֹמֵץ, וְהַלְבוּנָה,

Eliezer declares him exempt unless he offers also the second.¹ If he offered one inside [the *Temple Court* in accordance with the prescribed rite] and the other without [the *Temple Court*], he is culpable.² If he offered either of the two censers³ of *frankincense* outside [the *Temple Court*], he becomes culpable.³ R. Eliezer declares him exempt unless he offers the other also. If he offered one [censer of *frankincense*] within [the *Temple Court* according to the enjoined rite] and the other outside [the *Temple Court*], he is culpable.² One who tosses⁴ a portion of the blood outside [the *Temple Court*] is culpable.² R. Eliezer says,

Even one who pours out the *water of libation* of the Festival [of Tabernacles]* outside [the *Temple Court*], during the Festival, becomes culpable. R. Nehemiah⁵ says, One is culpable if he offered the residue of the blood⁶ outside [the *Temple Court*].

1 i.e., he is culpable only if he offers both. His views in this *Mishnah* are not accepted. 2 If the act is in wantonness the penalty is *extirpation*, כְּרִית (Appendix, Note 2); but if he acted in unwittingness he must bring a *sin-offering*. 3 Or *dishes*. These lay over the *shewbread*. See *Leviticus* 24, 7. Compare מִנְחֹת 22. 4 Or *sprinkles*. 5 His opinion is rejected. 6 Which had been sprinkled (or tossed) in the *Sanctuary*. *This is not מִדְּאֻרֵי־תֹא or מִן־הַתּוֹרָה or *an enactment ordained by the Law*, but הִלְכָה לְמֹשֶׁה מִסִּיני, a traditional ruling from Moses from Sinai.

Mishnah 7

If [a priest] pinched off the head of a bird¹ inside [the *Temple Court*] and offered it outside [the *Temple Court*], he is culpable;² if he pinched off its head outside [the *Temple Court*] and offered it outside, he is exempt. If he slaughtered the bird within [the *Temple Court*] and offered it outside, he is exempt; if he slaughtered it

פּוֹטֵר עַד שֶׁיִּקְרִיב אֶת־הַשְּׁנִי אֶחָד
בְּפָנִים וְאֶחָד בַּחוּץ יְחִיב. שְׁנֵי
כְּבוֹיֵי לְבוֹנֵה שֶׁהִקְרִיב אֶת־אֶחָד
מֵהֶן בַּחוּץ יְחִיב. רַבִּי אֱלִיעֶזֶר
פּוֹטֵר עַד שֶׁיִּקְרִיב אֶת־הַשְּׁנִי אֶחָד
בְּפָנִים וְאֶחָד בַּחוּץ יְחִיב. יְהוֹרֵק
מִקְצַת דָּמִים בַּחוּץ יְחִיב. רַבִּי
אֱלִיעֶזֶר אוֹמֵר, אִם הִמְצַדֵּךְ מִיִּג
בְּחֹג בַּחוּץ יְחִיב. רַבִּי נְחֶמְיָה
אוֹמֵר, שְׂרֵי הַדָּם שֶׁהִקְרִיב בַּחוּץ
יְחִיב.

מִשְׁנֵה ז
הַמוֹלֵק אֶת־הָעוֹף בְּפָנִים וְהֵעֵלָה
בַּחוּץ יְחִיב; מָלַק בַּחוּץ וְהֵעֵלָה
בַּחוּץ פְּטוּר. הַשּׁוֹחֵט אֶת־הָעוֹף
בְּפָנִים וְהֵעֵלָה בַּחוּץ פְּטוּר; שָׁחַט
בַּחוּץ וְהֵעֵלָה בַּחוּץ יְחִיב. נִמְצָא

blood thereof in two basons, and tossed [from] both within [the *Temple Court*], he is exempt; if he tossed [from] both outside, he is liable;⁴ [if he tossed first from] one inside, and [then from] the other outside, he is exempt;⁵ [if he tossed from] one outside, and [afterward from the] other within, he is culpable because of the outer one [tossed without], but that tossed within effects atonement.⁶ To what is the matter like? It is like to one who set apart⁷ his *sin-offering* and it was lost,⁸ and he [then] set apart [another] in its stead, and [afterward] the first was found, and thus there were two.⁹ If he slaughtered [these] two¹⁰ within [the *Temple Court*], he is exempt; if he slaughtered both of them outside, he is culpable;¹¹ [if he slaughtered first] one inside, and [then] one outside, he is exempt; [if he first slaughtered one outside, and [afterwards] one inside, he becomes culpable because of the one [slaughtered] outside, but the one [slaughtered] inside effects atonement. Just as [the tossing of] the blood thereof exempts its flesh¹² even so does it render the flesh of the other exempt.¹³

וְאֶחָד בַּחוּץ, פְּטוּר; אֶחָד בַּחוּץ
וְאֶחָד בְּפָנִים, חַיִּיב עַל הַחִיצוֹן,
וְהַפְּנוּמִי מְכַפֵּר. לְמָה הַדָּבָר
דּוֹמֶה? לְמַפְרִישׁ חֲטָאתוֹ וְאַבְדָּהּ,
וְהַפְּרִישׁ אַחֲרַת תְּחִילָתָהּ וְאַחַר כֵּן
נִמְצְאָת הָרֵאשׁוֹנָה, וְהָרִי שְׁתִּיחֶן
עוֹמְדוֹת. שְׁחַט שְׁתִּיחֶן בְּפָנִים,
פְּטוּר; שְׁחַט שְׁתִּיחֶן בַּחוּץ, חַיִּיב;
אֶחָת בְּפָנִים וְאֶחָת בַּחוּץ, פְּטוּר;
אֶחָת בַּחוּץ וְאֶחָת בְּפָנִים, חַיִּיב עַל
הַחִיצוֹנָה וְהַפְּנוּמִית מְכַפֵּרָתָהּ. כָּשֵׁם
שֶׁדָּמָה פּוֹטֵר אֶת-בְּשָׂרָהּ, כֵּן הוּא
פּוֹטֵר אֶת-בְּשָׂרָהּ חִבְרָתָהּ.¹³

1 Or *bowl, basin*. 2 If he acted in wantonness his punishment is *excision* (*Appendix, Note 2*); if he did it unwittingly he must bring a *sin-offering*. 3 Literally *brought*. This part is a statement of the view of R. Nehemiah, but his opinion is not accepted. 4 *i. e.*, he first sprinkled from one bason and then from another, in unwittingness, and afterwards became aware of his error, he must offer a *sin-offering*; if he sprinkled unawares from the first bason, then became aware of his error, and once again in forgetfulness or unwittingly sprinkled also from the other bason, he must bring two *sin-offerings*. 5 Compare 5³. Since the other was in any case to have been emptied out into the gutter in the Court (the first basonful sufficing for the sprinkling enjoined and pouring away at the base of the Altar). 6 Because it is valid, and the offering makes atonement for the transgression. 7 Or לְמַפְרִישׁ, to the one who set apart. 8 וְאַבְדָּהּ [Kal], the subject being חֲטָאתוֹ; or וְאַבְדָּהּ [Piel], and he lost it. 9 Literally there were two standing. 10 Literally the two of them. 11 On each count separately, for both were valid for offering inside the Temple Court. 12 From the law of the

is exempt,³ as it is said,⁴ *before the tabernacle of the Eternal*, whatever is not fit [to be offered] *before the tabernacle of the Eternal* for that none becomes culpable.⁵ [Beasts] with a blemish—whether with a permanent blemish or with a temporary blemish—if one offered them outside [the *Temple Court*], he is exempt.³ R. Simon says, [If he offered outside a beast] with a lasting blemish, he is exempt,³ [but if he offered outside a beast] with a passing blemish, he thereby transgresses a *negative precept*.⁵ Turtle-doves whose time had not yet arrived [to the stage of golden-yellow feathers] or young pigeons whose time was passed⁶ [but had not yet attained to the stage of golden-yellow feathers]—if one offered such outside [the *Temple Court*], he is exempt.³ R. Simon says, [If one offered outside] young pigeons whose time was passed, he is exempt;³ but if they were turtle-doves whose time had not yet come, [he transgresses] a *negative command*.³ [If he offered without the *Temple Court*] a beast* and its young,⁷ or one whose time was still lacking,⁸ he is exempt.³ R. Simon says, In these [two] cases⁹ he transgresses a *negative command*. For R. Simon¹⁰ used to say, [If an animal which is invalid for the time being] will be fit to be offered later on, the *negative command* applies to it [if it be offered outside the *Temple Court*], but the penalty of *excision* is not incurred thereby. But the Sages say, Where the penalty of *excision* is not incurred the *negative command* does not apply (thereto).

שֶׁהֶקְרִיבַן בַּחוּץ פֶּטוּר. רַבִּי שִׁמְעוֹן
 אָמַר, בְּעַלֵּי מוּמִין קְבוּעִין פֶּטוּר;
 בְּעַלֵּי מוּמִין עוֹבְרִין, עוֹבְרִין בְּלֹא
 תַעֲשֶׂה. תּוֹרִים שְׁלֹא הִגִּיעַ זְמַנָּן וּבְנֵי
 יוֹנָה יִשְׁעֶבֶר זְמַנָּן שֶׁהֶקְרִיבַן בַּחוּץ
 פֶּטוּר. רַבִּי שִׁמְעוֹן אָמַר, בְּנֵי יוֹנָה
 יִשְׁעֶבֶר זְמַנָּן פֶּטוּר; וְתּוֹרִים שְׁלֹא
 הִגִּיעַ זְמַנָּן בְּלֹא תַעֲשֶׂה. אֹתוֹ
 וְאֶת-בְּנוֹ, וּמְחוּסֵר זְמַן, פֶּטוּר.
 רַבִּי שִׁמְעוֹן אָמַר, הֵרִי זֶה בְּלֹא
 תַעֲשֶׂה. שֶׁהִיא רַבִּי שִׁמְעוֹן אָמַר,
 כָּל-שֶׁהוּא רָאוּי לָבֵא לְאַחַר זְמַן,
 הֵרִי זֶה בְּלֹא תַעֲשֶׂה, וְאֵין בּוֹ כְּרַת,
 וְחֻכְמִים אֹמְרִים, כָּל-שֶׁאֵין בּוֹ
 כְּרַת, אֵין בּוֹ בְּלֹא תַעֲשֶׂה.

1 See 8¹ for detailed reference to these terms. Compare also 9³. 2 See כְּלָאִים, INTRODUCTION. 3 From the penalty of כְּרַת, *extirpation* (see Appendix, Note 3) or from a *sin-offering*. 4 See Leviticus 17, 4. 5 See Deuteronomy 12, 8, 13. But he is not liable to כְּרַת or to a *sin-offering*. 6 Compare 7⁵. Turtle doves are those whose feathers have turned golden-yellow, and young pigeons are those small ones whose feathers have not changed yet to this colour; and the latter, when the colour change begins, and is yet incomplete, must not be offered up at all. 7 See

the non-priesthood,¹⁸ or [in the case of a priest] because of *uncleanness*, or because of the lack of [the proper officiating priestly] raiment, or because of [not having performed the ritual] washing of the hands and feet.

1 As instanced in the preceding *Mishnah*—a calf less than seven days old offered outside the Temple Court. 2 The time for his offering was not yet due. 3 Popular orthography and pronunciation אִזָּה and אִזָּה. 4 Or *flow, flux, gonorrhœa, issue*. See סֵדֶר טְהוֹרוֹת, GENERAL INTRODUCTION; מַסְפַּכַּת טְהוֹרוֹת, INTRODUCTION. 5 See *Leviticus* 15, 14, 29; 12, 6; 14, 10. 6 The prohibition is against performing the act *inside*, therefore there is no liability if it is done outside. 7 These are *freewill-offerings* and may therefore be offered before the time enjoined. 8 *viz.*, of aught that is consumed by the priests and is not meant to be offered on the Altar. 9 The two lambs offered on שְׂבוּעוֹת as *peace-offerings of the congregation*. See 5⁵. 10 After the priest had removed the *handful*. *Leviticus* 23, 10. 11 On שְׂבוּעוֹת; *Leviticus* 23, 17. 12 See *Leviticus* 24, 5 *et seq.* 13 After the priest had removed the *handful*. *Leviticus* 2, 3. 14 See *Leviticus* 2, 13. 15 Compare *Leviticus* 2, 5-8. If these last acts—which are merely preparations for the *meal-offering*—are carried out outside the Temple Court, he is not rendered culpable. 16 *sc.*, liable to קָרַת, *extirpation* (*Appendix, Note 2*). 17 A layman or a Levite. 18 Or *for violating the law forbidding non-priests to officiate*. זְרֵיחַ, *the laws concerning non-priests, the legal status of non-priests*.

Mishnah 4

Before the *Tabernacle* was set up [in the Wilderness], the *high places* [for sacrificing] were permitted, and the service [of offering up] was performed by the firstborn.¹ When the *Tabernacle* was set up, the *high places* were prohibited,² and the service [of offering up] was fulfilled by the priests;³ the *most holy sacrifices*⁴ were eaten within the *hangings* [of the *Tabernacle*],⁵ and the *lesser holy sacrifices* [were consumed] throughout the camp of Israel.⁶

מִשְׁנֵה ד
עַד שֶׁלֹּא הִוּקַם הַמִּשְׁכָּן, הָיָו הַבָּמֹת
מוֹתְרוֹת, וְעֹבֹדָה בְּבָכוֹרוֹת.
מִשְׁהוּקַם הַמִּשְׁכָּן, נֶאֱסְרוּ הַבָּמֹת
וְעֹבֹדָה בְּכֹהֲנִים; יְקַדְּשֵׁי קֳדָשִׁים
נֶאֱכָלִים לַפְּנִים מִן־הַקְּלָעִים,
קֳדָשִׁים קְלִיִּם בְּכָל מַחֲנֵה יִשְׂרָאֵל.

1 Compare *Exodus* 24, 5. Or בְּבָכוֹרוֹת by *firstborn*. 2 Compare *Leviticus* 17, 8 *et seq.* Only the Altar in the Court of the *Tabernacle* was permitted for offerings. 3 Or בְּכֹהֲנִים, by *priests*. 4 See 5¹². 5 Compare *Leviticus* 6, 26. 6 The prohibition

Mishnah 7

After they came to Nob¹ and to Gibeon,² the *high places* were [again] permitted [for offering, although the *Tabernacle* still stood]; the *most holy sacrifices** had to be eaten within the *hangings*; [and] the *lesser holy sacrifices*³ [could be consumed] in all the cities of Israel.

משנה ז

בְּאוֹיֵנוֹב וְיִגְבֵּעוֹן הוֹתָרוּ הַבָּמוֹת ;
קֹדְשֵׁי קֹדְשִׁים נֹאכְלִים לְפָנִים מִן־
הַקְּלָעִים ; יְקֹדְשִׁים קָלִים בְּכָל עָרֵי
יִשְׂרָאֵל .
*Or קֹדְשִׁים .

1 Some two miles to the north-east of Jerusalem. *I Samuel* 1, 21. 2 See *I Kings* 3, 4. 3 And also *second tithe*. Compare the preceding *Mishnah*.

Mishnah 8

When they came to Jerusalem¹ the *high places* were prohibited [for offering] and were never again permitted; and this was [the] *inheritance*.² The *most holy sacrifices*³ had to be consumed within the *hangings*;⁴ and the *lesser holy sacrifices* and the *second tithe* [could be eaten] within the wall [encircling Jerusalem].

משנה ח

בְּאוֹ יְלִירוּשָׁלַיִם, נִאָסְרוּ הַבָּמוֹת,
וְלֹא הָיָה לָהֶם עוֹד הֵימָרָה ; וְהָיָה
הַיְתָה יְנַחֲלָהּ . יְקֹדְשֵׁי קֹדְשִׁים
נֹאכְלִים לְפָנִים מִן־הַקְּלָעִים ;
קֹדְשִׁים קָלִים וּמַעֲשֵׂר שְׁנֵי לְפָנִים
מִן־הַחוּמָה .

1 *viz.*, when the Altar was brought into the First Temple. 2 See *Deuteronomy* 14, 23. 3 See 51st. 4 Within the Court of Israelites and along the Wall. Compare the foregoing *Mishnah*.

Mishnah 9

[In the case of beasts] that had been dedicated [as offerings] in the period when¹ [the] *high places* were forbidden, and were [also offered] outside [the *Tabernacle Court*] in the time when [the] *high places* were prohibited, [one who performed] these [acts transgressed] both against a *positive command*² and against a *negative command*,³ and thereby incurred the penalty of *excision*.⁴ If they were dedicated during the

משנה ט

כָּל־הַקְּדוּשִׁים שֶׁהִקְדִּישָׁן יְבִשְׁעַת
אִיסוּר בָּמוֹת, וְהִקְרִיבָן בְּשַׁעַת
אִיסוּר בָּמוֹת בְּחוּץ, הָרִי אֵלָיו בְּעִשָּׂה
וְלֹא תַעֲשֶׂה, וְחִיבֵין עֲלֵיהֶם יְכַרְתּוּ .
הִקְדִּישָׁן בְּשַׁעַת הֵיפָר בָּמוֹת,
וְהִקְרִיבָן בְּשַׁעַת אִיסוּר בָּמוֹת, הָרִי
אֵלָיו בְּעִשָּׂה וְלֹא תַעֲשֶׂה, וְאֵין חִיבֵין

again once at the north-east corner of the *high place*],⁷ (and) the waving,⁸ and the *bringing near*⁹—R. Judah says, There was no *meal-offering* on a *high place*—and [there was no requirement for] *priestly service*,¹⁰ nor [for] *garments of ministry*,¹¹ nor [for] *vessels of ministry*,¹² nor [for] the *sweet-smelling savour*,¹³ nor [for] the *dividing [red] line* [along the middle of the sides of the *high place* for the *tossing*] of the blood,¹⁴ nor the *washing of hands and feet*.¹⁵ But concerning the *time* [of eating of the *offerings*], and the laws of *remnant*¹⁶ and of *uncleanness*, the laws are alike in both.¹⁷

1 Even if *not* dedicated. 2 Literally *the individual*. 3 *viz.*, not culpable. 4 Such public ones as at Gilgal, Nob, and Gibeon. 5 Compare *Leviticus* 1, 3 *et seq.* 6 Compare *Leviticus* 1, 11. 7 Compare *Leviticus* 1, 5. 8 Compare *Leviticus* 14, 12. 9 Compare *Leviticus* 2, 8. But the private *high place* (*sc.*, of the individual) requires none of these. 10 Compare *Leviticus* 17, 6. A Levite or lay-Israelite could officiate at a *high place*. 11 Compare *Leviticus* 28, 43. 12 Compare *Numbers* 4, 12. 13 Compare 4^b. 14 Compare 21, 32. See *Exodus* 27, 5. וְדָמִים in the זֶמְרָה. 15 Compare *Exodus* 30, 20, 40, 31 *et seq.* 16 See 3^d; *Appendix, Note 18*. 17 *i.e.*, the *Altar* and the *high place*. 18 וְזָבַחִים מִסֶּכֶת זָבַחִים, CONCLUSION OF TRACTATE ZEVACHIM, in some editions.

וְזָבַחִים מִסֶּכֶת זָבַחִים¹⁸

TRACTATE ZEVACHIM CONCLUDED

מסכת

מנחות

TRACTATE

MENACHOTH

[BEING THE SECOND TRACTATE OF THE FIFTH ORDER KODASHIM]

TEXT • INTRODUCTION • TRANSLATION - NOTES

By

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INTRODUCTION

מְנַחוֹת, **Menachoth**, is the second *Tractate* or *Treatise* (מִסְכָּת) of the fifth *Order* (סֵדֶר) of the *Mishnah* (מִשְׁנָה).

The term **מְנַחוֹת**, **Meal-Offerings** (or **Meat-Offerings**), is the plural form of the substantive **מְנַחָה**, (1) *gift, present*, (2) *offering, meal-offering, meat-offering*, (3) *afternoon* (whence *Afternoon Service*), and is a derivative of the verb **נָח**, *lie, rest, be at ease*.

This *Tractate* has **גְּמָרָא** to it in the *Babylonian Talmud* (תַּלְמוּד בַּבְּלִי). The *Jerusalem* (or *Palestinian*) *Talmud* does not contain this *Tractate*.

The *Tractate* treats mainly of the regulations and laws regarding the various kinds of *meal-offerings* (or *meat-offerings*) and *drink-offerings* (or *libations*) according to *Leviticus* 2, 5, 11, 12, 13, 6, 7-11, 7, 9, 10, 23, 13, 16; *Numbers* 5, 11 *et seq.*, 6, 13-20, 28, 5-31, 29, 3-31.

The *Tractate* is divided into thirteen Chapters whose titles are:

CHAPTER 1	כָּל-הַמְנַחוֹת	פָּרֵק א
CHAPTER 2	הַקּוֹמֵץ אֶת-הַמְנַחָה	פָּרֵק ב
CHAPTER 3	הַקּוֹמֵץ רֶבֶה	פָּרֵק ג
CHAPTER 4	הַתְּכֵלֶת	פָּרֵק ד
CHAPTER 5	כָּל-הַמְנַחוֹת בָּאוֹת	פָּרֵק ה
CHAPTER 6	רַבִּי יִשְׁמַעֵאל	פָּרֵק ו
CHAPTER 7	אֵלוֹ מְנַחוֹת נִקְמְצוֹת	פָּרֵק ז
CHAPTER 8	הַתּוֹדָה הֵיחָה בָּאָה	פָּרֵק ח
CHAPTER 9	כָּל-קַרְבָּנוֹת הַצִּבּוֹר	פָּרֵק ט
CHAPTER 10	שְׁתֵּי מִדּוֹת	פָּרֵק י
CHAPTER 11	שְׁתֵּי הַלֶּחֶם	פָּרֵק יא
CHAPTER 12	הַמְנַחוֹת וְהַנּוֹסְכִים	פָּרֵק יב
CHAPTER 13	הָרִי עָלֵי עֶשְׂרוֹן	פָּרֵק יג

מִסְכֵּת

מְנַחֹת

TRACTATE

MENACHOTH

CHAPTER 1

פֶּרֶק א

Mishnah 1

מִשְׁנֵה א

All (the) *meal-offerings* from which the *handfuls*¹ were taken but not under their own denomination² are [still] valid,³ but they are not credited to their owners in fulfilment of their obligation,⁴ save the *meal-offering* of the *sinner*⁵ and the *meal-offering* of the *wife suspected of adultery*.⁶ [In the case of] the *meal-offering* of the *sinner* and the *meal-offering* of the *wife suspected of adultery*, if the *handfuls* were taken from them, but not under their own denomination, or if [the *handfuls*] were put into the utensil [of ministry], (and) conveyed and burned, but not under their own denomination, or under their own denomination and [then] under another denomination, or if not under their own denomination and [then] under their own denomination, they are invalid. What is meant by⁷ *under their own denomination* and [then] *not under their own denomination*? If [they were first dealt with] under the denomination of a *meal-offering* of a *sinner* and [were then dealt with] under the denomination of a *freewill meal-offering*. Or [in what manner can they be dealt with first] *not under their own denomination* and [then]

כָּל-הַמְנַחֹת שֶׁנִּקְמְצוּ שְׁלֵא לְשֵׁמֶן בְּשֵׁרוֹת, אֲלֵא שְׁלֵא עָלוּ לְבַעֲלִים מִשּׁוֹם חוֹבָה, חוֹץ מִמְנַחַת חוֹטֵא וּמְנַחַת קָנָאוֹת. מְנַחַת חוֹטֵא וּמְנַחַת קָנָאוֹת שֶׁקִּמְצָן שְׁלֵא לְשֵׁמֶן נִתְּן בְּכֹלֵי וְהֵלֵךְ וְהִקְטִיר שְׁלֵא לְשֵׁמֶן, אוֹ לְשֵׁמֶן וְשְׁלֵא לְשֵׁמֶן, אוֹ שְׁלֵא לְשֵׁמֶן וְלְשֵׁמֶן, פְּסוּלוֹת. כִּי־צַד לְשֵׁמֶן וְשְׁלֵא לְשֵׁמֶן? לְשֵׁם מְנַחַת חוֹטֵא וְלְשֵׁם מְנַחַת נִדְבָה. אוֹ שְׁלֵא לְשֵׁמֶן וְלְשֵׁמֶן? לְשֵׁם מְנַחַת נִדְבָה, וְלְשֵׁם מְנַחַת חוֹטֵא.

take the *handful* in his right hand. If, when taking the *handful*, he took up also a pebble,⁸ or a bit of salt or a grain of frankincense, it becomes invalid, for they have said, The *handful* which is too large or too small⁹ is invalid. Which is it that is too much? If [the priest] took a heaped up *handful*. And when is it too little? If he took the *handful* with his finger tips only. How should he do it? He must stretch his fingers over the palm of his hand.¹⁰

1 Literally it is [all] one, it is the same thing. 2 One who entered the Temple in uncleanness. Compare 11. 3 These following terms are explained in וְבָחִים 11. 4 On the day of death. 5 And had to await sunset to be declared clean. 6 Literally vessels, articles. 7 He also maintains that in all the preceding cases the *handful* may be put back and then a fresh *handful* is removed validly. But his view is rejected. 8 Or (small) stone. 9 וְהִחֲסִיר, adjective; perhaps וְהִחֲסִיר, noun, uniform with the preceding noun הִיָּתֵר. 10 He dips his closed outstretched fingers into the meal and scoops up a *handful*; with the small finger he levels off the meal on that side, and with the thumb he evens it off on that side also, so that none drops off on either side. This was deemed a most difficult operation to ensure that there was neither excess nor deficiency in the quantity.

Mishnah 3

If [the priest] poured [into the *meal-offering*] too much oil or if he put in insufficient oil,¹ or if he added too little frankincense,² it is invalid. If he removed the *handful* from the *meal-offering* [intending] to consume the rest outside³ [the *Temple Court*], or [purposing to eat] outside [the *Temple Court*] an olive's bulk of the remainder, or [having it in mind] to burn the *handful* thereof outside [the *Temple Court*], or [with the intention of burning] an olive's bulk of the *handful* thereof without [the *Temple Court*], or [with the thought of burning] the frankincense thereof outside [the *Temple Court*], it becomes invalid, but the penalty of *excision*⁴ is not incurred thereby. If [he decided] to consume the residue

משנה ג

רִיבָה שֶׁמֶנֶה וְחָסַר יִשְׁמָנָה חֶסֶר
 יִלְבוֹנְתָהּ, פְּסוּלָהּ. תְּקוּמָן אֶת-
 הַמִּנְחָה לְאֹכֹל שְׂרִירָהּ בַּחוּץ אוֹ כֹזֵית
 מִשְׂרִירָהּ בַּחוּץ, לְהִקְטִיר קוֹמְצָה
 בַּחוּץ אוֹ כֹזֵית מִקוֹמְצָה בַּחוּץ, אוֹ
 לְהִקְטִיר לְבוֹנְתָהּ בַּחוּץ, פְּסוּל וְאֵין
 בּוֹ יִכְרֵת. לְאֹכֹל שְׂרִירָהּ לְמַחֵר,
 אוֹ כֹזֵית מִשְׂרִירָהּ לְמַחֵר, לְהִקְטִיר
 קוֹמְצָה לְמַחֵר, אוֹ כֹזֵית מִקוֹמְצָה
 לְמַחֵר, אוֹ לְהִקְטִיר לְבוֹנְתָהּ לְמַחֵר,
 יִפְגּוֹל וְחִיבִין עָלָיו כְּרֵתִי זֶה
 הַכֹּלֵל, כָּל-הַקּוֹמֵץ וְהַזּוֹתֵן בְּכָלִי

there is another invalidity then the penalty of *excision* is not incurred. 9 Compare **בְּבָקִים** 24. He had no invalidating thought. 10 Or **בְּבָקִי** or **בְּבָקִי**, in a vessel.

Mishnah 4

In what manner is *what renders* [the offering] *permissible* offered not in accordance with its prescribed rite? If [the priest] took the *handful* [having purposed to offer or eat the residue] outside its proper place,¹ and put [it] into a vessel² and conveyed [it to the *Altar*] and burned [it while having in mind, during any one of these three operations, to consume the residue or offer the *handful*] outside its proper time; or if he took the *handful* [purposing to eat the remainder] outside its proper time, and put [it] in a vessel and conveyed [it to the *Altar*] and burned [it while purposing, during any one of these three operations, to eat the remnant] outside its proper place;¹ or if he took the *handful* and put [it] in a vessel and conveyed [it to the *Altar*] and burned [it thinking, during any one of these three acts, to offer the *handful* or to eat what was left] outside its proper place;¹ or if it were the *meal-offering* of a *sinner* or the *meal-offering* of a *wife suspected of adultery*,* and [the priest] took the *handful* from them under another denomination and put [it] in a vessel and conveyed [it to the *Altar*] and burned [it while purposing, during any one of these three acts, to eat the residue] outside its prescribed time; or if he took the *handful* [from them while purposing to eat the residue] outside its right

מִשְׁנָה ד

כִּיצַד לֹא קָרַב הַמִּתִּיר כְּמִצְוֹתוֹ?
 קִמַּץ חוּץ יִלְמְקוֹמוֹ וְנָתַן בְּבָקִי
 וְהֵלֵךְ וְהִקְטִיר חוּץ לְזִמְנוֹ; אוֹ
 שָׁקַמַּץ חוּץ לְזִמְנוֹ וְנָתַן בְּבָקִי וְהֵלֵךְ
 וְהִקְטִיר חוּץ יִלְמְקוֹמוֹ; אוֹ שָׁקַמַּץ
 וְנָתַן בְּבָקִי וְהֵלֵךְ וְהִקְטִיר חוּץ
 יִלְמְקוֹמוֹ; מִנְחַת חוּטָא וּמִנְחַת
 *קִנְאוֹת שָׁקַמַּץ שְׁלֵא לְשָׁמֶן, וְנָתַן
 בְּבָקִי וְהֵלֵךְ וְהִקְטִיר חוּץ לְזִמְנוֹ, אוֹ
 שָׁקַמַּץ חוּץ לְזִמְנוֹ, וְנָתַן בְּבָקִי וְהֵלֵךְ
 וְהִקְטִיר שְׁלֵא לְשָׁמֶן; אוֹ שָׁקַמַּץ
 וְנָתַן בְּבָקִי וְהֵלֵךְ וְהִקְטִיר שְׁלֵא
 לְשָׁמֶן, וְזֶה הוּא שְׁלֵא קָרַב הַמִּתִּיר
 כְּמִצְוֹתוֹ. לְאַכּוֹל כְּזֵית בַּחוּץ וְכֵזֵית
 לְמַחֵר; כְּזֵית לְמַחֵר וְכֵזֵית בַּחוּץ;
 כְּחֻצֵי זֵית בַּחוּץ וְכְחֻצֵי זֵית לְמַחֵר;
 כְּחֻצֵי זֵית לְמַחֵר וְכְחֻצֵי זֵית בַּחוּץ,
 פָּסוּל וְאֵין בּוֹ פְּרֵתִי. אָמַר רַבִּי
 *הַוָּדָה, זֶה הַכֶּלֶל, אִם מִחֻשְׁבַּת
 הַזֶּמֶן קִדְמָה לְמִחֻשְׁבַּת יְהִקְוֹם,
 *פְּגוּל, וְחֵיבִים עָלָיו פְּרֵת; וְאִם
 מִחֻשְׁבַּת יְהִקְוֹם קִדְמָה לְמִחֻשְׁבַּת

and that the penalty of *excision*² is incurred thereby. If [he intended] to burn the frankincense thereof on the morrow, R. Jose says, It is invalid, but the penalty of *excision* is not thereby incurred. But the Sages³ say, [The meal-offering] becomes *rejection* and punishment by excision is incurred thereby. [The Sages] said to him, How does this differ⁴ from the *sacrifice*⁵ [whose *sacrificial portions*⁶ it is purposed to burn on the morrow and it becomes *rejection*]? He made reply to them, In the case of the *sacrifice* its blood, (and) its flesh and its *sacrificial portions* are from the one thing,⁷ but the frankincense is not from the *meal-offering*.⁸

לְמַחֵר, רַבִּי יוֹסִי אוֹמֵר, פְּסוּל, וְאֵין
בוֹ פְּרִתִּי. וְנִחְכָּמִים אוֹמְרִים, פְּגוּל,
וְתִיבִין עָלָיו פְּרִתִּי. אָמְרוּ לוֹ, מֵה־
שָׁנָה זֹאת מִן־הַזֶּבַח? אָמַר לָהֶם,
שֶׁהַזֶּבַח דָּמוֹ וּבִשְׂרוֹ וְאֲמוּרָיו אֶחָד,
וְלְבוֹנָה אֵינָה מִן־הַמִּנְחָה.

- 1 See *Appendix, Note 18*. 2 See *Appendix, Note 2*. 3 Their view is accepted.
4 שָׁנָה [Kal]; perhaps שָׁנָה [Piel] or שָׁנָה [Kal participle]. 5 זֶבַח, literally *slaughtering sacrifice*, particularly חֲגִיגָה, (Festival) *peace-offering*. 6 See *Leviticus 3, 3, 4*.
7 Hence he maintains that if one of these is disqualified the whole becomes פְּגוּל.
8 The remainder of a *meal-offering* must not be eaten before the *handful* is burned; but the frankincense may be offered before or after the *handful* is burned.

Mishnah 2

If one slaughtered the two lambs,¹ [and had in mind] to eat one of the [two] loaves² on the morrow, [or] if he offered the two dishes [of frankincense, intending] to eat of one of the [two] rows [of the shewbread] on the morrow,³ R. Jose says, That loaf and that row which he intended [to consume on the morrow] become *rejection*⁴ and he is liable therefor to the penalty of *excision*,⁵ and the other is invalid, but he does not become liable thereby to the penalty of *excision*. But the Sages say, Both equally* become *rejection* and the penalty of *excision* is incurred thereby. If⁶ one of the loaves [of the two accompanying the festival peace-offering on

מִשְׁנֵה ב
שָׁחַט שְׁנֵי יְכֶבֶשִׁים, לְאֶכּוֹל אֶחָד
מִן־הַחֲלֹת לְמַחֵר, הֶקְטִיר שְׁנֵי
בֻזְכִּין, לְאֶכּוֹל אֶחָד מִן־הַסְּדָרִים
לְמַחֵר, רַבִּי יוֹסִי אוֹמֵר, אוֹתָהּ
הַחֲלָה, וְאוֹתוֹ הַסְּדֵר שְׁחִישַׁב עָלָיו,
יִפְגּוֹל, וְתִיבִין עָלָיו פְּרִתִּי, וְהַשְּׁנֵי
פְּסוּל וְאֵין בוֹ פְּרִתִּי. וְנִחְכָּמִים
אוֹמְרִים, זֶה הוּא פְּגוּל וְתִיבִין עָלָיו
פְּרִתִּי. וְנִטְמָאת אֶחָת מִן־הַחֲלֹת,
אוֹ אֶחָד מִן־הַסְּדָרִים, רַבִּי יְהוּדָה

1 פִּגּוּל [Piel], render a sacrifice rejectable through an improper mental purpose, be the cause of becoming rejection through an inappropriate intention. See *Leviticus 19, 7; Appendix, Note 18.* 2 Brought with the *thank-offering*. See *Leviticus 7, 13.* Compare the preceding *Mishnah.* 3 Or מִפְּגֵל, מִפְּגֵלִין, מִפְּגֵלָה. 4 See *Leviticus 23, 19, 20.*

Mishnah 4

A sacrifice¹ can make the libations² become rejection³ after they have been consecrated in the vessel.⁴ This is the opinion of R. Meir. But the libations can not render a sacrifice to become rejection. How so? If one slaughtered the sacrifice [purposing] to eat thereof on the morrow, both it and its libations become rejection; [but if he intended] to offer of the libations on the morrow, the libations become rejection but the sacrifice has not become rejection.

מִשְׁנֵה ד
 יְהִיבָה יִמְפְּגֵל אֶת־הַנְּסָכִים
 מִשְׁקָדְשׁוֹ בְּכֵלִי. דְּבָרֵי רַבִּי מֵאִיר.
 וְהַנְּסָכִים אֵינָן מְפֹגְלִין אֶת־הַזֶּבֶחַ.
 כִּי־צַד? הַשּׁוֹחֵט אֶת־הַזֶּבֶחַ לְאֹכֹל
 מִמּוֹ לְמַחֵר, הוּא וְנְסָכָיו מְפֹגְלִין;
 לְהַקְרִיב מִן־הַנְּסָכִין לְמַחֵר, הַנְּסָכִין
 מְפֹגְלִין, וְהַזֶּבֶחַ אֵינוֹ מְפֹגֵל.

1 See 2¹. Literally the sacrifice. 2 Including the meal-offerings. 3 See Appendix, Note 18. Compare the foregoing *Mishnah.* 4 Or בְּכֵלִי, in a vessel.

Mishnah 5

[When the priest made the offering] he purposed to render the handful rejection¹ but not the frankincense, or [if he purposed to make] the frankincense [to become rejection] but not the handful, R. Meir says, [The offering] becomes rejection and the penalty of excision² is thereby incurred, but the Sages say, The penalty of excision is not incurred thereby unless he rendered all³ that rejection which makes [the offering] permissible.⁴ But the Sages agree

מִשְׁנֵה ה
 יִפְּגֵל בְּקוֹמֵץ וְלֹא בְּלִבְנָה, בְּלִבְנָה
 וְלֹא בְּקוֹמֵץ, רַבִּי מֵאִיר אוֹמֵר,
 פִּיגּוּל וְחַיִּיבִים עָלָיו כְּרַת, וְחֻכָּמִים
 אוֹמְרִים, אֵין בּוֹ כְּרַת, עַד שִׁיִּפְּגֵל
 אֶת־כָּל־הַמִּתִּיר. וּמוֹדִים חֻכָּמִים
 לְרַבִּי מֵאִיר בְּמִנְחַת חוּטָא, וּבְמִנְחַת
 קִנְאוֹת שֶׁאֵם פִּגּוּל בְּקוֹמֵץ, שֶׁהוּא
 פִּגּוּל וְחַיִּיבִין עָלָיו כְּרַת, שֶׁהִקְוִיָּם

CHAPTER 3

פרק ג

Mishnah 1

משנה א

If [a priest] took the *handful* from the *meal-offering* [intending] to eat [outside its proper time] aught¹ which it is not usual to eat, or to burn aught² [outside its proper time] that it is not usual to burn, it remains valid. R. Eliezer³ declares [the *meal-offering*] invalidated. [If he had in mind] to eat aught [outside its prescribed time, of the *meal-offering*] that it is usual to eat, [or] to burn [outside its prescribed time] aught [of a *meal-offering*] which it is usual to burn, [but is] less⁴ than an olive's bulk, it remains valid. If [he purposed] to eat [outside its prescribed time, of the residue of the *meal-offering*] half of an olive's bulk and to burn [of the *handful*] a half-olive's bulk [outside its prescribed time] it remains valid, for eating [a half-olive's bulk] and burning [half of an olive's bulk] are not included together [to make the enjoined invalidating whole olive's bulk].⁵

הקומץ את-המנחה, לאכול ידבר שאין דרכו לאכול, להקטיר ידבר שאין דרכו להקטיר, פשר רבי איליעור פוסל. לאכול דבר שדרכו לאכול, להקטיר דבר שדרכו להקטיר, פחות מכזית, פשר. לאכול כחצי זית, ולהקטיר כחצי זית, שאין אכילה והקטרה מצטרפין.

1 e.g., the meal of the *handful* or the frankincense. 2 e.g., the residue of the *meal-offering*. 3 His view is not accepted. 4 Popular pronunciation. 5 And the ruling is in accordance with the opinion of the Sages. Compare 14.

Mishnah 2

משנה ב

[If a priest]¹ did not pour² [the second quantity of olive oil over the fine flour], [or if] he did not mingle [the olive oil with the fine flour], [or if] he did not crumble up [the whole mixture but only sufficient for the whole *handful*], [or if] he did not salt [the whole mixture but only enough for the *handful*], [or if] he did not wave [the whole],³ [or if] he did not bring it near to the south-

לא יצק, לא כלל, לא פתת, לא מלח, לא הניף, לא הגיש, או שפתתן פתים מרובות, ולא משחן, כשרות. נתערב קומצה בקומץ חכרתה, במנחת פהנים, במנחת כהן המשין, במנחת גסכים, כשרה. רבי יהודה אומר, במנחת כהן

which the *handful* had not been taken, he must not burn it, but if he burned [the mixture], that [*meal-offering*] from which the *handful* was taken is credited to its owner [who does not have to offer another in its stead], but that [*meal-offering*] from which the *handful* was not taken is not accounted to the credit of its owner [and he has to bring another in its stead]. If the *handful* were mingled with the remainder [of its *meal-offering*] or with the remainder of another [*meal-offering*],³ he must not burn it, but if he did burn it, it is accredited to its owner [and he need not bring another in its stead]. If the *handful* became unclean, and he [nevertheless] offered it, the [High Priest's] *front-plate*⁴ effects atonement,⁵ but if it were taken out [from the *Temple Court*], and he [then] offered it, the *front-plate* does not effect atonement, since the *front-plate* effects atonement for [an *offering* found afterward to be] unclean, but it does not effect atonement for aught taken out [of the *Temple Court*].

עֲלֶתָהּ לִבְעָלִים, וְזוֹ שְׁלֵא נִקְמְצָה
 לֹא עֲלֶתָהּ לִבְעָלִים. נִתְעַרְב
 קוֹמְצָה בְּשִׁירֵיהָ, אוֹ בְּשִׁירִים שֶׁל
 יַחְכְּרָתָהּ, לֹא יִקְטִיר, וְאִם הִקְטִיר
 עֲלֶתָהּ לִבְעָלִים. נִטְמָא הַקּוֹמֵץ,
 וְהִקְרִיבוֹ, יִשְׁחִיץ מְרֻצָּה, יֵצֵא
 וְהִקְרִיבוֹ, אִין הִשְׁחִיץ מְרֻצָּה, שֶׁהִשְׁחִיץ
 מְרֻצָּה עַל הַטְּמֵא, וְאִינוּ מְרֻצָּה עַל
 הַיּוֹצֵא.

1 They fell (from two vessels) into another alongside. Or זוֹ בְּזוֹ [זוֹ, feminine singular; זֶ, masculine and feminine, singular and plural].* 2 Or לְאוֹ, popular pronunciation. 3 Literally of its fellow [offering]. 4 See Exodus 28, 38. 5 Compare 77 פְּסָחִים 812. רְצָה, effect acceptance, produce pardon, render expiation. Another meal-offering is not required. *See Volume II, Page 12.

Mishnah 4

If the remainder [of a *meal-offering*] became unclean, [or] if the remainder thereof were burned, [or] if the remainder thereof were lost,¹ [in each case before the offering of the *handful*], in accordance with the rule of R. Eliezer² [the *handful*] remains valid [for offering], but according to the rule of R. Joshua³ it becomes invalid [and must not be

מִשְׁנֵה ד
 נִטְמָאוּ שְׁרִיָּה, וְשָׂרְפוּ שְׁרִיָּה,
 וְאָבְדוּ שְׁרִיָּה, כְּמִדַּת רַבִּי אֱלִיעֶזֶר
 כְּשֶׁרָה, וְכְמִדַּת רַבִּי יְהוֹשֻׁעַ פְּסוּלָה.
 שְׁלֵא בְּכָלֵי שְׂרַת פְּסוּלָה, רַבִּי
 יִשְׁמַעוֹן מְכַשֵּׁיר. הִקְטִיר קוֹמְצָה
 פְּעָמִים, כְּשֶׁרָה.

another;⁴ the *two rows* [of the *shewbread*]⁵ can impair [the validness of] each other; the *two dishes*⁶ [of *frankincense laid along the two rows of the shewbread*] can impair [the validity of] one another; the [two] rows of the *shewbread* and the [two] dishes [of *frankincense*] can impair one another's [validness];⁷ the *two kinds of [unleavened cakes and unleavened loaves of] the nazirite*,⁸ the *three [kinds—cedar wood, hyssop and scarlet wool—]* used for the [red] *heifer*,⁹ the *four [kinds—unleavened cakes, unleavened loaves, cakes of soaked fine flour, loaves of leavened bread—]* used for the *thank-offering*,¹⁰ the *four [kinds—palm branch, myrtle, willow, citron—]* used for the *lulav*,¹¹ [and] the *four [kinds—cedar wood, hyssop, scarlet wool, two pigeons—]* used for the *leper*,¹² [in every case respectively], each can impair [the validity of] the others.¹³ The *seven tossings*¹⁴ of [the blood of] the [red] *heifer* can each impair [the validity of] the others.^{4,15} The *seven tossings between the staves*¹⁶ [of the Ark in the *Holy of Holies*] and [the *seven tossings*] on the *Vail* [of the *Holy of Holies*] and [the *seven tossings*] on the *Golden Altar* can each impair, [in the respective cases, the validity of] the others.^{4,17}

מַעֲכָבִין זֶה אֶת־זֶה; שְׁנֵי קֳזִיכִין
מַעֲכָבִין זֶה אֶת־זֶה; הַסְּדָרִים
וְהַקֳּזִיכִין מַעֲכָבִין זֶה אֶת־זֶה; שְׁנֵי
מִיָּנִים שְׁבַנְזִיר, שְׁלֶשָׁה שְׁבַפְרָה,
אַרְבָּעָה אַרְבָּעָה, שְׁבַתוּדָה, אַרְבָּעָה
שְׁבַלּוּלָב, אַרְבָּעָה שְׁבַמְצוֹרַע,
מַעֲכָבִין זֶה אֶת־זֶה. שֶׁבַע הַנְּזוּת
שְׁבַפְרָה מַעֲכָבוֹת זֶה אֶת־זֶה.
שֶׁבַע הַנְּזוּת שָׁל בֵּין הַיָּדַיִם וְשַׁעַל
הַפְּרוֹכֶת, וְשַׁעַל מִזְבַּח הַזָּהָב,
מַעֲכָבוֹת זֶה אֶת־זֶה.

used for the *leper*,¹² [in every case respectively], each can impair [the validity of] the others.¹³ The *seven tossings*¹⁴ of [the blood of] the [red] *heifer* can each impair [the validity of] the others.^{4,15} The *seven tossings between the staves*¹⁶ [of the Ark in the *Holy of Holies*] and [the *seven tossings*] on the *Vail* [of the *Holy of Holies*] and [the *seven tossings*] on the *Golden Altar* can each impair, [in the respective cases, the validity of] the others.^{4,17}

- 1 See *Leviticus* 16, 5; יוֹמָא 6¹. If either is missing or died the other does not avail.
- 2 See *Leviticus* 23, 19. If one is missing or died the other cannot avail. 3 See *Leviticus* 23, 17. If only one is there it is invalid. 4 Or זֶה אֶת־זֶה (see 3^b, Note 1).
- 5 See *Leviticus* 24, 7. If any are not there the others are invalid to go to the *Table*. Compare 22. 6 See *Leviticus* 24, 5 *et seq.* One only may not be used. 7 If a loaf is missing the dishes of frankincense may not be laid across the others; if a dish is missing the loaves may not be set out. 8 See *Numbers* 6, 15. 9 See *Numbers* 19, 8.
- 10 See *Leviticus* 7, 12, 13. 11 See *Leviticus* 23, 40. 12 See *Leviticus* 14, 6. 13 The absence of one constituent renders the others invalid for the purpose intended. 14 Or *sprinklings*. See *Numbers* 19, 4. The blood tossed against the entrance of the *Sanctuary*. 15 Less than the seven tossings is invalid. 16 On the Day of Atonement. By the High Priest, first from the blood of the bullock and then from the blood of the goat. 17 If one set of seven tossings is incomplete the two other sets become invalid.

blue [threads].¹ The *phylactery of the arm* does not affect the [validness of the *phylactery of*] the head, and [the *phylactery of*] the head does not affect [the validness of the *phylactery of*] the arm.² The *fine flour* and the *oil* do not impair [the validness of] the wine,³ nor does the *wine* affect their [validness].⁴ The *tossings [of the blood]* on the *Outer Altar* do not affect one another's [validness].⁵

ראש, וְשֵׁל רֹאשׁ אֵינָהּ מְעַכְבֵּת שֶׁל
יָדֵי. הַסּוּלָת וְהַשֶּׁמֶן, אֵינָם מְעַכְבִּין
אֶת־הַיָּיִן, וְלֹא הַיָּיִן מְעַכְבֵּן.
הַמִּטְנוֹת שֶׁעַל מִזְבֵּחַ הַחִיצוֹן, אֵינָן
מְעַכְבוֹת זֶו אֶת־זוֹ.

1 See *Numbers 15, 38*. This particular dye was made from the *קַלְיוֹן*, a *conchiferous* creature (especially a kind of purple fish or purple shell). The precise animal and the method of preparation have long been forgotten, and the fringes are now made entirely of white threads. The *Mishnah* says that if there is no blue thread, or if two or three or even all four threads are blue the fringe is valid. 2 *viz.*, if one is invalid or missing the other must nevertheless still be used by itself. [The *Rambam* insists that this applies only when one is invalid but is not mislaid, to prevent anyone acquiring the habit of using only one phylactery.] 3 These three are adjuncts to most *meal-offerings*. The wine is still to be used as a *libation*. 4 They are offered none the less if the wine has not been brought. 5 One tossing (or sprinkling) instead of the two or four sprinklings prescribed is also valid. Or *זוֹ אֶת־זוֹ*; see 33, **Note 1**; Volume II, Page 12.

Mishnah 2

The bullocks and the rams and the he-lambs¹ [for the Festival of Weeks] do not impair² [the validity of] one another. R. Simon³ says, If they had [sufficient means to purchase] the many bullocks but did not possess [means enough to buy also] the *libations*, let them [rather] bring one bullock with its *libation* and not offer all of them without *libations*.

מִשְׁנָה ב
הַפָּרִים וְהָאֵילִים וְהַכֹּבָשִׁים אֵינָן
מְעַכְבִּין זֶה אֶת־זֶה. רַבִּי שִׁמְעוֹן
אוֹמֵר, אִם הָיוּ לָהֶם פָּרִים מְרֻבֵּינִי
וְלֹא הָיוּ לָהֶם נְסֻכִים יָבִיאוּ פֶר אֶחָד
וְנִסְכּוֹ וְלֹא יִקְרְבוּ כֶלֶן בְּלֹא
נְסֻכִין.

1 See *Numbers 28, 27 et seq.* 2 On Pentecost two sets of offerings were made: (a) a bullock with two rams and seven he-lambs and two loaves, (b) the *additional offering* of two bullocks with one ram and seven he-lambs, and if either (a) or (b) is not to hand then the other is offered. 3 His view is not accepted.

1 The two loaves offered with the *bread-offering* at the Feast of Weeks. *Leviticus 23, 18 et seq.* 2 The two loaves are valid even if brought without the offerings. 3 If the two loaves are not there the offerings are still made. 4 The two lambs must not be offered without the two loaves. But the two loaves are valid in the absence of the two lambs. 5 The loaves are not valid without the lambs, but the lambs are offered if the loaves are not there. 6 They had only *manna* (but no flour). 7 Popular pronunciation *כֵּאן* [כֵּן]. 8 When it happens that flour is not available. 9 In the 'פִּנְחָס' סִדְרָה (*Numbers 25, 10 to 30, 1*). Popular pronunciation *בְּחֹמֶשׁ*. 10 In the 'אֲמַר' סִדְרָה (*Leviticus 21, 1, 24, 23*). Or סִדְרָא. 11 The two lambs mentioned in this part were not offered at Pentecost there. 12 Compare *זְבָחִים* 23. *בְּלֹא לֶחֶם* is omitted in the *גְּמָרָא*. 13 The loaves without the lambs do not become sanctified to be shared among the priests. 14 *i.e.*, which will make the bread eligible for distribution among the priests. *Less idiomatic *וְאֵלֹהֵינוּ*.

Mishnah 4

The *daily burnt-offerings*¹ can not impair [the validity of] the *additional-offerings*,² and the *additional-offerings* can not impair [the validity of] the *daily burnt-offerings*,³ nor do the *additional-offerings* impair [the validity of] one another.⁴ If they have not offered a lamb [of the *daily burnt-offering*] in the morning, they may offer it in the afternoon.⁵ R. Simon⁶ said, When [is this so]? Only when⁷ [the priests] acted under constraint or in unwittingness, but if they acted in wantonness and did not offer the lamb in the morning, they must not offer it in the afternoon.⁸ If they did not burn the incense⁹ in the morning, they must burn it in the afternoon. R. Simon¹⁰ said, The whole of it [—the incense—] could be offered in the afternoon, since the *Golden Altar* [was dedicated] only by the incense of spices offered (in the afternoon),¹¹ and¹² the *Altar of Burnt-Offering* [is dedicated] only by the *daily burnt-*

מִשְׁנֵה ד

הַתְּמִידִין אֵינָן מְעַכְבִּין אֶת־
הַמוֹסָפִים, וְלֹא הַמוֹסָפִין
מְעַכְבִּין אֶת־הַתְּמִידִים, וְלֹא
הַמוֹסָפִים מְעַכְבִּין אֶת־זֶה.
לֹא הִקְרִיבוּ קֶבֶשׁ בַּבֶּקֶר יִקְרִיבוּ בֵּין
הָעֶרְבָּיִם. אָמַר רַבִּי שְׁמַעוֹן,
אֵימָתִי? יְבוֹמֵן שֶׁהֵיוּ אָנוּסִין אוֹ
שׁוֹגְגִין, אֲכַל אִם הָיוּ מְזִידִין וְלֹא
הִקְרִיבוּ קֶבֶשׁ בַּבֶּקֶר, לֹא יִקְרִיבוּ
בֵּין הָעֶרְבָּיִם. לֹא הִקְטִירוּ
קֶטֶרֶת בַּבֶּקֶר, יִקְרִיבוּ בֵּין
הָעֶרְבָּיִם. אָמַר רַבִּי שְׁמַעוֹן,
וְכוֹלָה הֵימָּה קֶרֶבֶה בֵּין הָעֶרְבָּיִם
שֶׁאֵין מִתְנַכֵּין אֶת־מִזְבַּח הַזָּהָב אֶלֶּא
בְּקִטְרֵת הַסַּמִּים.¹¹ (שֶׁל בֵּין הָעֶרְבָּיִם)
וְלֹא מִזְבַּח הָעוֹלָה אֶלֶּא בְּתִמְיַד שֶׁל

1 See *Leviticus* 6, 13, 21. The meal-offering which he had to bring every morning and afternoon. Compare 11³. 2 *i.e.*, a half-tenth of an ephah (see **וְרָעִים**, Page 18f.) in the morning and another half-tenth in the afternoon. 3 The time between the beginning of the sun's decline and sundown. 4 Or **בְּשַׁחֲרִית**. 5 His view is rejected. 6 His opinion is accepted. 7 One of the deceased High Priest's sons must bring that afternoon's meal-offering of a whole tenth of an ephah. *Or **מִשְׁלָמִי**.

CHAPTER 5

פֶּרֶק ה'

Mishnah 1

All meal-offerings were offered [baked] unleavened save the [ten] leavened [loaves enjoined] for the thank-offering* and the two loaves¹ which were offered leavened. R. Meir says, The leaven for them is separated from their own [dough] and they are leavened [therewith].² R. Judah³ says, Even that is not the best method,⁴ but he should rather bring [proper] leaven and put it into the measure, and fill up the measure [with flour]. [The Sages] said to him, Even so [the amount enjoined for the meal-offering] may [sometimes] be too small and [sometimes] too great.⁵

מִשְׁנָה א
כָּל-הַמִּנְחוֹת בָּאוֹת מִצָּה, חוּץ
מִחֻמֵץ *שֶׁבַחֲרִיתָהּ, וְשֵׁמִי הַלֶּחֶם שֶׁהֵן
בָּאוֹת חֻמֵץ. רַבִּי מֵאִיר אָמַר,
שָׂאוֹר בּוֹדֵה לָהֶן מִתּוֹכָן וּמִחֻמֵצָן.
רַבִּי יְהוּדָה אָמַר, אֵף הִיא אֵינָה
מִן-הַמּוֹבָחָר, אֲלֵא מְבִיא אֶת-
הַשָּׂאוֹר וְנוֹתֵן לְתוֹךְ הַמִּדָּה, וּמְמַלֵּא
אֶת-הַמִּדָּה. אָמְרוּ לוֹ, אֵף הִיא
הַיִּתָּה חֲסִירָה אוֹ יִתְרָה.

1 At the Festival of Weeks. 2 From the right quantity of flour a small portion was kneaded and allowed to leaven, and this was used to leaven the rest of the flour. 3 His opinion is accepted. 4 The amount removed does not become thoroughly leavened and will not leaven completely the rest of the flour. 5 The first prepared piece of leavened dough is thick and hard (having been kneaded with little water) and contains comparatively much flour but is less bulky than if it had been all flour, and so when in addition the measure is filled up with flour the whole now contains more than a tenth of flour. On the other hand, if this piece is thin (having been kneaded with much water) and distended, thus containing comparatively for size little flour, then when it is placed in the measure which is next filled with flour the total will have less than a tenth of flour (see **וְרָעִים**, Page 18f.). Some prefer the vowelisation **יִתְרָה** [יִתְרָא] from **יִתֵר**, *too much, too many, residual*. *See ADDENDA, Page 175.

frankincense; the *shewbread*¹¹ requires frankincense but requires no oil. The *two loaves*,¹² the *meal-offering of the sinner*, and the *meal-offering of the wife suspected of adultery*¹³ require neither oil nor frankincense.

1 Or טענות. 2 The flour, oil and frankincense are mixed and the *handful* is then removed. *Leviticus 2, 1 et seq.* 3 See *Leviticus 2, 5 et seq.* 4 See *Leviticus 2, 7.* 5 *Leviticus 2, 4.* 6 See *Leviticus 6, 20 et seq.* 7 Compare שְׁקָלִים 15. 8 As a *freewill-offering.* 9 See *Leviticus 23, 9-14.* 10 Compare 96. See זְבָחִים 43. 11 *Leviticus 24, 5 et seq.* 12 See 51. 13 See 11.

Mishnah 4

(And) one is culpable¹ because of the oil² in itself and because of the frankincense² in itself. If he put oil thereon,² he has made it invalid, [but if he put] frankincense² [thereon], he must pick it off³ [and the *meal-offering* remains valid]. If he [removed the *handful* and then] put oil on the residue thereof, he has not transgressed a *negative command*.⁴ If he put the vessel⁵ [containing the oil or the frankincense] above⁶ the vessel⁵ [containing the *meal-offering*], he has not rendered [the *meal-offering*] invalid.

1 For the transgression of a *negative command.* 2 Added to the *meal-offering* of a *sinner* or to the *meal-offering* of the *wife suspected of adultery.* See ADDENDA. 3 יִלְקֹטְנָה? [*Piel*] or יִלְקֹטְנָה? [*Kal*]. 4 See *Leviticus 5, 11.* 5 כְּלִי or כְּלִי. 6 Or עַל גְּבִי. See ADDENDA, Page 175.

Mishnah 5

There are [*meal-offerings*] that require¹ *bringing-near*² [to the south-west corner of the *Altar*] but do not require *waving*,³ some [require] *waving* but not *bringing-near*, some [require] both *bringing-near* and *waving*, [and] some do not [require] *waving* or *bringing-near*. These require *bringing-near* but do not require *waving*: the

מִשְׁנֵה ד
 יִחַיֵּב עַל הַשֶּׁמֶן בְּפָנָיו עֲצָמוֹ, וְעַל
 הַלְּבוֹנָה בְּפָנָיו עֲצָמָהּ. גִּתְּנָה עָלֶיהָ
 שֶׁמֶן פֶּסֶלָה, לְבוֹנָה יִלְקֹטְנָה. גִּתְּנָה
 שֶׁמֶן עַל שִׁירְיָהּ, אִינוֹ עוֹבֵר אֲבָלָה
 תַּעֲשֶׂה. גִּתְּנָה כְּלִי עַל גֵּב כְּלִי
 לֹא פֶסֶלָה.

מִשְׁנֵה ה
 יִשְׁ-טְעוֹנוֹת הַגֹּשֶׁה, וְאִיֵּן טְעוֹנוֹת
 תְּנוּפָה, תְּנוּפָה וְלֹא הַגֹּשֶׁה, הַגֹּשֶׁה
 וְתְנוּפָה, לֹא תְנוּפָה וְלֹא הַגֹּשֶׁה.
 אֵלוֹ טְעוֹנוֹת הַגֹּשֶׁה, וְאִיֵּן טְעוֹנוֹת
 תְּנוּפָה, מִנַּחַת הַפֶּלֶת, וְהַמַּחֲבֵת,

said,⁹ which is waved,¹⁰ and which is heaved up.¹⁰ The waving was [carried out] on the eastern side¹¹ [of the Altar] and the bringing-near was [performed] at [its] western side, and [the] *wavings* preceded [the acts of] *bringing-near*.¹² The meal-offering of the omer and the meal-offering of the wife suspected of adultery¹³ require [both] waving and bringing-near. The shewbread and the meal-offering with libation do not require waving or bringing-near.

והזרים תנופה היתה במזרח
והנשה במערב, ותנופות קודמות
להנשות. מנחת העומר, ומנחת
קנאות, טעונות תנופה והנשה.
לחם הפנים ומנחת נסכים לא
תנופה ולא הנשה.

1 The subject of the preceding *Mishnah* is here continued. 2 See *Leviticus* 14, 10, 12. 3 See *Deuteronomy* 6, 14. 4 His view is accepted. 5 See *Leviticus* 7, 30, 10, 15. 6 *i.e.*, not by women or non-Jews (based on *Leviticus* 7, 29); in their case the waving is done by a male Jew for them. 7 Literally *above*, but the ruling is *beside*, at the side of, alongside. 8 Or וּמִנִּיחָה. 9 See *Exodus* 29, 27. 10 *הוֹנִיחַ* implies carrying and bringing; *הוֹרִים* implies raising and lowering. 11 *i.e.*, even on the east side the waving could be performed and certainly on the west side which was nearer to the Sanctuary (only a non-priest was not allowed access there except for some special need). See ADDENDA. 12 In the case of the *omer* and the suspected adulterous wife. 13 See 11.

Mishnah 7

R. Simon says, Three kinds [of offerings] require three rites, two [of these rites always] for each [kind of offering] but not the third [rite]. And they are these: the *peace-offering of the individual* and the *peace-offering of the congregation* and the *guilt-offering of the leper*. The *peace-offering of the individual* requires laying on of hands for the living [beasts] and waving¹ after they are slaughtered, but waving is not required for the living [beasts]. The *peace-offering of the congregation*² requires waving both for the living [beasts] and after they are slaughtered, but the laying on of the hands is not required.³ (And)

מִשְׁנֵה ז'
רבי שמעון אומר, שלשה מינים
טעונים שלש מצות, שתיים בכל
אחת ואחת, והשלישית אין בהן.
ואלו הן, זבחי שלמי יחיד, וזבחי
שלמי צבור, ואשם מצורע. וזבחי
שלמי יחיד טעונים סמיכה חיים
ויתנופה שחויטים, ואין בהם תנופה
חיים. וזבחי שלמי צבור טעונים
תנופה חיים ושחויטים, ואין בהן
סמיכה. ואשם מצורע טעון סמיכה
ויתנופה חיים, ואין בו תנופה שחויט.

in loaves and half in wafers; R. **רבי שמעון מתיר, מפני שהוא**
 Simon⁷ permits it because both are
 a similar kind of *offering*.⁸ **קרבן אחד.**

1 **האומר** is omitted in the **גמרא**. **2** Or *small stove*. Compare **שבת** 32. It is made of clay, cylindrical, open at the top and bottom; it is stood on bricks on the floor and fire is lit inside; the open top is large enough for only one vessel (see **שבת** 38b). **3** Or *boiler, cauldron, kettle*. **4** For a fireplace they made a cavity in the ground lined with clay. See **מנחות** 63a; **פלים** 5¹⁰. **5** His view is accepted. **6** Which must consist of either ten loaves (or cakes) or ten wafers, but not ten made up of some of each. **7** His opinion is rejected. **8** Literally *since it is one offering*.

CHAPTER 6¹

יפרק ו

Mishnah 1

משנה א

From these *meal-offerings* is the *handful* taken, and the remainder pertains to the priests: the *meal-offering*² of *fine flour*, (and) [the *meal-offering* prepared in the *shallow*] *baking-pan*,³ (and) [the *meal-offering* prepared in the *deep*] *frying-pan*,³ (and) [the *meal-offering* of] the *loaves*,⁴ (and) [the *meal-offering* of] the *wafers*, the *meal-offering* of a non-Jew, the *meal-offering* of *women*, the *meal-offering* of the *omer*, the *meal-offering* of the *sinner*, and the *meal-offering* of the *wife suspected of adultery*.⁵ R. Simon⁶ says, From the *meal-offering* of the *sinner*

אלו מנחות נקמצות ושריהן
 לפהנים, מנחת סלת, והמתבת,
 והמרחשת, והחלות, והרקיקין,
 מנחת עוגד גלולים, מנחת נשים,
 מנחת העומר, מנחת חוטא, ומנחת
 קנאות. רבי שמעון אומר, מנחת
 חוטא של פהנים נקמצת, והקומץ
 קרב לעצמו, והשירים קרבים
 לעצמן.

brought by priests the *handful* is taken and the *handful* is offered by itself and the residue is offered by itself also⁷.

1 In the *Talmud* Chapter 10 comes here. **2** Compare 5³. **3** See 5⁸. **4** Or *cakes*. **5** See 1¹. **6** His opinion is rejected. The accepted ruling is that the *handful* is not removed since the *meal-offering* of the priest must be burned in its entirety (see *Leviticus* 6, 23). **7** Compare 5⁵.

rejected. 4 Their ruling is accepted. 5 Compare בָּלִים 207. (By reason of a false religious reluctance to give a cross-like figure in a Hebrew religious work the Greek letter *gamma* is printed as illustration.) 6 Popular pronunciation וְשָׂר. 7 Left over after the mingling of the flour for the loaves or after the anointing of the wafers. *Or בְּכָלִי.

Mishnah 4

All (the) *meal-offerings* that are prepared in a vessel¹ require to be broken up. The *meal-offering* of an Israelite was 'folded over' into two [parts] and the two [again 'folded over'] into four, and separated,² [and] the *meal-offering* of [the] priests was 'folded over' into two [parts] and the two into four, but [the crumbs] were not separated.³ The *meal-offering* of the anointed [High] Priest was not 'folded over.'⁴ R. Simon⁵ says, neither the *meal-offering*⁶ of the priests nor the anointed [High] Priest's *meal-offering* was crumbled up,⁷ for the *handful* was not removed from them; and where the *handful* is not separated there is no crumbling up. And all of them [must be broken up into pieces each of the size of] an olive's bulk.

1 Or בְּכָלִי. 2 First the whole is broken up into pieces of the size of an olive; then each olive's bulk is 'bent over' or 'folded', sc., broken into two and these again into two, thus each final bit is approximately of a quarter-olive's bulk), the crumbs are separated from each other, and the *handful* for burning is then removed. 3 The crumbs were not separated from one another because the *handful* was not taken from the priests' *meal-offerings*. 4 The High Priest brought his *meal-offering* every morning and afternoon, and it was 'folded up' into two parts only. 5 His view is not accepted. 6 A *freewill-offering*, according to Rashi. 7 According to Rashi, 'folded up'.

Mishnah 5

All (the) *meal-offerings* had to be rubbed three hundred times and beaten five hundred times—the rub-

מִשְׁנֵה ה

כָּל-הַמִּנְחֹת הַנֶּעֱשׂוֹת יְבֻכְלִי
טַעֲנוֹת פְּתִיתָהּ מִנְחַת יִשְׂרָאֵל
כּוֹפֵל אֶחָד לְשָׁנִים וְשָׁנִים לְאַרְבָּעָה
וּמִבְדִּיל; מִנְחַת כֹּהֲנִים כּוֹפֵל
אֶחָד לְשָׁנִים וְשָׁנִים לְאַרְבָּעָה וְאִינוּ
מִבְדִּילִי מִנְחַת כֹּהֵן הַמְּשִׁיחַ לֹא
הָיָה יִמְכַפְּלָהּ רַבִּי שִׁמְעוֹן אוֹמֵר,
מִנְחַת כֹּהֲנִים וּמִנְחַת כֹּהֵן מְשִׁיחַ
אֵין בָּהֶם פְּתִיתָהּ מִפְּנֵי שְׂאִין בָּהֶם
קְמִיצָה; וְכָל שְׂאִין בָּהֶם קְמִיצָה
אֵין בָּהֶם פְּתִיתָהּ וְכָלֵן כְּנִיתִים.

כָּל-הַמִּנְחֹת טַעֲנוֹת שְׁלֹשׁ מֵאוֹת
שִׁפָּה, וְחֲמֵשׁ מֵאוֹת בְּעִיטָה,

Mishnah 7

The [flour for the] *omer* was sifted through thirteen fine sieves,¹ (and) the [flour for the] *two loaves* [was sieved] through twelve [sieves], and [the flour for] the *shewbread* [was passed] through eleven [sieves]. R. Simon² says, There was no prescribed number [of *seahs* or of siftings], but properly sifted fine flour, as it is said,³ *And thou shalt take fine flour and bake thereof*:⁴ [it must not be baked] until it has been thoroughly sieved.

1 The *thirteen siftings* were *למשה מסיני*, a usage from Moses (as delivered) from Sinai, sc., a traditional interpretation of a written law, a traditional law, accepted without question or discussion and as final. 2 His view is rejected. 3 See *Leviticus 24, 5*. 4 *אתה* in the Scripture.

CHAPTER 7

Mishnah 1

The *thank-offering*¹ was brought from five Jerusalem *seahs*,² which are [equal to] six Wilderness [*seahs*],³ or [the equivalent of] two *ephahs*—and the *ephah* is three *seahs*—or twenty *tenths* [of an *ephah*], ten for [what was] leavened and ten for [what was] unleavened. ‘Ten for [what was] leavened’—a *tenth* for each loaf;⁴ and ‘ten for [what was] unleavened’—and of [what was] unleavened there were three kinds, *loaves*, and *wafers*, and *oily cakes*,⁵ thus there were three and a third *tenths* of each kind,⁶ three *loaves* to each *tenth* [and three *wafers* to each *tenth* and three *oily cakes* to each *tenth*]. By Jerusalem measure⁷ there

משנה ז

העמר היה מגופה יבש לש עשרה נפה, ושתי הלחם בשתיים עשרה, ולחם הפנים באחת עשרה. רבי שמעון אומר, לא היה לה קצבה אלא סלת מגופה כל-צרכה היה מביא, שנאמר, ולקחת סלת ואפית אותה, עד שתהא מגופה כל-צרכה.

פרק ז

משנה א

התודה היתה באה חמש סאין ירושלמיות שהן שש ימדבריות, שתי איפות, והאיפה שלש סאין עשרים עשרון, עשרה לחמן, ועשרה למצה. עשרה לחמן, עשרון לחלה; ועשרה למצה, ובמצה שלש מינין, חלות, ורקיקים, ורבוכה, נמצאו שלשה עשרונות ושלש לכל מין שלש חלות לעשרון. במדה ירושלמית היו שלשים קב, חמשה עשר לחמן

1 See *Leviticus* 7, 37, 8, 26. Brought at the investment or inauguration of Aaron and his sons to the priesthood. 2 See the preceding *Mishnah*. Or *במִצֵּה שְׁבִתוּדָה*. 3 See *Numbers* 6, 15. See 6⁵, Note 8. 4 Literally and more of them, and aught over. 5 From the two kinds of the *nazirite's** offering and from the four kinds of bread of the *thank-offering*. 6 See *Appendix*, Note 1. 7 See *Leviticus* 7, 14. 8 *i.e.*, there must be ten loaves (cakes) to each kind. *Or *nazirite's*.

Mishnah 3

If one slaughtered the *thank-offering* inside [the *Temple Court*] and the *bread* [-*offering*] thereof [was baked] outside the Wall¹ [of *Jerusalem*], the *bread* has not become consecrated. If he slaughtered it before [the loaves] became [slightly] crusted in the oven,² or even if all of them, except one (of them), became crusted, the *bread* is not consecrated.³ If he slaughtered it [intending to consume it] outside its [prescribed] time or outside its [proper] place, the *bread* is nevertheless consecrated; if he slaughtered it, and it was found [that it had been] *terefah*⁴ [even before slaughtering], the *bread* is not consecrated. If he slaughtered it, and it was found to have a blemish,⁵ R. Eliezer⁶ says, [The *bread*] is none the less consecrated; but the Sages⁷ say, It is not consecrated. If he slaughtered it, but not under its own denomination—and likewise, also, if he slaughtered the ram of the *sacrifice of consecration*⁸ and the two lambs of Pentecost not under their own denomination—the *bread* is not consecrated.

1 Called the *Beth-Page Wall* (*בֵּית פֶּאֵי*; *חומת בֵּית פֶּאֵי* or *פֶּי*) was a fortified suburb of *Jerusalem*, in *מִנְחוֹת* 75b. Compare 11². See *ADDENDA*. 2 Compare *מִנְחוֹת* 78b. 3 Literally *he has not consecrated the bread*. 4 *Appendix*, Note 15. 5 (*אֵמְרָא*) 'on the white of an eye'. 6 His view is rejected. 7 Their opinion is accepted. 8 See the preceding *Mishnah*. The same ruling applies to the ram of the *nazirite's offering*.

מִשְׁנָה ג

הַשּׁוֹחֵט אֶת-הַתּוֹדָה בְּפָנִים, וְלֶחֶמָה חוּץ לַחֹמָה, לֹא קָדַשׁ אֶת-הַלֶּחֶם. שְׁחָטָה עַד שֶׁלֹּא קָרְמוּ בְּתַנּוּר, וְאִפְּלוּ קָרְמוּ כּוּלֵן חוּץ מֵאֶחָד מֵהֶן, לֹא קָדַשׁ הַלֶּחֶם. שְׁחָטָה חוּץ לְזִמְנָה וְחוּץ לְמְקוֹמָה, קָדַשׁ הַלֶּחֶם; שְׁחָטָה וְנִמְצְאת טְרֵפָה, לֹא קָדַשׁ הַלֶּחֶם. שְׁחָטָה וְנִמְצְאת בְּעֵלַת מָוֶם, רַבִּי אֱלִיעֶזֶר אוֹמֵר, קָדַשׁ; וְחֲכָמִים אוֹמְרִים, לֹא קָדַשׁ. שְׁחָטָה שְׁלֹא לְשִׁמָּה, וְכֵן אֵיל הַמְּלוּאִים וְכֵן שְׁנֵי כִבְשֵׁי עֶצְרַת שֶׁשְּׁחָטוּן שְׁלֹא לְשִׁמּוֹן, לֹא קָדַשׁ הַלֶּחֶם.

Mishnah 5

If one say, 'I pledge myself* [to bring] a *thank-offering*', he must bring both it and the *bread* therefor from what is unconsecrated.¹ [If he made a pledge to offer] the *thank-offering* from what is unconsecrated and the *bread* therefor from [second] *tithe*,² he must bring both it and the *bread* thereof from what is unconsecrated. [If he pledged to offer] the *thank-offering* from *tithe* and its *bread* from what is unconsecrated, he may so bring [as he pledged].³ [If he made a pledge to bring] both the *thank-offering* and the *bread* thereof from *tithe*, he may so bring, but he must not offer [the *bread*] from the wheat of *second tithe* but from [what was purchased with] the redemption money of *second tithe*.

1 It must not be from the *tithe of cattle* nor purchased with *second tithe* redemption money. 2 See *Appendix, Note 1*; מַעֲשֵׂר שְׁנִי, INTRODUCTION. 3 None the less he may bring both from non-consecrated sources. *Or 'I vow....'

Mishnah 6

Whence do we know that if one¹ say, 'I take a pledge* [to bring] a *thank-offering*', that he must not bring it from aught save from what is unconsecrated? Because it is said,² *And thou shalt sacrifice the Passover-offering unto the Eternal thy God, of the flock and the herd.* But does not the *Passover-offering* come only from the lambs or the goats? Why then³ is it stated, *of the flock and the herd*? It is but to compare [all offerings] brought from the herd and the flock with the *Passover-offering*—just as the *Passover-offering* is brought as an

משנה ה

האומר, *הרי עלי תודה, יביא היא ולחמה מן-החולין. תודה מן-החולין ולחמה מן-המעשר, יביא היא ולחמה מן-החולין. תודה מן-המעשר ולחמה מן-החולין *יביא. התודה היא ולחמה מן-המעשר יביא, ולא יביא מחטי מעשר שני, אלא ממעות מעשר שני.

משנה ו

מנין ילאומר, *הרי עלי תודה, שלא יביא אלא מן-החולין? שנאמר, ונתחת פסח לה' אלהיה צאן ובקר. והלא אין פסח בא אלא מן-הכבשים ומן העזים? אם כן למה נאמר, צאן ובקר? אלא לתקיש כל-הבא מן-הבקר ומן-הצאן לפסח, מה-פסח שהוא בא בחובה, ואינו בא אלא

second to them [for the excellence of fine flour comes] חֶפְצָאן הָיָה מְבִיאִים in the valley. [The flour from] all parts⁸ [of the Land of Israel] was valid [for meal-offerings], but they used to bring it from these [three] places⁹ only.

1 See *Leviticus* 23, 10. 2 See *Leviticus* 23, 17. Of שבועות. 3 The same as מְבִיאִים in *Benjamin* (*I Samuel* 13, 2; *Ezra* 2, 27). 4 Or וְנוּחָה, *Zenochah*(h), identified with נוּחָה, *Zanoach*, of two districts, one in the plain (*Joshua* 15, 34) and the other in the mountains (*Joshua* 15, 56). 5 Or אֲלֵפִים. The Greek letter *alpha*. Compare שְׁקָלִים 32. 6 Or the indefinite לְסוּלָת. 7 Or עֲפָרָיִם, *Afarayim*, in the מְרָא, identical with חֶפְרָיִם, a place in *Issachar* (*Joshua* 19, 19). Compare מְנַחֹת 83b. 8 Literally *all the lands were valid*. 9 Popular pronunciation [מִבְּנֵי] מְבִיאִים. *Or *and*.

Mishnah 2

מְשֻׁנָּה ב

They may not bring [it]¹ from [the wheat grown in] a manured field² or from an irrigated field* or from a tree-planted field; nevertheless, if one did so bring it, it is valid. How does one make it ready? He breaks up³ the field in the first year and in the second [year] sows it seventy days before Passover,⁴ and thus it produces abundant fine flour. How does one test [it if it have been thoroughly sifted]? The [Temple] treasurer thrusts his hand into it, [and] if there come up therein [flour only as thin as] dust, it is invalid and it must be sifted⁵ [again]. And if the [wheat or the flour] had decayed,⁶ it is invalid. *Popular pronunciation השְׁלָחִים.

יֵאֵזַב מְבִיאִין לֹא מִבֵּית הַזִּבְּלִים, וְלֹא מִבֵּית הַשְּׁלָחִים, וְלֹא מִבֵּית הָאֵילָן; וְאִם הֵבִיא כְּשֶׁר-כִּי צָד הוּא עוֹשֶׂה? וְנָרָה שְׁנָה רִאשׁוֹנָה, וּבְשָׁנָה שְׁנִיָּה וּזְרָעָה קוֹרֵם לְפֶסַח שְׁבַע יָמִים יוֹם וְהִיא עוֹשֶׂה סוּלָת מְרוּבָה-כִּי צָד הוּא בּוֹדֵק? הַנּוֹבֵר מְכֻנֵּס אֶת-יָדוֹ לְתוֹכָהּ, עַלֶּה בָּהּ אֶבֶק פְּסוּלָה, עַד שִׁיִּנְיָפָנָה. וְאִם הִתְלִיעָה פְּסוּלָה.

1 The flour for the *omer* and the *two loaves* (see the preceding *Mishnah*). Some authorities maintain that it refers to the meal offerings generally. 2 The manure, especially if not completely absorbed, affects the grain adversely. 3 From the verb נָרָה, *break the soil, clear the ground*. 4 This is detailed in the גְּמָרָא: the whole field is ploughed up the first year and only half of it is sown; the second year the whole field is again turned over, but the previous year's fallow half only is sown; and this is thus repeated every two years. 5 Literally *until it is sifted* [afresh].

[the wall of] the basket³—this [gives] the first [kind of oil]; [these same olives are next] pressed under the beam—R. Judah says, [Not under the beam but] under stones⁴—this [makes] the second [kind of oil]; they are again removed and ground, and pressed; this [yields] the third [kind of oil]; the first [kind of oil] is [fit] for the *Candlestick*, and the others* are [fit] for the *meal-offerings*. The second [gathering of] the olives [is this]: they are picked at roof-level,⁵ and pounded and put into the basket—R. Judah says, [The pounded olives were stacked] inside round [the side of] the basket—this [produces] the first [kind of oil]; [these same olives are then] pressed under the beam—R. Judah says, Under stones—[and] this [furnishes] the second [kind of oil]; [these same olives] are once more ground and pressed; this [furnishes] the third [kind of oil]; the first [kind] is [fit] for the *Candlestick*, and the others are [fit] for the *meal-offerings*. The third [gathering of] the olives [is this]:⁶ they are packed [in a pit] in the house⁷ [and left] until they ripen⁸ and are then taken up and dried⁹ on the top of the roof; and they are now pounded and put into the basket—R. Judah says, [They were stacked] around within [against the side of] the basket—this [provides] the first [kind of oil]; [these same olives] are [once again] pressed under the beam—R. Judah says, Under stones—this [supplies] the second [kind of oil]; they are [once more] ground and pressed; this [supplies] the third [kind of oil]; the first is [fit] for the *Candlestick*, and the others are [fit] for the *meal-offerings*. *Popular pronunciation וְהִשָּׂאֵר

אומר, בַּאֲבָנִים, זֶה שְׁנִי; חֲזֹר וְטַחן וְטָעַן, זֶה שְׁלִישִׁי; הָרֵאשׁוֹן לְמִנְחָה, וְהַשָּׂאֵר לְמִנְחוֹת. הַגִּית הַשְּׁנִי מִגִּרְרוֹ בְּרֵאשׁ הַגֵּן, וְכוּתֵשׁ וְנוֹתֵן לְחֹף הַסֵּל, רַבִּי יְהוּדָה אומר, סְבִיבוֹת הַסֵּל, זֶה רֵאשׁוֹן; טָעַן בְּקוֹרָה, רַבִּי יְהוּדָה אומר, בַּאֲבָנִים, זֶה שְׁנִי; חֲזֹר וְטַחן וְטָעַן זֶה שְׁלִישִׁי; הָרֵאשׁוֹן לְמִנְחָה, וְהַשָּׂאֵר לְמִנְחוֹת. הַגִּית הַשְּׁלִישִׁי, עוֹטְנוּ בְּחֹף הַיְבִית עַד שֶׁיִּלְקָה, וּמַעֲלָהּ וּמִגְּבֹו בְּרֵאשׁ הַגֵּן; וְכוּתֵשׁ וְנוֹתֵן לְחֹף הַסֵּל, רַבִּי יְהוּדָה אומר, סְבִיבוֹת הַסֵּל, זֶה רֵאשׁוֹן; טָעַן בְּקוֹרָה, רַבִּי יְהוּדָה אומר, בַּאֲבָנִים, זֶה שְׁנִי; חֲזֹר וְטַחן וְטָעַן זֶה שְׁלִישִׁי; הָרֵאשׁוֹן לְמִנְחָה, וְהַשָּׂאֵר לְמִנְחוֹת.

1 The olives there are quickly ripened by the sun. 2 The clear oil drained into a vessel below. 3 The oil trickled down slowly and then drained through the

Mishnah 6

And whence¹ used they to bring the wine [for the libations]? Keruthim² and Hattulim³ are first⁴ for [their quality of] wine; second to them [come] Beth Rimah⁵ and Beth Lavan⁶ in the highlands and Kefar Signah⁷ in the valley. [The wine from] all parts⁸ [of the Land of Israel] were valid, but they used to bring [it] from these⁹ [five] places [only]. They may not bring [wine made from grapes grown] in a manured field or from an irrigated field¹⁰ or from [vines] sown with seed among them; but if they did bring [any such], it was valid. They may not bring [wine made] from sun-dried grapes,¹¹ but if they did bring it, it was valid. They may not bring old [wine];¹² this is the view of Rabbi; but the Sages declare it valid. They may not bring [wine which had become] sweetened or had been smoked* or had been cooked, and if they brought [any such] it was invalid. They may not bring [wine produced from grapes grown] on espaliers¹³ but only from trailing vines¹⁴ and from the tended vineyards.¹⁵ *Or מעשן.

1 מאין in the גמרא. 2 An unidentified place (suggested to be *Corea* in northern Judea). 3 Or עטולין, חטולים, הטולים, an unidentified locality (suggested to be קפר הטול, to the north of Gilgal). 4 See 8^a. 5 The modern *Beit Rima*, about 20 miles north-west of Jerusalem. 6 The present *Beth Lubban* near Beit Rima. 7 Or סינא, קפר סינא, suggested to be identical with *Sukneh* near Jaffa. 8 Literally *the lands*. 9 Popular pronunciation מכאן. 10 Popular traditional pronunciation השלחין. 11 Or אליסטון, a luscious wine made from grapes dried for three days in the sun and trodden during the hottest part of the fourth day. 12 More than twelve months—the rich red colour has faded. 13 דליות (*plural דליות*), (1) branches of vines trained to a trellis or espalier; (2) the grapes thus grown. 14 Or רוגליות, (1) runner vines; (2) grapes growing (in a row) on isolated vines. 15 Twice yearly the soil round the roots was turned over leaving holes to be filled with water.

משנה ו

יומנין היו מביאין את-היין?
 קרותים וְהטולים יאלפא לין;
 שניה להן בית רימה ובית לבן
 בקר, וכפר סינא בבקעה. כל-
 הארצות היו כשרות, אלא מכאן
 היו מביאין. אין מביאין לא מבית
 הזבלים ולא מבית השלחים ולא
 ממה-שנורע ביניהן, ואם הביא
 כשר. אין מביאין אליסטון, ואם
 הביא כשר. אין מביאין יושן;
 דברי רבי; וחכמים מכשירין.
 אין מביאין לא מתוק, ולא מעושן,
 ולא מבושל, ואם הביא פסול. אין
 מביאין מן-הדליות, אלא מן-
 הרגליות ומן הכרמים העבודים.

used for? With it they used to measure all the *meal-offerings*. They did not measure with a [single] *three* [-tenths measure for the *meal-offering*] for a bullock³ or a [single] *two* [-tenths measure for the *meal-offering*] for a ram, but they measured them by tenths. What purpose did the *half-tenth* measure serve? They used to measure therewith the [baked] *cakes*⁴ [at the inauguration] of the High Priest [that were offered the] half in the morning and [the] half in the afternoon.⁵

עֲשָׂרוֹן מֵה הָיָה מְשֻׁמֵשׁ? שָׁבוּ הָיָה מוֹדֵד לְכָל הַמִּנְחוֹת. לֹא הָיָה מוֹדֵד לֹא בָשֵׁל שְׁלֹשָׁה לְפָר, וְלֹא בָשֵׁל שְׁנָיִם לְאַיִל, אֲלֵא מוֹדֵדֵן עֲשָׂרוֹנוֹת. חֲצִי עֲשָׂרוֹן מֵה הָיָה מְשֻׁמֵשׁ? שָׁבוּ הָיָה מוֹדֵד חֲבִיתִי פֶהַן גְּדוֹל, מִחֻצָּה בְּבִקְרָה, וּמִחֻצָּה בֵּין הָעֲרֻבִים.

1 A tenth of an ephah (see וְרָעִים, Page 18f.). 2 His opinion is not accepted. 3 See 95. 4 See *Leviticus* 6, 21. Compare 45. 5 The High Priest offers daily *one-tenth* from his own flour.

Mishnah 2

There were seven *wet measures*¹ in the Temple, the *hin*, (and) the *half-hin*, (and) the *third of a hin*, (and) the *quarter-hin*, the *log*, (and) the *half-log*, and the *quarter-log*. R. Elazar² ben R. Zadok* says, There were notches in the *hin* [-measure to mark] as far as this³ for [the *meal-offering* of] a bullock,⁴ thus far for [the *meal-offering* of] a ram,⁵ [and] to this [mark] for [the *meal-offering* of] a lamb. R. Simon says, There was no *hin* [-measure] there [at all], for what purpose would it have served? But there was [instead of the *hin*-measure, to make up the number of seven *liquid-measures*] a further measure of *one and a half logs* wherewith⁶ they measured⁷ [the oil] for the *meal-offering* of the High Priest, *one and a half logs* in the morning and *a log and a half* in the afternoon.

מִשְׁנָה ב
שָׁבַע מִדוֹת שֶׁל יֶלֶח הָיוּ בַּמִּקְדָּשׁ, הֵינ וְחֲצִי הֵינ וְשְׁלִישִׁית הֵינ וּרְבִיעִית הֵינ לוג וְחֲצִי לוג וּרְבִיעִית לוג רַבִּי אֶלְעָזָר אָבֵר צְדוּק אֹמֵר, שְׁנֹתוֹת הָיוּ בְּהֵינ, עַד קָאֵן לְפָר, עַד קָאֵן לְאַיִל, עַד קָאֵן לְכֶבֶשׁ. רַבִּי שְׁמַעוֹן אֹמֵר, לֹא הָיָה שָׁם הֵינ, וְכִי מֵה הָיָה הֵינ מְשֻׁמֵשׁ? אֲלֵא מִדָּה יְתִירָה שֶׁל לוג וּמִחֻצָּה הָיָה יִשְׁבָּה הָיָה מוֹדֵד לְמִנְחַת פֶּהַן גְּדוֹל, לוג וּמִחֻצָּה בְּבִקְרָה, וְלוג וּמִחֻצָּה בֵּין הָעֲרֻבִים.

[other] lambs, or [the libation of the offering] of an individual with [the libation of the offering] of the congregation, or [the libation] of one day with that of the preceding day,² but they may not mingle the libations of lambs with the libations of bullocks or of rams. (And) if each were mixed by itself and they were then intermingled, they remain valid;³ but if they were intermixed before each was mingled separately, it is invalid. [In the case of] the lamb that was offered with the *omer*, although its meal-offering was doubled,⁴ nevertheless the libation thereof was not doubled.⁵

1 This ruling applies also to the meal-offerings, because in each case there are two logs of oil to one tenth of an ephah of flour (see **ורעים**, Page 18f.). 2 Provided that the offerings are of the same kind of beasts. 3 For instance, if the meal-offering and oil of a lamb were mixed and likewise those of a bullock, and these two mixtures were then mingled, the new intermixture is valid. 4 i.e., two tenths instead of the usual one tenth. *Leviticus* 23, 13. 5 viz., the usual three logs of oil was required (as for a single tenth).

Mishnah 5

All measures used in the Temple were heaped up,¹ excepting that of the High Priest which in itself contained the equivalent of a heaped-up measure.² In the case of wet measures, their overflow³ was holy; but in the case of dry-measures, their overflowing was non-holy.⁴ R. Akiba⁵ says, *Liquid measures* are holy, therefore their overflow is holy, but *dry measures* are non-holy, therefore their overflowing is non-holy. R. Jose says, Not because of this,⁶ but because the liquid is stirred up,⁷ but [the meal in] the *dry measure* is not stirred up.⁸

יחיד בשל צבור, של יום בשל
אָמֶשׁ, אָבֵל אֵין מְעָרְבִין וְסָבִי
כְּבָשִׁים בְּנֹסְכֵי פָרִים וְאֵילִים. וְאִם
בְּלָלָן אֵלוֹ בְּפָנָי עֲצָמָן וְאֵלוֹ בְּפָנָי
עֲצָמָן וְנִתְעָרְבוּ, כְּשֵׁרִין; אִם עַד
שָׁלֵא בָּלֵל, פָּסוּל. הַכֶּבֶשׂ הַבָּא
עִם הָעוֹמֵר, אִף עַל פִּי שְׂמֹנְחָתוֹ
כְּפוּלָה, לֹא הָיוּ וְסָכְיוֹ כְּפוּלִין.

משנה ה

כָּל-הַמְדוֹת שֶׁהָיוּ בַּמִּקְדָּשׁ הָיוּ
יִגְדָּשׁוֹת, חוּץ מִשָּׁל כֹּהֵן גָּדוֹל שֶׁהָיָה
גִּדְּשָׁה לְתוֹכָהּ. מְדוֹת הַלֶּחַ
בִּירוּצִיָּהֶן קֹדֶשׁ; וּמְדוֹת הַיָּבֵשׁ
בִּירוּצִיָּהֶן יְחוּל. רַבִּי עֲקִיבָא
אוֹמֵר, מְדוֹת הַלֶּחַ קֹדֶשׁ, לְפִיכָךְ
בִּירוּצִיָּהֶן קֹדֶשׁ, וּמְדוֹת הַיָּבֵשׁ חוּל,
לְפִיכָךְ בִּירוּצִיָּהֶן חוּל. רַבִּי יוֹסִי
אוֹמֵר, לֹא מִשּׁוֹם יְוָה, אֲלֵא שֶׁהֵלַח
יַעֲכָר, וְהַיָּבֵשׁ אֵינוֹ יַעֲכָר.

1 *Leviticus* 4, 13-21. If the congregation acted according to a wrongful decision of the Court and the error was then discovered a *sin-offering* must be brought and three זְקֵנִים, old men, 'lay on their hands' before the slaughtering. 2 See *Leviticus* 16, 21. The High Priest 'lays his hands on' it. 3 *Numbers* 15, 24 הוֹרִיזוּ 15. 4 Literally *and exchanges* [his father's dedication]. מִמֶּמֶר, *Piel* participle of the verb מִמֶּר; some point it מִמֶּר (for מִמֶּר), *Hiphil* participle of the verb מִמֶּר; others treat it as a *verbal noun* and point it מִמֶּר; compare תְּמוּדָה 11,2, 2a, 3a, 7b. See *Leviticus* 7, 10. If the deceased's *offering* was exchanged for another animal both must be offered.

Mishnah 8

מִשְׁנֵה ח

All [who bring *offerings*] lay on the hands¹ save a deaf-mute, a mentally-defective person, (and) a minor,* a blind man, (and) a non-Jew, (and) a bondman, (and) an agent, and a woman. The *laying on of the hands* is not indispensable.² Both hands must be laid on the [beast's] head, and in the place [in the *Temple Court*] where the hands are laid on there they slaughter [the animal],³ and forthwith after the [correct] *laying on of the hands* [comes] the slaughtering.

הכל יסומכין, חוץ מחרש שוטה וזקטן, סומא ועובד פככים והעבד והשליח והאשה. וסמיכה ישירי מצנה. על הראש, בשתי ידים ובמקום שסומכין שוחטין, ותקף לסמיכה שחיטה.

1 See *Leviticus* 1, 4. 2 Literally *the remnant* (or *last* or *residue*) of the *commendable acts* (or *commandments*). *i.e.*, the omission of סמיכה does not invalidate the atonement. Compare נגעים 14¹⁰. See ADDENDA.* 3 If the laying on of the hands was close to the outside of the Court it must be repeated farther inside. *A boy under 13 years of age. [A girl is a minor—קטנה—if less than 12 years old.] *Page 175.

Mishnah 9

מִשְׁנֵה ט

There is greater stringency* in the *laying on of the hands* than in the *waving*, and [in some cases greater stringency applies] to *waving* than to the *laying on of the hands*, for [if more than one brought an *offering* any] one [of them] may perform the [act of] *waving* on behalf of all the fellow-owners, but one [only of them] may

חומר בסמיכה מבתנופה ובתנופה מבסמיכה, שאחד מנין לכל התברים, ואין אחד סומך לכל יהתברים. וחומר בתנופה שהתנופה נוהגת בקרבנות היחיד ובקרבנות הצבור בתים

the law of the Sabbath—the barley was cut on the Sabbath and ground and sifted also on that day to furnish the *tenth* of flour. 3 Their ruling is accepted. 4 Or *scythe*. Usual plural מְגִלִּין or מְגִלִּים. 5 To make it impressive that the cutting must be carried out on the 16th Nisan (see 10³). *Or מְגִלִּים. Popular pronunciation מְגִלוֹת.

Mishnah 2

The rite enjoined for the *omer* is that it should come from [barley growing] near [Jerusalem]. If [the barley growing] near Jerusalem were not yet ripe, they could bring it from any place. It once occurred that it was brought from Gaggoth Tserifin,¹ and the *two loaves*² [from produce from] the Valley of En Socher.³

מִשְׁנָה ב

מִצְוַת הָעֹמֶר לְבוֹא מִן־הַקְּרוֹב.
 לֹא בֵּיבֶר הַקְּרוֹב לִירוּשָׁלַיִם,
 מֵבִיאִים אוֹתוֹ מִכָּל מְקוֹם. מַעֲשֵׂה
 שֶׁבָּא מִמְּנוֹת צְרִיפִין, וְשָׂחֵי הַלְּחָם,
 מִבְּקַעַת עֵין סוֹכֶר.

1 Literally *Roof of Cottages*; or גִּת צְרִיפִין, *Gannoth Tserifin* (literally *Roof Gardens*). Some identify it with *Sarafand* near *Lydda*. 2 *Leviticus* 23, 17. 3 Literally *Fountain of Socher*, identified by some as *Askar* (one mile east of *Nablus*). Marauding, roving bands of soldiers had destroyed the crops over a wide area around Jerusalem. Compare סוֹטָה 49b.

Mishnah 3

How did they make [the *omer*] ready? The messengers of the Court used to go out [into the field] on the eve of the Festival [of Passover] and tie up [the upper part of the corn by handfuls] in bunches while it was still connected with the soil in order that it should be easier to reap;¹ and [the people of] the towns close by² assembled there [in the evening at the end of the first day of Passover] that it should be reaped with great ceremonial display.³ When it grew dark [the appointed reaper] called out to them [—the by-

מִשְׁנָה ג

כִּיצַד הָיוּ עוֹשִׂים? שְׁלוּחֵי בֵּית דִּין
 יוֹצְאִים מֵעֶרֶב יוֹם טוֹב, וְעוֹשִׂין אוֹתוֹ
 כְּרִיכוֹת בְּמַחוּפֶּר לְקַרְקַע, כְּדִי
 שִׁיְהֶא יְנוּחַ לְקַצוֹר; וְכָל הָעֵיִירוֹת
 הַסְּמוּכוֹת לְשֵׁם מְתַכְנְסוֹת לְשֵׁם,
 כְּדִי שִׁיְהֶא נִקְצֵר בְּעֶסֶק גְּדוֹל. כִּיִּין
 שְׁחֻשְׁכָּה אוֹמֵר לָהֶם, בָּא הַשֶּׁמֶשׁ?
 אוֹמְרִים, הֵיִן. בָּא הַשֶּׁמֶשׁ?
 אוֹמְרִים, הֵיִן. מָגַל זֶה? אוֹמְרִים,

[that it must be] *parched with fire*.¹ This is the opinion of R. Meir.² But the Sages³ say, They used to thresh it with reeds and stalks of plants⁴ that the grains should not be crushed, [and] they then put [the grains] into a [copper] tube,⁵ and the tube was perforated so that the fire should prevail throughout all [the grains]. They spread it out in the [Temple] Court and let the wind blow over it. They put it into a *grist-mill*⁶ and removed from it a *tenth*⁷ [of an *ephah*] which was sifted through thirteen fine sieves. (And) the residue* was redeemed and could be eaten by anyone;⁸ and it was liable to the *priest's share of the dough*⁹ but exempt from *tithes*.¹⁰ R. Akiba¹¹ declares it liable both to the *priest's share of the dough* and to *tithes*. [The priest] came to the *tenth*, (and) put [some of the *log*] of oil¹² into a vessel [and added] the frankincense therefor, [he then poured in the flour and] poured in the oil, (and) mingled [it], waved¹³ [it], and brought [it] near¹⁴ [to the south-west corner of the *Altar*], (and) took [therefrom] the *handful* and offered [it] up, and the rest* was consumed by the priests.

רבי מאיר. יוחכמים אומרים, בקנים יובקליחות חובטים אותו כדי שלא יתמעך, נתנוהו לאבוב ואבוב היה מנוקב, כדי שיהא האור שולט בכלו. שטחוהו בעזרה והרוח מנשבת בו. נתנוהו בברזיים של גרוסות, והוציאו ממנו עשרון, שהוא מנופה משלש עשרה נפה. ויהשאר נפדה, ונאכל לכל אדם; ותייב בנקה, ופטור מן המעשרות. רבי עקיבא מחייב בנקה ובמעשרות. בא לו לעשרון, ונתן ששמו ולבנתו. יצק ובלל, והניף והניש, וקמץ והקטיר ויהשאר נאכל לכהנים.

1 See *Leviticus* 2, 14. 2 His view is rejected. 3 Their opinion is accepted. 4 Instead of using flails. 5 See פלים 23. 6 So that the flour came out coarse (otherwise the chaff would also come out if the flour was fine). 7 See ורעים, Page 18f. 8 The remainder of the flour was sold and thus became non-holy, and the money became sanctified and was delivered to the Temple treasurer. 9 See *Appendix, Note 3*; חלה, INTRODUCTION, 13; *Numbers* 15, 18 et seq. 10 See *Appendix, Note 1*. Or ובמעשרות, המעשרות. 11 His opinion is rejected. 12 Compare 53. 13 Compare 56. 14 Compare 55. *See 84, Note *.

Mishnah 5

משנה ה

When the *amer* had been offered they used to go forth and find the market of Jerusalem full of flour and parched

משקרב העומר יוצאין ומוצאין שוק ירושלים, שהוא מלא קמח וקלי,

the new produce] within the *Temple*. None might offer *meal-offerings* or *first-fruits*² or a *meal-offering* appertaining to a beast before the *omer* [was offered], and if one did so offer it was invalid. [None could offer these] before the *two loaves*, but if one did offer such it is valid.

לְעֹמֶר, וְאִם הֵבִיא פָּסוּלִי. קֹדֶם לְשֵׁמֵי הַלֶּחֶם, לֹא יָבִיא, וְאִם הֵבִיא כָּשֶׁר.

1 That were offered on the Feast of Weeks. *Leviticus* 23, 17. 2 See בְּפִרְיִים 13.

Mishnah 7

Wheat,¹ (and) barley, (and) spelt, (and) oats and rye are liable to the *priest's share of the dough*,² and they may be included together³ [to make up the quantity of dough to become subject to the law of the *priest's share of the dough*]; and they are prohibited as new produce before *Passover*, and [they must not] be reaped before the *omer*. If they had taken root before the *omer* [was cut], the *omer* renders them permitted [after *Passover*], but otherwise⁴ they are prohibited until the following *omer*⁵ is offered.

מִשְׁנֵה ז'
הַחֲטִיִּם וְהַשְּׂעוּרִים וְהַכּוֹסְמִין
וְשִׁבּוֹלֹת שׁוּעַל וְהַשְּׁפוֹן תִּיבִין
בְּחֻלָּה יִמְצָטְרְפִים זֶה עִם זֶה;
וְאִסּוּרִים בְּחֻדֶּשׁ מִלְּפָנֵי הַפֶּסַח,
וּמִלְּקַצֹּר מִלְּפָנֵי הָעֹמֶר. וְאִם
הִשְׁרִישׁוּ קֹדֶם לְעֹמֶר, הָעֹמֶר
מִתִּירָן, וְאִם לֹא אִסּוּרִים עַד
שִׁיבּוֹא הָעֹמֶר הַבָּא.

1 See וְרֵעִים, SUPPLEMENT (FLORA). 2 וְשֵׁים, SUPPLEMENT (FLORA). 3 See *Appendix, Note 3*; חֻלָּה, INTRODUCTION; compare פֶּסַחִים 25. 4 See חֻלָּה 42. See ADDENDA. 5 Or לו? popular pronunciation. 6 i.e., the *omer* of the next year.

Mishnah 8

They may reap [the crops before the cutting of the *omer*] in irrigated fields in the valleys,¹ but they may not stack it [before the conclusion of *Passover*]. The men of Jericho used to reap it by consent of the Sages; but they stacked it against the con-

מִשְׁנֵה ח'
קוֹצְרִים בֵּית הַשְּׁלָחִים שְׂבַעֲמָקִים,
אֲבָל לֹא גוֹדְשִׁין. אֲנָשֵׁי יְרִיחוֹ
קוֹצְרִין בְּרִצּוֹן חֲכָמִים; וְגוֹדְשִׁין
שְׂלֵא בְּרִצּוֹן חֲכָמִים, וְלֹא מִיחוֹ

happen that seedlings of כְּלָאִים, *forbidden junction* (see כְּלָאִים, INTRODUCTION), have grown among the corn and they must be cleared out. 2 See מְנִלָּה 4³, פְּתוּבוֹת 2¹⁰, בְּחָרָא 67. The corn may be cut away to form a clear space for an assembly for condolence for a mourner and for the funeral meal after a burial. 3 Which happens to be crowded with disciples. Popular pronunciation, מְדַרְשׁ. 4 כְּרִיכָה, *bunch, bundle, small sheaf* [in contradistinction to אֶלְפָּה, *large sheaf*]. 5 Compare לֶחֶם וְיֵבֶשׁ 23, דְּמָאֵי, *either fresh or dried*.

CHAPTER 11

פֶּרֶק י"א

Mishnah 1

מִשְׁנָה א

The *two loaves*¹ were kneaded separately and were baked separately. The *shewbread*² was kneaded one [loaf] at a time and was baked in pairs. (And) they were made [each loaf separately] in a mould;* and when they were removed³ from the oven they were replaced [each] in a [separate] mould* so that they suffered no hurt.⁴

יִשְׁתִּי הַלֶּחֶם, נִילוּשׁוֹת אַחַת אַחַת, וְנֵאֲפוֹת אַחַת אַחַת. לֶחֶם הַפָּנִים, נִילוּשׁ אֶחָד אֶחָד, וְנֵאֲפָה שְׁנַיִם שְׁנַיִם. וְכִשְׁהוּא יוֹבֵטְפוּס הָיָה עוֹשֶׂה אוֹתָן; וְכִשְׁהוּא רִדָן נוֹתֵן בְּטַפּוּס, כְּדִי שְׁלֹא יִתְקַלְקְלוּ.

1 Offered on Pentecost. *Leviticus 23, 17.* 2 *Leviticus 24, 5.* 3 רִדָן in the גְּמָרָא. 4 Actually the dough for each loaf was made in one mould, then shaped in a second mould for baking, and finally placed in a third mould to keep whole. טַפּוּס—popular pronunciation טַפּוּס.

Mishnah 2

מִשְׁנָה ב

In the case of the *two loaves*¹ and the *shewbread*,¹ they were kneaded and rolled outside [the *Temple Court*] but were baked inside, but the baking of them did not override the Sabbath [law]. R. Judah² says, All their processes [—kneading, rolling and baking—] were [performed] within [the *Temple Court*]. R. Simon³ says, It used always to be said that the *two loaves* and the *shewbread* were valid [if made] in the [*Temple Court*], and they were valid [if prepared] in *Beth Pag*.⁴

אֶחָד יִשְׁתִּי הַלֶּחֶם, וְאֶחָד יִלְחֶם הַפָּנִים, לִישְׁתָן וְעָרִיכְתָן בְּחוּץ, וְנֵאֲפִיתָן בְּפָנִים, וְאֵינָן דוֹחוֹת אֶת־הַשַּׁבָּת. רַבִּי יְהוּדָה אוֹמֵר, כָּל־מַעֲשֵׂיהֶם בְּפָנִים. רַבִּי שִׁמְעוֹן אוֹמֵר, לְעוֹלָם הָיָה רְגִיל לִזְמַר שְׁתֵּי הַלֶּחֶם וְלֶחֶם הַפָּנִים כְּשֵׁרוֹת בְּעוֹזְרָה, וְכְשֵׁרוֹת יְבֵבִית פְּאֵנִי.

err [here is a mnemonic] *Za-DaD Ya-HaiZ*.⁸ Ben Zoma says, *And⁹ thou shalt set upon the table shewbread before Me alway: it shall have walls and horns.*¹⁰

1 Compare 112. 2 Or *יש ביהן*. 3 *כיצד* is omitted in the *גמרא*. 4 Offered at Pentecost. *Leviticus* 23, 17. 5 See *ירעים*, Page 18f. 6 A small piece of dough was put on each of the four corners, after the manner of the four horns on the *Altar*. 7 See *Leviticus* 24, 5. 8 The numerical values of the Hebrew letters, *viz.*, *י* = 7 (for 7 handbreadths), *ד* = 4 (for 4 fingerbreadths), *ז* = 4 (for 4 fingerbreadths), *ש* = 10 (for 10 handbreadths), *ה* = 5 (for 5 handbreadths), *י* = 7 (for 7 fingerbreadths). R. Judah composed a number of mnemonics, *e.g.*, *דצ"ף עד"ש באח"ב* (in the *הגדה של פסח*). 9 See *Exodus* 25, 30. 10 Some render this: *it shall have its faces visible*. *Or *כלי*.

Mishnah 5

The *Table* was ten [*handbreadths*] in length and five [*handbreadths*] in breadth. The [loaves of] the *shewbread* were [each] ten [*handbreadths*] long and five [*handbreadths*] wide;¹ [each loaf] was placed lengthways across the width of the *Table*, and two and a half [*handbreadths*] were folded [upward] at each end² so that its length filled the whole width of the *Table*. This is the view of R. Judah. R. Meir³ says, The *Table* was twelve [*handbreadths*] long and six [*handbreadths*] broad, and [the loaves of] the *shewbread* were [each] ten [*handbreadths*] in length and five [*handbreadths*] in width; [each loaf] was set lengthwise along the breadth of the *Table* and two [*handbreadths*] were doubled upward at either end, and a space of two [*handbreadths* was left] in the midst⁴ in order that the wind could blow between them.⁵ Abba Saul⁶ says, They used to put there⁷ two dishes⁸ of frankincense

משנה ה

השֵׁלֶחֶן, אֲרֹכּוֹ עֶשְׂרֵה, וְרָחְבוֹ חֲמֵשֶׁה. לֶחֶם הַפָּנִים, אֲרֹכּוֹ עֶשְׂרֵה, וְרָחְבוֹ חֲמֵשֶׁה. נוֹתֵן אֲרֹכּוֹ כְּנֶגֶד רָחְבוֹ שֶׁל שֵׁלֶחֶן, וְכּוֹפֵל טַפְחִיִּים וּמְחַצֵּה מִכָּאן, וְטַפְחִיִּים וּמְחַצֵּה מִכָּאן, וּמַצֵּא אֲרֹכּוֹ מִמְּלֵא כָּל-רָחְבוֹ שֶׁל שֵׁלֶחֶן. דְּבַר רִבִּי יְהוֹנָדָה. רִבִּי מְאִיר אוֹמֵר, הַשֵּׁלֶחֶן אֲרֹכּוֹ שְׁנַיִם עָשָׂר וְרָחְבוֹ שֵׁשֶׁה, לֶחֶם הַפָּנִים, אֲרֹכּוֹ עֶשְׂרֵה וְרָחְבוֹ חֲמֵשֶׁה. נוֹתֵן אֲרֹכּוֹ כְּנֶגֶד רָחְבוֹ שֶׁל שֵׁלֶחֶן, וְכּוֹפֵל טַפְחִיִּים מִכָּאן, וְטַפְחִיִּים מִכָּאן, וְטַפְחִיִּים רְיוּחַ בְּאַמְצָע, כְּדִי שֶׁתְּהֵא הַרְיוּחַ מְנוּשְׁבֶת בְּיַגִּיחָן. אֲבָא שְׂאוּל אוֹמֵר, יֵשׁם הָיוּ נוֹתְנִים

level of the *Table* top for fixing the reed projections to support the loaves. 3 The first loaf in each row or set rested on the *Table*; the second on three half-reeds, the third on three half-reeds, the fourth on three half-reeds, the fifth on three half-reeds, and the sixth on two half-reeds. 4 Or ordering, setting up. 5 On the morrow of the Sabbath the old loaves were removed and the new set out, but the supporting reeds were replaced only at the conclusion of the Sabbath. 6 Literally *House*. But there was one exception, viz., the *Ark* was placed with its length parallel with the width of the *Temple* (i.e., north to south). *Perhaps לַסֶּדֶר [definite form].

Mishnah 7

There were two tables in the *Porch*¹ at the entrance of the *House*,² one of marble and the other of gold. On [the table] of marble they placed the *shewbread* when it was brought in, and on [the table] of gold [they laid the *shewbread*] when it was brought out [from the golden table in the *Sanctuary*], since what is holy must be promoted³ [in its status of sanctity] and not degraded. And within [the *Sanctuary*] was a table of gold whereon the *shewbread* lay continually. Four priests entered [the *Sanctuary*], two [carrying] in their hands the two sets [of the *shewbread*]⁴ and two [bearing] the two dishes [of the frankincense];⁵ and four [priests] preceded them, two to remove the two rows [of the *shewbread*],⁶ and two to remove the two dishes [of the frankincense].⁷ [The priests] that brought them [into the *Sanctuary*] stood at the north side with their faces to the south, and [the priests] that carried them away stood at the south side with their faces to the north. These [latter] drew away [the old loaves] and those [—the former—] set down [the new loaves, and one *handbreadth*

מִשְׁנֵה ז
שְׁנֵי שׁוּלְחָנוֹת הָיוּ בְּאוֹלָם מִבְּפָנִים,
עַל יַפְתַּח הַבַּיִת, אֶחָד שֶׁל שֵׁשׁ וְאֶחָד
שֶׁל זָהָב. עַל שֶׁל שְׁשֵׁשׁ נוֹתְנִים לַחֵם
הַפָּנִים בְּכַוְנָתוֹ, וְעַל שֶׁל זָהָב
בִּיצִיאָתוֹ, יִשְׁמַעְלֵן בְּקִדְשׁ וְלֹא
מוֹרִיד. וְאֶחָד שֶׁל זָהָב מִבְּפָנִים,
שֶׁעָלָיו לַחֵם הַפָּנִים תָּמִיד. אַרְבָּעָה
כֹּהֲנִים נִכְנְסִין, שְׁנַיִם בְּיָדָם שְׁנֵי
יִסְדָּרִים, וְשְׁנַיִם בְּיָדָם שְׁנֵי יְבוּיָכִין;
זֶאֱרָבֶעָה מְקַדְּמִין לַפְּנֵיהֶם, שְׁנַיִם
לִיטוֹל שְׁנֵי יִסְדָּרִים, וְשְׁנַיִם לִיטוֹל
שְׁנֵי יְבוּיָכִים. הַמְּכַנְּסִים עוֹמְדִים
בְּצַפּוֹן, וּפְנֵיהֶם לְדָרוֹם. הַמוֹצִיאִין
עוֹמְדִים בְּדָרוֹם וּפְנֵיהֶם לְצַפּוֹן, אֵלּוּ
מוֹשְׁכִין וְאֵלּוּ מַנְּחִין, וְטַפְחוֹ שֶׁל זָהָב
כְּנֶגֶד יִסְטָחוֹ שֶׁל זָהָב, יִשְׁנֹאֲמֵר, לְפָנַי
תָּמִיד. רַבִּי יוֹסִי אוֹמֵר, אֶפִּילוּ אֵלּוּ
נוֹטְלִין וְאֵלּוּ יִמְנִיחִין אַף זֶה הָיְתָה

they placed in order the [*shew*]bread and the dishes [of the frankincense on the *Table*] on the Sabbath, and burned the dishes [of frankincense] after the Sabbath, it is invalid, but none becomes thereby liable through [transgression of the laws of] *rejection*, (or) *remainder*, or *uncleanness*. If they arranged the [*shew*]bread and the dishes [of frankincense on the *Table*] after the Sabbath [—on a weekday —], and burned [the dishes of frankincense] on the [succeeding] Sabbath, it is invalid.⁴ What should one do? They should leave it until the coming Sabbath, for even if it [remain] on the *Table* many days, it matters naught.⁵

הַבְּזִיכִין בַּשֶּׁבֶת וְהַקְטִיר אֶת-
הַבְּזִיכִין לְאַחַר שֶׁבֶת פָּסוּל, וְאִין
חִיבִין עֲלֵיהֶן מְשֹׁם פְּגוּל וְנוֹתֵר
וְטָמֵא. סֵדֵר אֶת-הַלֶּחֶם וְאֶת-
הַבְּזִיכִין לְאַחַר שֶׁבֶת, וְהַקְטִיר אֶת-
הַבְּזִיכִין בַּשֶּׁבֶת, יְפָסוּל. כִּי־צִד
יַעֲשֶׂה? וַיִּחַנֶּה לְשֶׁבֶת הַבָּאָה,
שֶׁאִפִּילוּ הִיא עַל הַשְּׁלֵחַן יָמִים רַבִּים
אִין בְּכֶךָ יְכַלּוּם.

- 1 And the rule was to place the dishes immediately when the loaves were set out.
2 Thus the dishes had not been there the full seven days required. 3 See **יְבָחִים** 34; *Appendix, Note 18*. If one purposed, when burning the frankincense, to eat of the loaves after the Sabbath, these are not *rejection*, for the frankincense is invalid also without coming under the category of *rejection*; if a piece of a loaf remained over the next Sabbath also, it does not come under the category of *remainder* since it is invalid without the invalidity of *remainder* also; and if an unclean person ate of the loaves he is not liable to **כְּרִית**, *extirpation* (see *Appendix, Note 2*) because the loaves are invalid. 4 **פָּסוּל**, *invalid*, is omitted in the **נִמְרָא**. 5 The loaves do not become invalid since the *Table* does not render them consecrated until the arrival of the Sabbath, and thus they can stay till the following Sabbath.

Mishnah 9

The two loaves¹ were eaten not earlier² than the second [day after baking] and not later than the third [day]. How so? If they were baked on the eve of the Festival [of Weeks] and eaten on the Festival-day, [that would be] the second [day]; [and] if the day of the Festival happen to fall on the day after the Sabbath, they are consumed on [that] third

מִשְׁנֵה ט
יִשְׁתִּי הַלֶּחֶם נֹאכְלוֹת אִין יְפָחוֹת
מִשְׁנֵים, וְלֹא יִתֵּר עַל שְׁלֹשָׁה. כִּי־צִד?
נֹאפוֹת מִעֲרַב יוֹם טוֹב וְנֹאכְלוֹת
בְּיוֹם טוֹב, לְשָׁנִים; הֵל יוֹם טוֹב
לְהִיזֹת אַחַר הַשֶּׁבֶת נֹאכְלוֹת
לְשֹׁלְשָׁה. לֶחֶם הַפָּנִים נֹאכֵל אִין

wood,⁶ and the frankincense,⁷ and the vessels of ministry⁸ may not be redeemed, for the law applies only to *cattle* [offerings].⁹

שָׂרֵת אֵין לָהֶם פְּדִיּוֹן, שְׁלֵא נֹאמַר
אֶלָּא בְּבִהְמָה.

1 The redemption money becomes holy and must be used to purchase the necessary meal-offering or libation, and the unclean may be used for any lay (*i.e.*, non-holy) purpose. If they have not contracted uncleanness they cannot be redeemed whether they were made holy or not in a vessel of ministry. 2 Or בְּכָלִי. 3 Or לֵהֶן. 4 And they must be burned. 5 Pigeon offerings. 6 Dedicated for the Altar. 7 For a meal-offering. 8 The נִמְרָא adds שְׁנִיטְמָא, which became unclean. 9 A beast is redeemed when it acquires a blemish, and it then loses its status of holiness. *Or בְּכָלִי.

Mishnah 2

If one said, 'I vow* [to bring a meal-offering] in a [shallow] pan',¹ but he offered [it in a deep] pot² or [if he said, 'I vow to bring a meal-offering] in a [deep] pot', but he brought [it in a shallow] pan, what he offered he has offered [and is valid], but he has [nevertheless] not fulfilled his obligation. [If he said, 'I vow to offer] this [fine flour as a meal-offering] in a [shallow] pan', but he offered [it] in a [deep] pot, or [if he said, 'I vow to offer this fine flour] in a [deep] pot', but he offered [it] in a [shallow] pan, then it is invalid.³ [If he said, 'I vow to offer a meal-offering of] two tenths⁴ [of an ephah of fine flour] in one vessel,⁵ but he offered [them] in two vessels,⁶ [or if he said, 'I vow to bring a meal-offering of two tenths] in two vessels',⁶ but he offered [them] in a single vessel, what he has offered he has offered [and it is valid], but he has not carried out his obligation. [If

מִשְׁנָה ב

הֹאמֵר, *הֲרִי עָלַי בְּמַחְבֵּת, וְהִבִּיא
בְּמַרְחֶשֶׁת, בְּמַרְחֶשֶׁת, וְהִבִּיא
בְּמַחְבֵּת, מִה־שֶּׁהִבִּיא הִבִּיא, וְיָדִי
חֹבְתוֹ לֹא יֵצֵא. זוֹ לְהִבִּיא בְּמַחְבֵּת,
וְהִבִּיא בְּמַרְחֶשֶׁת, בְּמַרְחֶשֶׁת וְהִבִּיא
בְּמַחְבֵּת, הֲרִי זוֹ פְּסוּלָה. הֲרִי עָלַי
שְׁנֵי עֶשְׂרוֹנִים לְהִבִּיא § בְּכָלִי
אֶחָד, וְהִבִּיא בְּשְׁנֵי כֵלִים, בְּשְׁנֵי
כֵלִים, וְהִבִּיא בְּכָלִי אֶחָד, מִה־
שֶׁהִבִּיא הִבִּיא, וְיָדִי חֹבְתוֹ לֹא יֵצֵא.
אֵלוֹ לְהִבִּיא בְּכָלִי אֶחָד, וְהִבִּיא
בְּשְׁנֵי כֵלִים, בְּשְׁנֵי כֵלִים, וְהִבִּיא
בְּכָלִי אֶחָד, הֲרִי אֵלוֹ פְּסוּלִין. הֲרִי
עָלַי שְׁנֵי עֶשְׂרוֹנִים לְהִבִּיא בְּכָלִי
אֶחָד, וְהִבִּיא בְּשְׁנֵי כֵלִים, אָמְרוּ לוֹ,

half, he must [just the same] offer *two* [tenths]. R. Simon³ declares him exempt [altogether from the *meal-offering*], for he does not make the *freewill-offering* after the manner of those that make *freewill-offerings* [properly].

1 This rule applies only if he did so in error (not knowing that *meal-offerings* must be from wheaten flour only) and declared that he would have vowed to offer it from wheat flour; if he stated that had he known what the law was he would not have made the pledge at all, he is exempt. 2 See *נְרָצִים*, Page 18f. 3 His view is rejected.

Mishnah 4

A man may make a *freewill-offering* of a *meal-offering* [consisting] of *sixty tenths*¹ [of an *ephah* of fine flour], and may offer [them] in one vessel.² If one said, 'I vow to offer [a *meal-offering* of] *sixty-one* [tenths]', he may offer *sixty* [tenths] in one vessel and *one* [tenth] in another vessel; for similarly the congregation, on the first Holyday day of the Festival of Tabernacles when it happens to fall on the Sabbath, brings [as a *meal-offering*] *sixty-one* [tenths];³ so it suffices for an individual that [his *meal-offering*] should be *one* [tenth] less* than that of the congregation. R. Simon said, But are not some of these [tenths] for the bullocks and some (of these) for the lambs, and these may not be mingled with one another,⁴ But up to *sixty* [tenths] they may be intermingled the one with the other [with one *log* of oil]? [The Sages] said to him, How can *sixty* [tenths] be mixed [with one *log* of oil] but not *sixty-one*? He made reply to them, It is so [with] all the measures enjoined by the Sages—

משנה ד

מתנדב אדם מנחה של ששים
יעשרון, ומביא בכלי אחד. אם
אמר, הרי עלי ששים ואחד, מביא
ששים בכלי אחד ואחד בכלי אחד;
שכן צבור מביא ביום טוב הראשון
של חג שחל להיות בשבת ששים
ואחד; ויו לי' ליחיד שיהא פחות
מן-הצבור אחד. אמר רבי שמעון,
והלא אלו לפרים ואלו לכבשים
ואינם נבללים זה עם זה, אלא
עד ששים יכולים והבלל? אמרו
לו, ששים נבללים וששים ואחד
אין נבללים? אמר להן, כל-מדות
חקמים פן, בארבעים סאה הוא
טובל, בארבעים סאה חסר
ק' טוב אינו יכול לטבול בהן. אין
מתנדבים ילוג שנים ויחמשה, אבל

1 *i.e.*, without fine flour and oil. 2 *sc.*, there must be also fine flour and wine. 3 A *handful* of which is thrown on the *Altar* fire and the rest is consumed by the priests. 4 *viz.*, there are cases when wine must be offered (thus, if one made a vow to offer fine flour and oil, he must offer wine too, though he had not mentioned wine at all), and there are cases when wine is offered as a *freewill-offering* by itself (that is, without fine flour and oil). 5 If one vowed to offer fine flour he must also bring oil, even though he had not mentioned oil, even so he may offer oil by itself as a *freewill-offering* without fine flour and wine. 6 Since wine, which must accompany a *meal-offering*, is offered separately, and if there is no wine with the *meal-offering* the *meal-offering* is nevertheless offered. 7 But the accepted ruling is that oil and wine can be offered as *freewill-offerings* by themselves. 8 Based on *Leviticus* 2, 1, *And when anyone bringeth a meal-offering . . .* 9 *i.e.*, pigeons. Or the *indefinite* יִבְעֹרן. 10 פְּרִירָה, one of a pair of doves, a single pigeon.

CHAPTER 13

פָּרֵק י"ג

Mishnah 1

מִשְׁנָה א

[If one say], 'I vow to offer [a *meal-offering* of] a *tenth* [of an *ephah* of fine flour]',¹ he must offer *one* [tenth]; [if he say], 'I vow to offer a *meal-offering* of] *tenths*', he must offer *two tenths*. [If he say], 'I explicitly stated [a definite number of *tenths*], but I do not know² what [number] I said expressly,' he must bring *sixty tenths*. [If he say], 'I vow to offer a *meal-offering*', he may offer any one³ he will [of the five kinds of *meal-offerings*⁴ ordained in the Law].

הָרִי עָלַי יַעֲשֶׂרוֹן, יָבִיא אֶחָד; עֲשָׂרוֹנִים, יָבִיא שְׁנַיִם. פִּירְשָׁתִּי, וְאִינִי יוֹדֵעַ מֵהַפִּירְשָׁתִּי, יָבִיא שְׁשִׁים עֲשָׂרוֹן. הָרִי עָלַי מִנְחָה, יָבִיא אֵיזוֹ שִׁירְצָה. רַבִּי יְהוֹנָדָה אוֹמֵר, יָבִיא מִנְחַת הַסֶּלֶת, שֶׁהִיא מִיִּזְחָדָת שֶׁבַּמְנַחֹת.

R. Judah⁵ says, He must offer one of fine flour, because that is the sense of [the plain meaning of the term] *meal-offerings*.⁶

1 And he then forgot how much he had vowed. See וְרָעִים, Page 18f. 2 *i.e.*, he had forgotten. 3 Or אֵיזוֹ [f.s.];* אֵיזוֹ [m. and f., s. and pl.]; מִנְחָה is feminine singular. 4 *viz.*, (a) of fine flour, (b) prepared in a [shallow] pan (compare 92), (c) prepared in a [deep] pot, (d) prepared as loaves (cakes) in an oven, (e) prepared as wafers in an oven. 5 His view is rejected. 6 Or the *indefinite* form שֶׁבַּמְנַחֹת. *See 33, Note 1.

Mishnah 4

משנה ד

[If one say], 'I vow to bring gold',¹ he may not give less than a *gold denar*;² [if he vow to give] silver, he must give at least a *silver denar*; [if he vow to give] copper, he must give not less than [the worth of] a *silver maah*. [If he say], 'I expressed clearly [the amount] but I know not [now] what I explicitly stated', he must continue to give until he says,² 'I had no intention of giving so much!'³

הרי עלי יזהב, לא יפחות מדינר
זהב; כסף; לא יפחות מדינר
כסף; נחשת, לא יפחות ממזעה
כסף. פירשתי, ואיני יודע מה-
פירשתי, הוא מביא עד שיאמר,
לא לכה נתכוננתי.

1 To the Temple treasury for Temple upkeep. 2 See ורע"ם, Page 18f. This is when he stated a 'gold coin'; and if he meant a 'piece of gold' he gives enough to make a *snuffer* to trim the *lamps* (this applies likewise to silver). 3 With truthful conviction.

Mishnah 5

משנה ה

[If one say], 'I vow to offer wine [for the *Altar*]', he may not bring less than three *logs*;¹ [if he vow to give] oil, he may not give less than one *log*. Rabbi² says, [He must give] three *logs*. [If he say], 'I stated exactly [what quantity I would offer] but I know not [now] what I said explicitly', he must bring [of wine or oil, as the case may be], as is offered on the day when the most is offered.³

הרי עלי יין, לא יפחות משלשה
ילוגין; שמן, לא יפחות מלוג.
רבי אומר, שלשה לוגין. פירשתי,
ואיני יודע מה-פירשתי, יביא כיום
התמרוכה.

1 See ורע"ם, Page 18f.; *Numbers* 28, 5. This is the prescribed minimum quantity. 2 His view is rejected. 3 On the first day of *סוכות* (the *Festival of Tabernacles*) when it happens to fall on the Sabbath—140 *logs* of wine and 140 *logs* of oil are brought with the *offering*.

Mishnah 6

משנה ו

[If one say], 'I vow to bring a *burnt-offering*', he must offer a lamb. R. Elazar ben Azariah says, [He may

הרי עלי עולה, יביא כבש. רבי
אלעזר בן עזריה אומר, או תור או

Mishnah 8

[If one say], 'I vow to offer an ox', he must bring one with its *libation* [and *meal-offering*] worth a *maneh*;¹ [if he vow to offer] a [male] calf, he must bring one with its *libation* [and *meal-offering*] of the value of five [*selas*]; [if he vow to offer] a ram, he must bring one and its *libation* [and *meal-offering*] of the worth of two [*selas*]; [if he vow to offer] a [he-] lamb, he must bring one with its *libation* [and *meal-offering*] costing one *sela*; [if he vow to offer] an ox worth one *maneh*, he must bring one of the value of a *maneh*, apart from its *libation* [and *meal-offering*]; [if he vow to offer] a [he-] calf valued at five [*selas*], he must bring one worth five [*selas*], apart from its *libation* [and *meal-offering*]; [if he vow to offer] a ram of the value of two [*selas*], he must bring one worth two [*selas*], apart from its *libation* [and *meal-offering*]; [if he vow to offer] a [he-] lamb worth one *sela*, he must bring one of the value of one *sela*, apart from its *libation* [and *meal-offering*]; [if he vowed to offer] an ox of the value of a *maneh*, and he brought two [oxen] together of the value of a *maneh*, he has not fulfilled his obligation, even if each were worth a *maneh* less one *denar*² [and he must fulfil his pledge as made]; [if he vowed to offer] a black [ox], and he brought a white one, or a white [ox] and he brought a black one, or a large [ox] and he brought a small one, he has not fulfilled his obligation [and he must carry out his pledge as made]; [but if he vowed to offer] a small [ox], and he brought a large one, he has fulfilled his obligation, [but] Rabbi³ says, He has not fulfilled his obligation.

משנה ח

הרי עלי שור, יביא הוא ונסכו
 יבמנה; עגל, יביא הוא ונסכו
 בקמח; איל, יביא הוא ונסכו
 בשתיים; כבש, יביא הוא ונסכו
 בסלע; שור במנה, יביא במנה
 חוץ מנסכו; עגל בקמח, יביא
 בקמח חוץ מנסכו; איל בשתיים,
 יביא בשתיים חוץ מנסכו; כבש
 בסלע, יביא בסלע חוץ מנסכו;
 שור במנה, והביא שנים במנה, לא
 יצא, אפילו זה במנה חסר דינר
 וזה במנה חסר דינר; שחור והביא
 לבן, לבן והביא שחור, גדול והביא
 קטן, לא יצא; קטן והביא גדול,
 יצא, רבי אומר, לא יצא.

1 See ורעים, Page 18f. 2 And the two together are worth more than a *maneh*.
 3 His opinion is rejected.

offer the middle one, then it is quite licit when it became unfit to exchange it for a superior beast).

Mishnah 10

[If one say], 'I vow [to offer] a burnt-offering', he must offer it in the [Jerusalem] Temple, and if he offered it in the Temple of Onias¹ he has not fulfilled his obligation. [If he say, 'I vow] that I will offer it in the Temple of Onias', he must offer it in the [Jerusalem] Temple, but if he offered it in the Temple of Onias he has fulfilled his obligation.² R. Simon³ says, This⁴ is not [deemed] a burnt-offering. [If one say], 'I will be a nazirite', he must cut off his hair and bring it [together with his offering] to the Temple [in Jerusalem],⁵ and if he offered it in the Temple of Onias he has not fulfilled his obligation. [If the nazirite say], 'I will bring the hair-offering in the Temple of Onias', he must bring it in the [Jerusalem] Temple, but if he offered it in the Temple of Onias he has fulfilled his obligation [to his vow]. R. Simon⁶ says, [In such a case] the man is not considered a nazirite. The priests that have ministered in the Temple of Onias may not serve in the Temple of Jerusalem; and all the more so is this applicable [to priests that have taken part] in idolatrous practices,⁷ for it is said,⁸

Nevertheless the priests of the high places came not up to⁹ the altar of the Eternal in Jerusalem,¹⁰ but they did eat unleavened bread among their brethren; thus they were like [the priests] that have a blemish sharing and eating [of the holy sacrifices] but not offering [sacrifices].

1 Compare מנחות 109b, where it is related that Onias IV fled to Egypt (circa 160 B.C.E.) after he had incited Shimei his elder brother the High Priest to don

משנה י

הרי עלי עולה, יקריבנה במקדש, ואם הקריבה בבית חוניו לא יצא. שאקריבנה בבית חוניו, יקריבנה במקדש, ואם הקריבה בבית חוניו יצא. רבי שמעון אומר, אין זו עולה. הריני נזיר, יגלה במקדש, ואם גלה בבית חוניו לא יצא. שאגלה בבית חוניו, יגלה במקדש, ואם גלה בבית חוניו יצא. רבי שמעון אומר, אין זה נזיר. הפהנים ששמשו בבית חוניו, לא ישמשו במקדש בירושלים; ואין צריך לומר לדבר אחר, שגאמר, אך לא יעלו כהני הבמות יעל-מוזב ה' בירושלים כי אם-אכלו מצות בתוך אחיהם; הרי הם כבבלי מומין חולקין ואוכלין אבל לא מקריבין.

ADDENDA

[Additional Notes to Tractate Menachoth]

- 51, **Note ***. A *thank-offering* was accompanied by an offering of 40 cakes—
30 *unleavened* and 10 *leavened*; *Leviticus* 7, 12, 13.
- 54, **Note 2**. When oil and frankincense are not prescribed.
- 54, **Note 6**. Placing the one with oil for **לְבֹנָה** over that containing the **מִנְחָה** of
the sinner.
- 56, **Note 11**. According to Maimonides it is to be performed on the east side only.
- 65, **Note 1**. The *rubbing* took place with the *hand*, the *beating* with the *fist* or *foot*.
- 73, **Note 1**. It marked the limits of the confines of Jerusalem.
- 75, **Note 4**. The irregular *plural* 'monies' is used particularly in the sense of 'sums
of money'.
- 98, **Note 2**. Since it is the tossing (or sprinkling) of the blood which constitutes
the atonement.
- 107, **Note 3**. The amount required is one and a quarter *kabs* [see Volume I,
Page 18f.].

מסכת

חולין

TRACTATE CHULLIN

[BEING THE THIRD TRACTATE OF THE FIFTH ORDER KODASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

PHILIP BLACKMAN, F.C.S.

INTRODUCTION

חולין, **Chullin**, is the third *Tractate* or *Treatise* (מַסְסֵכָה) of the fifth *Order Kodashim* (סֵדֵר קֹדָשִׁים) of the *Mishnah* (מִשְׁנָה).

The term **חולין**, *profane* (unconsecrated, non-dedicated, non-holy) things, is the plural form of **חול** (the antonym of **קֹדֶשׁ** and **קֹדֶשׁ**) and a derivative of the *Niphal* **נָחַל**, *cease to be sacred, become חולין* [from the *Kal* **חָלַל**].

* Frequently pointed **חולין**.

The *Tractate* has **גְּמָרָא**, to it in the *Babylonian Talmud* (תַּלְמוּד בְּבֵלִי). The *Tractate* is not given in the *Jerusalem* (or *Palestinian*) *Talmud* (תַּלְמוּד יְרוּשָׁלַיִם).

The *Tractate* deals mainly with the traditional laws and regulations concerning the slaughtering of the animals whose flesh is permitted for consumption by Jews, and so it is sometimes termed **שְׁחִיטַת חוּלִין**, **Slaughtering of Non-consecrated Animals** or **Killing for Ordinary Use**; and it deals besides with the dietary laws.

The *Tractate* contains twelve Chapters whose titles are:

CHAPTER 1	הַכֹּל שׁוֹחֲטִין	פָּרָק א
CHAPTER 2	הַשׁוֹחֵט	פָּרָק ב
CHAPTER 3	אֵלוֹ טְרֵפוֹת	פָּרָק ג
CHAPTER 4	בְּהֵמָה הַמְקֻשָּׁה	פָּרָק ד
CHAPTER 5	אוֹתוֹ וְאֵחַ בְּנוֹ	פָּרָק ה
CHAPTER 6	כֶּסֶף הַדָּם	פָּרָק ו
CHAPTER 7	יַד הַנֶּשֶׁה	פָּרָק ז
CHAPTER 8	כָּל-הַבָּשָׂר	פָּרָק ח
CHAPTER 9	הַעוֹר וְהַרוֹטֵב	פָּרָק ט
CHAPTER 10	הַנְּרוֹצַע וְהַלְתֵּימִים	פָּרָק י
CHAPTER 11	רֵאשִׁית הַבֵּן	פָּרָק יא
CHAPTER 12	שִׁלְיֵי הַבֵּן	פָּרָק יב

מסכת

חולין

TRACTATE

CHULLIN

CHAPTER 1

פֶּרֶק א

Mishnah 1

מלשנה א

All persons¹ may slaughter and their slaughtering is valid, except a deaf-mute, one that is mentally deficient, or a minor,* in case they impair what they slaughter;² but if any of these slaughter with others watching them [to testify that the slaughtering was in accordance with the prescribed ritual rules], then their slaughtering is valid. The slaughtering by a non-Jew³ is carrion⁴ and it communicates uncleanness by carrying.⁵ If one slaughtered by night⁶—and likewise also if a blind man slaughtered [at any time]—his slaughtering is valid.⁶ If a man slaughtered on the Sabbath⁷ or on the Day of Atonement, although [if he did so wantonly] he is guilty against his own soul,⁸ [and liable to the penalty of *excision*],⁹ his slaughtering is [nevertheless] valid.¹⁰

יהכל שוחטין ושחיטתן כשרה, חוץ
מחרש שוטה וקטן, שמא יקלקלו
בשחיטתן; וכולן ששחטו ואחרים
רואין אותן שחיטתן כשרה. שחיטת
עובד כוכבים יבילה, ומטמאה
במשא. השוחט בבליה, וכן
הסומא ששחט, שחיטתו כשרה.
השוחט בשבת וביום הכפורים,
אף על פי שמתחייב בנפשו,
שחיטתו כשרה.

1 If a person knows the rules of שחיטה, even though he has not been tested that he can slaughter efficiently, he may be allowed to slaughter; but if it is not known that he is conversant with the rules, he should not be allowed to slaughter, but if he did slaughter then the slaughtering is valid if it is found on a test that he knows the rules. 2 שחיטתן in the גמרא. 3 Literally an idolater. 4 Even if a Jew

Mishnah 3

If one slaughter [and cut] across the [upper cartilage] ring¹ [of the windpipe] and left [thereof but a circular section as thin as] a thread's width of the whole [of the circumference] of it, the slaughtering is valid. R. Jose² ben R. Judah says,

[It is also valid if he cut through more than half of the top cartilage and left only] a thread's breadth of the major part of its periphery.

1 At the head. 2 His view is accepted. Since the cut was still within the area prescribed. בְּרַבִּי, see יִטָּן 47, בָּבָא מְצִיעָא 73, אָבוֹת 420, אֶהְלוֹת 35.

Mishnah 4

If one slaughter [by cutting] at the side [of the throat], his slaughtering is valid; if [the priest] nip off¹ [with his finger nail the head of a bird] from the side,² his act of nipping off is invalid. If one slaughter [by cutting] at the back of the neck, [and then cut the gullet and the windpipe], his slaughtering is invalid; but if [the priest] nip off [with his finger nail the head of a bird] from the rear of the neck, his act of nipping off is valid. If one slaughter [at the front] from [below] the throat, his slaughtering is valid; but if [the priest] nip off [with his finger nail the head of a bird at the front] from [below] the throat, his act of nipping off is invalid; for the entire back of the neck³ of a bird

is valid for nipping off, and the whole [region around] the throat [of a beast, at the front] is valid for slaughtering. Thus we find that what is valid in slaughtering [a beast] is invalid in nipping off [with the finger nail the head of a bird], and what is valid in nipping off is invalid in slaughtering.

משנה ג

השוחט מתוך הטבעת, ושיר בה
מלא החוט על פני כולה, שחיטתו
כשרה. רבי יוסי ברבי יהודה
אומר, מלא החוט על פני רובה.

משנה ד

השוחט מן הצדדין, שחיטתו
כשרה; יהמולק מן הצדדין,
מליקתו פסולה. השוחט מן
העורף, שחיטתו פסולה; המולק
מן העורף, מליקתו כשרה.
השוחט מן הצואר, שחיטתו כשרה;
המולק מן הצואר, מליקתו
פסולה; שכל העורף כשר
למליקה, וכל הצואר כשר
לשחיטה. ומצא כשר בשחיטה
פסול במליקה, כשר במליקה
פסול בשחיטה.

exempt [from separating *tithe*] from sweet ones, and when he is liable [to separate *tithe*] from sweet ones he is exempt [from having to separate *tithe*] from bitter ones.⁹

1 *Numbers* 19, 1 *et seq.* See ADDENDA.* 2 *Deuteronomy* 21, 1 *et seq.* See ADDENDA.* 3 Age does not disqualify a priest, but a Levite may not officiate at service after the age of fifty. *Numbers* 4, 23, 8, 24. 4 A blemish disqualifies a priest for service but does not render a Levite unfit for service. *Leviticus* 21, 16 *et seq.* 5 Or הָרֵס. An earthenware vessel does not contract uncleanness if its exterior comes in contact with aught unclean, but becomes unclean if an uncleanness is inside even if not in contact with the interior wall. כְּלִים 11. 6 In non-earthenware vessels an unclean source does convey uncleanness on contact outside but not so inside if not in contact with the vessel wall. 7 A wooden vessel that contains a cavity, even if it is not a completely finished article, can contract uncleanness; but a metal utensil, even if it has a cavity, cannot acquire uncleanness before it is completely finished. כְּלִים 151. 8 Literally *almonds that are bitter* because of the definite form הַמְרִים. 9 See *Appendix, Note 1*. When bitter almonds become large they are not eaten and so *tithe* is not separated from them, but when they are small and still edible they must be *tithed*. Sweet almonds are eatable when they grow large and must be *tithed*, but in their small state they are bitter and not eaten and *tithe* is not set apart from them. *Page 236.

Mishnah 7

Grape-skin wine,¹ before it has fermented, must not be purchased with [second] *tithe* money, and it renders the ritual immersion bath invalid;² [but] if it have fermented, it may be bought with [second] *tithe* money and it does not invalidate the ritual immersion bath.³ (The) brothers that are joint-holders [in an inheritance], if liable to agio,⁴ are exempt from *tithe of* cattle*; [and] if they are liable to the *tithe of cattle*,⁵ they are exempt from agio. Wheresoever there exists right of sale no fine is incurred,⁶ and wheresoever a fine is incurred no right of sale exists. Wherever there is a right of *rejection*⁷ there is no right

משנה ז

התָּמֵד, עַד שֶׁלֹּא הִתְחַמֵּץ, אֵינּוּ נִיבָח בְּכֶסֶף מַעֲשֵׂר, וּפּוֹסֵל אֶת-הַמְּקוֹה; מִשְׁהִתְחַמֵּץ, נִיבָח בְּכֶסֶף מַעֲשֵׂר, וְאֵינּוּ פּוֹסֵל אֶת-הַמְּקוֹה. הָאֲחֵין הַשּׁוֹתְפִין, כְּשֶׁחֵיבִין בְּקֶלְבּוֹן, פְּטוּרִין מִמַּעֲשֵׂר בְּהֵמָה; כְּשֶׁחֵיבִין בְּמַעֲשֵׂר בְּהֵמָה, פְּטוּרִים מִן-הַקֶּלְבּוֹן. כָּל-מְקוֹם שֶׁיֵּשׁ מִכָּר אֵין קֶנֶס, וְכָל מְקוֹם שֶׁיֵּשׁ-קֶנֶס אֵין מִכָּר. כָּל-מְקוֹם שֶׁיֵּשׁ-מִיאוֹן אֵין

of Sabbaths and Holydays to admonish the people to cease work. Compare 56. The *Havdalah* is recited at the conclusion of Sabbaths and Holydays, but the *shofar* is then not sounded. 9 To warn the people to desist from such activities as are allowed on a Festival day. 10 Because the holiness of the Festival is extended into the superior holiness of the Sabbath. 11 Since no work has been done on the Sabbath. 12 When the conclusion of the Sabbath precedes the Festival day. 13 But see any **סדור** (Daily Prayer Book) for the full usual *Havdalah Benediction* recited on such an occasion. 14 His opinion is rejected. ***מעשר**, *absolute; construct*, **מעשר**, also **מעשר**, **מעשר**, and **מעשר**.

CHAPTER 2

פֶּרֶק ב

Mishnah 1

If one slaughter a bird by [cutting through] one¹ [of the vital organs—either the gullet or windpipe—], or a beast [by cutting through the] two [vital organs], his slaughtering is valid; and likewise, also, [if he cut through] the greater part of each [vital organ, what he slaughters is valid]. R. Judah² says, [What he slaughters is only valid if he sever the *jugular veins*³ [of a bird]. [If he sever only] half of one of [the vital organs of] a bird, or the whole of one [either the gullet or the windpipe] and half [of the other] of a beast, his slaughtering is invalid; but [if he sever] the greater part of one [vital organ] of a bird, or the greater part of the two [vital organs] of a beast his slaughtering is valid.

1 Although, actually, the requirement is that both should be cut through. 2 His view is rejected. 3 **וְרִידָן** is the plural of **וְרִיד**, the large blood vessel, the jugular vein.

Mishnah 2

If he cut through two heads as one [operation],¹ his slaughtering is valid. If two [together] hold the knife and slaughter, even if one [hold] the upper end* [—the point—] and the other [hold] the lower end [—the haft—], their slaughtering² is valid.

מִשְׁנָה ב

הַשּׁוֹחֵט שְׁנֵי רֵאשִׁין בְּאֶחָד, שְׁחִיטתוֹ כְּשֶׁרָהּ. שְׁנַיִם אוֹחֲזִין בְּסַכִּין וְשׁוֹחֲטִין, אֲפִילוֹ אֶחָד לְמַעַלָּה וְאֶחָד לְמַטָּה, שְׁחִיטתוֹ כְּשֶׁרָהּ.

1 viz., if either in the forward movement of the knife or in the backward movement the vital organs [the gullet and windpipe] were cut through more than half. Compare the preceding *Mishnah*. 2 Or *שֶׁ-בִּטְפִין*. 3 i.e., the part of the knife outside the neck is as long as the thickness of the neck. (The knife for a beast is twice as long as the breadth of a beast's neck, and the knife for a bird is twice as long as the thickness of a bird's neck.) 4 sc., the length of the knife is as the thickness of three necks (of the beast or bird as the case may be). 5 Popular pronunciation *בְּמָה* and *בְּמָה*. 6 Or the *indefinite* *בְּזֶמַן*. 7 And cutting through the vital organs more than half. 8 i.e., even if the knife is slightly longer than the thickness of the neck. 9 *Deuteronomy* 12, 21, 27, 7. 10 viz., for cutting through both vital organs in a beast or one organ of a bird. 11 His opinion is not accepted. *See ADDENDA at the end of this *Tractate*.

Mishnah 4

If one severed the gullet¹ but split the windpipe,² or if he severed³ the windpipe but split the gullet, or if he cut through⁴ one of them and waited till it died, or if [after severing one vital organ—either the gullet or the windpipe—] he thrust the knife beneath the other and split it* [from below upward], R. Yeshebab says, It is carrion,⁵ [but] R. Akiba says, It is *terefah*.⁶ R. Yeshebab in the name of R. Joshua stated a general principle:⁷ whatsoever becomes invalid during its slaughtering is carrion,⁵ but whatsoever was slaughtered in the proper manner but ought else rendered it invalid it becomes *terefah*;⁶ and R. Akiba agreed with him.

מִשְׁנֵה ד

שָׁחַט אֶת-יְהוֹשֻׁט, וּפָסַק הַגְּרִגְרֹת, אוֹ שָׁחַט אֶת-הַגְּרִגְרֹת וּפָסַק אֶת-יְהוֹשֻׁט, אוֹ יִשְׁשַׁח אֶחָד מֵהֶן וְהִמָּתִין לָהּ עַד שְׁמֵתָהּ, אוֹ שֶׁחָלַיד אֶת-הַסִּבִּין תַּחַת הַשְּׂנִי וּפָסַקוּ, רַבִּי יִשְׁבָּב אוֹמֵר וְנִבְלָה, רַבִּי עֲקִיבָא אוֹמֵר טְרֵיפָה. כָּלֵל אָמַר רַבִּי יִשְׁבָּב מִשּׁוּם רַבִּי יְהוֹשֻׁעַ, כָּל-שֶׁנִּפְסְלָה בְשַׁחֲטָתָהּ וְנִבְלָה, כָּל-שֶׁשְׁחִיטָתָהּ כְּרֹאוֹי וְדָבָר אַחֵר גָּרַם לָהּ לִיפְסֹל טְרֵיפָה, וְהוֹדָה לוֹ רַבִּי עֲקִיבָא. תְּלִידָה

*A clear case of *תְּלִידָה*.

1 Popular pronunciation *וְשֵׁט*. § 2 i.e., made a tear between the rings of the windpipe. See ADDENDA. † 3 *פָּסַק* in the *נִמְרָא*. 4 *שָׁחַט* in the *נִמְרָא*. See ADDENDA. † 5 And conveys uncleanness. 6 And does not communicate uncleanness. *טְרֵיפָה*, *טְרֵיפָה* [from the verb *טָרַף*, *prey, tear*], in ritual law, (a) an animal afflicted with a (fatal) organic disease, which on discovery after slaughtering makes its flesh forbidden to be eaten by a Jew, (b) the flesh of an animal forbidden to be eaten by a Jew because of improper slaughtering. See Appendix, Note 15. 7 Popular pronunciation *כָּלֵל*. § *יְהוֹשֻׁט* in some texts. †Page 237.

draw it back, it is invalid, for this [single movement] was a sign of its having died [before having been slaughtered].¹⁰ This [qualification for validness] applies¹¹ when [a beast] was presumed to be about to die, but if it were presumed to be sound, [then the slaughtering] is valid even if one of these tokens did not appear in it.

מְסוּכָּנָה, אֲבָל אִם הֵיְתָה בְּחֻזְקָת
בְּרִיאָה, אֲפִילוּ אִין בָּהּ אֶחָד מִכָּל
הַסִּימָנִים הִלְלוּ, כְּשֶׁרָהּ.

1 *שמעון בן* is omitted in the גמרא. 2 Literally *kicks, moves convulsively*. As a proof that it was alive when being slaughtered. 3 His opinion is rejected. 4 *אין* is omitted in the גמרא. 5 And because of the bad light he was not sure if it jerked a foreleg and a hindleg. 6 Or כותלים, פתלים. 7 Literally *wags with its tail*. 8 *i.e., sheep, goat, deer*. 9 *i.e., of the bovine race*. 10 This is a natural characteristic of small young beasts. But this single movement in the case of a large beast is not a disqualification of validity. 11 Compare 2³, Note 5.

Mishnah 7

If one slaughtered for an idolater,¹ his slaughtering is valid, but R. Eliezer² declares it invalid. R. Eliezer said, Even if he slaughtered it [intending] that the idolater should consume [only] the lobe of the liver³ thereof, it is invalid, for an unexpressed⁴ thought of an idolater is directed to idolatrous practice.⁵ R. Jose⁶ said, We can draw the conclusion from the *minor to the major*, [thus], if, where an intention can invalidate a result, as with animal-offerings, it depends only on the one who carries out the acts,⁷ how much more so, where an intention does not invalidate a result, [as in the slaughtering of] non-consecrated beasts, does it all depend on one who slaughters [them].⁸

משנה ז

הַשׁוֹחֵט יְלֻעֹבֵד כּוֹכְבִים שֶׁהֵיטְחוּ
כְּשֶׁרָהּ, וְרַבִּי אֱלִיעֶזֶר פּוֹסֵל. אָמַר
רַבִּי אֱלִיעֶזֶר, אֲפִילוּ שֶׁחָטָה שִׂיאֲכַל
הַעֹבֵד כּוֹכְבִים מִחֲצַר יְכַבֵּד שְׁלָהּ
פְּסוּלָהּ, יִשְׁסָתָם מִחֲשֶׁבֶת עֹבֵד
כּוֹכְבִים יִלְעָבוּדָת גְּלוּלִים. אָמַר
רַבִּי יוֹסִי, קָל וְחֹמֶר הַדְּבָרִים,
וְיִמָּה-בְּמָקוֹם שֶׁהִמְחִשְׁבָה פּוֹסְלָת
בְּמוֹקְדָשִׁין, אִין הַפֶּל הוֹלֵךְ אַחֵר
הַעֹבֵד, מְקוֹם שֶׁאִין מִחֲשֶׁבָה פּוֹסְלָת
בְּחוּלִין, אִינוּ דִין שֶׁלֹּא יֵהָא הַפֶּל
הוֹלֵךְ אֶלָּא אַחֵר הַשׁוֹחֵט.

1 Or *heathen*, the owner of the beast. 2 His view is rejected. See ADDENDA.*
3 Or *the midriff*. See ADDENDA.* 4 Popular traditional pronunciation שְׁסָתָם.

does not reflect his image and so no accusation can be made that he slaughters in honour of his reflexion. 5 Not to soil his house. 6 Who used to carry out this method for idolatrous worship.

Mishnah 10

If one slaughter [an unconsecrated animal outside the *Temple Court*] under the name of a *burnt-offering*, or under the name of a *peace-offering*,¹ or under the name of a *suspensive guilt-offering*,² or under the name of a *Passover-offering*, or under the name of a *thank-offering*, his slaughtering is invalid. But R. Simon declares it valid. If two [together] grasp a knife and slaughter, one under the designation of [any] one of these [above-mentioned], and the other under the designation of aught permitted, their slaughtering³ is invalid. If one slaughter [a non-dedicated animal outside the *Temple Court*] under the name of a *sin-offering*, or under the name of a *sin-offering for undoubted trespass*,⁴ or in the name of a *firstling*,⁵ or in the name of *tithe of cattle*,⁶ or in the name of a *substitute-offering*,⁷ his slaughtering is valid.⁸ This is the general principle:⁹ any animal that can be vowed or offered as a *freewill-offering*, if one slaughter it under that designation, is prohibited;¹⁰ but if it be not such as can be vowed or offered as a *freewill-offering*, and one slaughters it under that designation, it is valid.

מְשֻׁנָּה י

הַשׁוֹחֵט לְשֵׁם עֹלָה, לְשֵׁם זְבִיחִים,
 לְשֵׁם אֲשָׁם תְּלוּי, לְשֵׁם פֶּסַח, לְשֵׁם
 תּוֹדָה, שְׁחִיטָתוֹ פְּסוּלָה. וְרַבִּי
 שִׁמְעוֹן מְכַשֵּׁר. שְׁנַיִם אוֹחֲזִין בְּסַכִּין
 וְשׁוֹחֲטִין, אֶחָד לְשֵׁם אֶחָד מִכָּל אֱלוֹ,
 וְאֶחָד לְשֵׁם דְּבָר כָּשֵׁר, שְׁחִיטָתוֹ
 פְּסוּלָה. הַשׁוֹחֵט לְשֵׁם חֲטָאת, לְשֵׁם
 אֲשָׁם יוֹדָאי, לְשֵׁם בְּכוֹר, לְשֵׁם
 יִמְעֶשֶׁר, לְשֵׁם תְּמוּרָה, שְׁחִיטָתוֹ
 כָּשֵׁרָה. זֶה הַכֹּלְלִי, כָּל-דְּבָר
 שֶׁנִּדְרַר וְנִדְבַב, הַשׁוֹחֵט לְשֵׁמוֹ¹⁰ אֲסוּר;
 וְשֶׁאֵינוֹ נִדְרַר וְנִדְבַב הַשׁוֹחֵט לְשֵׁמוֹ
 כָּשֵׁר.

1 Literally *sacrifice*; but especially a *festival peace-offering*. 2 Offered when in doubt of having committed a sin. *Leviticus* 5, 17, 18, 19. 3 Literally *his slaughtering*, 4 *Leviticus* 5, 25, 6, 6, 14, 12, 19, 20 *et seq.*; *Numbers* 6, 12; זְבִיחִים 5⁵. 5 *Exodus* 13, 3, 34, 20; *Numbers* 18, 15. 6 *Leviticus* 27, 32. 7 *Leviticus* 27, 10. 8 The flesh may be eaten. 9 Popular pronunciation כֹּלְלִי. 10 *i.e.*, invalid.

1 See 24, **Notes 1, 6.** Both the outer red skin and the inner white skin are pierced (or perforated). 2 Or the definite **בַּבְּהֵמָה**, in the case of cattle. 3 More than half across the *breadth*. 4 If the upper membrane joined to the bones of the skull is pierced, but not the other membrane, it is valid; but if the other is pierced, though the upper one is whole, it is invalid. 5 Literally *its*. 6 Or **הֵימָנוּ**. 7 If only one of the two thin membranes is pierced, it is valid. If both are pierced and on inflation the air escapes, it is invalid. **רִיאָה** is both *singular* and *plural* in meaning. 8 Or *defective*. **שָׁחֲרָא** [*Kal past*] or **שָׁחֲרָה** [*adjective*]. 9 His view is rejected. 10 Or, if the main lung arteries or bronchial tubes [bronchiæ] are perforated. 11 His opinion is accepted. 12 See **נְרָעִים**, Page 18f. 13 *e.g.*, ox, cow. 14 *e.g.*, calf, sheep, goat—in this case if the rent is more than half of the coating though less than a handbreadth. 15 The *stomach*—and parts of it—is rendered by **קֶבֶה** [**קִיבָה**], **מָסָס**, **מָסָס**, **מָסָס**, **אֶסְתוּמְכָא**, **הֶמְסָס**, **הֶמְסָס**, **מָסָס**. The compartments of the *stomach* of a *ruminant* (cud-chewer) are termed: (1) *rumen, paunch*, **מָסָס**, **הַבְּלִילָה**, (2) *reticulum, honeybag*, **קֶבֶת**, **רֶשֶׁת**, **הַבְּלִילָה**, (3) *manyplies, omasum, psalterium*, **מָסָס**, **הֶמְסָס**, **הֶמְסָס**, **מָסָס**, **מָרְבֵּה**, **הַקֶּמְטִים**, (4) *reed, abomasum*, **מָסָס**, **הֶמְסָס**. 16 If it had been able to stand up and walk, showing that it had suffered no disqualifying blemish, it would have been valid. 17 If it had been mauled on the belly by the wolf's claws and the part turned red. **דְּרוֹסָה**, an animal that had been attacked by a beast or bird of prey (and was saved). 18 Fowl, pigeon. 19 Large fowl, duck, goose, turkey. 20 Eagle, vulture, hawk, falcon. 21 Popular pronunciation **הַפְּלָל**. 22 *i.e.*, if another animal of the like kind, as this, had a similar blemish and could not continue alive for twelve months, it is *terefah*. *See **ADDENDA**, Page 237.

Mishnah 2

And these [conditions are deemed] valid among cattle:¹ if the wind-pipe were pierced or slit—how large may the defect be [for validness]? Rabban Simon ben Gamaliel says, [Not larger] than an Italian *issar*²—if the skull were cracked but the membrane of the brain were not pierced, if the heart were pierced but not up to the chamber thereof, if the spinal column were broken but the spinal cord was not severed, if the liver were gone but there [still] remained an olive's bulk thereof³ [in its place and another olive's bulk at the gall-bladder or bile-duct], if the

משנה ב

ואלו פשרות בבהמה, ניקבה והגרגרת או שנסדקה, עד כמה תחסר? רבן שמעון בן גמליאל אומר, עד כאסר האיטלקי, ופחתה הגלגולת ולא ניקב קרום של מוח, ניקב הלב ולא לבית חללו, ושפרה השדרה ולא ופסק החוט שלה, ניטלה הכבד ותשתיר והימנה כזית, והמסס ובית הכוסות

ermine, stoat. * 5 *i.e.*, by perforating the membrane of the brain. 6 Literally *they are*. See ADDENDA, Page 237. *See Volume VI (טהרות), SUPPLEMENT, FAUNA.

Mishnah 4

And these are [the conditions] that are [accounted] valid among birds:¹ if the windpipe were pierced or slit,² if a weasel³ wounded it on its head in a place where⁴ it does not render it *terefah*, [or] if the crop⁵ has been pierced—Rabbi⁶ says, Even if it be gone—if its inwards protruded but were not pierced, if its wings were broken, if its legs were broken, [or] if its wing-feathers were plucked. R. Judah⁷ says, If the down were lost, it is invalid.

משנה ד

ואלו כשרות יבעוף, ויקבה הנגרת או שנסדקה, הכתה חולדה על ראשה מקום שאינו עושה אותה טרפה, ויקב הנופק, רבי אומר, אפילו ניטל, יצאו בני מעיה ולא יקבו, נשתברו גפיה, נשתברו רגליה, נמרטו כנפיה, רבי יהודה אומר, אם נטלה הגוצה פסולה.

1 Or *קעף*; see the preceding *Mishnah*, Note 1. 2 If the defect is bigger than the greater part of the windpipe, it is invalid. 3 Or *stoat, ermine*. * 4 *viz.*, not against the brain. 5 Or *crop*. 6 His view is rejected. 7 His opinion is not accepted. See ADDENDA, Page 237. *See the preceding *Mishnah*.

Mishnah 5

If [the animal] were attacked with congestion of the blood, or if it were overcome by smoke, or if it were suffering from frost, or if it have eaten rose-bay,¹ or if it have consumed the excrement of fowls, or if it have drunk bad water, it is valid²; but if it have eaten poison,³ or if a snake have bitten it, though it is not prohibited as *terefah*, it is however forbidden as a danger to⁴ life.

משנה ה

אחיות הדם והמעושנות והמצוננות, ושאכלה יהרדופני ושאכלה צואת תרנגולים, או ששתתה מים הרעים, כשרה; אכלה סם המות או שהכישו נחש, מותרת משום טרפה, ואסורה משום סכנת ינפשות.

1 Or *ivy, rose-laurel, oleander*,* whose berries are harmful. 2 Because none of these affect the flesh to render it unfit for human consumption. 3 Such as may be harmless to an animal but injurious or even deadly to human beings. 4 Compare תרימות 86. *See SUPPLEMENT, FLORA.

valid]. And these are [the kind of] scales [here referred to], such as are fixed to the body, and [the kind of] fins [meant here], those by whose means it swims.⁹

- 1 Literally *possesses*. Or שישלו. 2 רגלים and כנפים are the correct plural forms here; the dual plurals רגלים and כנפים are erroneously but popularly employed here. 3 Some authorities say that these refer to the two fore-legs close to the neck. The dual plural קרסולים (not the plural קרסולים) is the correct form here. 4 Literally *the greater part thereof*. 5 His view is accepted. 6 *Leviticus 11, 22*. 7 Or the definite ויבדלים, and among the fishes. 8 Including those fishes that grow them later on, and also those that lose them when they are taken from the water. 9 But are not used for propulsion on land.

CHAPTER 4

פֶּרֶק ד

Mishnah 1

משנה א

If an animal were in hard labour,* and the embryo put forth its forefoot and [then] withdrew it [after which the dam was slaughtered], [the whole embryo] is permitted to be eaten.¹ [If the embryo] put forth its head, even though it withdrew it again, then it is accounted as having been born.² [If aught] were cut off from the embryo [while yet in the womb, and left there, and the dam was then slaughtered], [this remnant] is permitted to be eaten; [but if aught were cut off] from the milt³ or the kidneys [of the dam which was then slaughtered], it is forbidden to eat [these severed organs]. This is the general principle:⁴ aught [cut from] the body [of the dam] is prohibited, but whatsoever is not from her body [but from the embryo] is permitted. *Some prefer

בהמה המקשה לילד, והוציא העובר את-ידו והחזירו, מותר באכילה. הוציא את-ראשו אף על פי שהחזירו, הרי זה כפילוד. חותך מעובר שבמעיה, מותר באכילה; מן-הטחול ומן הכליות, אסור באכילה. זה הפלל, דבר שגופה אסור, שאינו גופה מותר.

1 The embryo need not be slaughtered for it is not deemed as a born and living creature. If the forefoot is not withdrawn that protruding part is cut away as טרפה. 2 When the dam is slaughtered, the embryo is טרפה if it is dead; but if it is alive it must be slaughtered to be קשר. 3 Or spleen. 4 Popular pronunciation הפלל.

slaughtered its mother, the flesh [of the young] is clean.¹ If he slaughtered its mother, and afterwards cut it [—the forefoot—] off, the flesh [of the young is deemed as if it had come into] contact with carrion.² This is the view of R. Meir.³ But the Sages⁴ say, [The flesh is reckoned as flesh which has suffered] contact with *terefah* that has been slaughtered,⁵ for just as we find that if [a beast] were *terefah* that the slaughtering thereof renders it clean [so that it does not cause uncleanness],⁶ so the slaughtering of the beast [that is clean] shall render clean the member [that had protruded and it should not convey uncleanness]. R. Meir replied to them, Not so! [The cases are not alike!] If the slaughtering render⁷ [the beast] clean, though it is *terefah*, and [the beast alone] is concerned, should it also render clean the limb [of the young] that is not part of its [—the dam's—] body? When do we learn, if [a beast] be *terefah*, that the slaughtering thereof renders it clean? An unclean beast⁸ is prohibited as food; [an animal⁹ that is] *terefah* is also forbidden as food; then as slaughtering does not make an unclean beast clean [it is to be inferred that] slaughtering does not render clean [what has become] *terefah* [but that it should convey uncleanness as carrion]? Not so! As thou wouldest argue of an unclean animal [if it were slaughtered it nevertheless conveys uncleanness] since it was never¹⁰ permitted to be valid [as food by ritual slaughtering],

את-אמו הבשר יטהור. שחט את-
אמו ואחר כך חתכה, הבשר מגע
גבלה. דברי רבי מאיר. ונחכמים
אומרים, מגע טרפה ישחיטה,
מה מציינו בטרפה ששחיטתה
מטהרתה, אף שחיטת בהמה
תטהר את-האבר. אמר להם רבי
מאיר, לא! אם יטיהר שחיטת
טרפה אותה, דבר שגופה, תטהר
את-האבר דבר שאינו גופה? מנין
לטרפה ששחיטתה מטהרתה?
בהמה טמאה אסורה באכילה;
אף יטרפה אסורה באכילה;
מה-בהמה טמאה אין שחיטתה
מטהרתה, אף טרפה לא תטהרנה
שחיטה? לא! אם אמרת בבהמה
טמאה שלא היתה לה¹⁰ שעת
הכושר, תאמר בטרפה שהיתה
לה¹⁰ שעת הכושר? טול לה מה-
שהבאת! הרי שגולדה טרפה מן-
הבטן מנין? לא! אם אמרת
בהמה טמאה שכן אין במינה
שחיטה, תאמר¹¹ בטרפה¹² שיש
במינה שחיטה! בן שמנה חי אין

*it and its young.*⁴ This is the opinion of R. Meir. But the Sages⁵ say, The slaughtering of its mother renders it clean.⁶ R. Simon of Shezur⁷ says, Even if [the offspring] be eight years of age and ploughed in the field, the slaughtering of its mother renders it clean.⁸ If one cut⁹ into it, and found therein a live nine-months-old [young], it requires slaughtering [if needed for food], since its mother was not slaughtered.

אָמוּ מִטְהַרְתּוֹ. רַבִּי שְׁמַעוֹן יְשׁוּרִי
 אָמַר, אֲפִילוּ בֶן שְׁמֹנֶה שָׁנִים וְחֹרֵשׁ
 בַּשָּׂדֶה, שְׁחִיטַת אָמוּ מִטְהַרְתּוֹ.
 קָרְעָה וּמָצָא כֹּה בֶן תִּשְׁעָה חִי, טָעוֹן
 שְׁחִיטָה, לְפִי שְׁלֵא נִשְׁחַטָּה אָמוּ.

1 Literally *the beast*. 2 The young does not have to be ritually slaughtered, and its flesh may be eaten. 3 To the penalty of stripes. 4 The dam and its young must not both be killed on one day. *Leviticus 22, 28* (the Scripture has אִתּוֹ and not אוֹתוֹ). Compare 51^a. 5 Their view is accepted. 6 *i.e.*, the slaughtering of the dam makes the young permissible for food without further slaughtering; but if it had been removed from the womb and it could walk, then it must be slaughtered if required for food. 7 It is identified with *Shighor* near *Kefar Anan* in *Galilee*. 8 It does not need to be slaughtered for food; but this view is rejected. 9 *viz.*, without slaughtering.

Mishnah 6

A beast whose [hind-] legs were severed below the knee is valid,¹ but if above* the knee it is invalid;² and likewise, also, [is it invalid] if the bunch of converging [thigh] sinews were removed.³ If the bone [below the knee] were broken, but the greater part of the flesh remained [and covered the fracture], the slaughtering renders it clean,⁴ but otherwise,⁵ [if most of the flesh above the broken bone be absent], slaughtering does not render it clean.⁶

מִשְׁנֵה ו
 בְּהֵמָה שֶׁנִּחְתְּכוּ רַגְלֶיהָ מִן־
 הָאֲרֻכּוּבָה וּלְמַטָּה יִכְשָׁרָהּ, מִן־
 הָאֲרֻכּוּבָה *וּלְמַעְלָה פְּסוּלָהּ; וְכֵן
 *שְׁנֵיטַל צֹמֶת הַגִּידִין. וְשִׁבְרַת הָעֵצָם,
 אִם רוֹב הַבָּשָׂר קָיָים, שְׁחִיטָתוֹ
 יִמְטַהֲרֵתוֹ, וְאִם לָאוּ אֵין שְׁחִיטָתוֹ
 מִטְהַרְתּוֹ. *Or וּלְמַעְלָה.

1 *sc.*, it is not *terefah*. See ADDENDA. § 2 *sc.*, it is *terefah*. 3 Even though the leg is whole. See ADDENDA. 4 For food. 5 Popular pronunciation לָאוּ. 6 The part from the fracture to the hoof is *terefah*. § See Page 237.

CHAPTER 5

פֶּרֶק ה

Mishnah 1

מְשֻׁנָּה א

[The law of] *it and its young*¹ applies both in the Land [of Israel] and outside the Land [of Israel], both during the existence of the *Temple* and after the existence of the *Temple*, both for non-dedicated beasts and for [animal] offerings. What is the law? If one slaughter [the same day] both it [—a dam—] and its young, non-consecrated beasts, outside [the *Temple Court*], they are both valid [for food], and he [that slaughters] the second incurs the *forty stripes*.² [If both animals be] offerings [and he slaughters them the same day] outside [the *Temple Court*], for [the slaughtering of] the first [only] does he suffer the penalty of *excision*,³ and both are invalid, and both [slaughterers] suffer [each] the *forty stripes*.⁴ If [both animals be] unconsecrated, [and both of them be slaughtered] within [the *Temple Court* on the same day], they are both invalid, and [he that slaughters] the second incurs the *forty stripes*.⁵ [If both animals be] offerings, [and they be slaughtered on the same day] within [the *Temple Court*], the first [beast] is valid [and the slaughterer] is exempt [from the *forty stripes*], but the second [slaughterer] incurs the *forty stripes*⁶ and [the offering] is invalid.

יֵאוּתוּ וְאֵת בְּנוֹ, נוֹהֵג בֵּין בְּאֶרֶץ בֵּין
בְּחוּצָה לְאֶרֶץ, בְּפָנֵי הַבַּיִת וְשֵׁלָא
בְּפָנֵי הַבַּיִת, בְּחוּלִין וּבְמוֹקְדָשִׁין.
כִּיצַד? הַשּׁוֹחֵט אוֹתוֹ וְאֵת בְּנוֹ,
חוּלִין בַּחוּץ, שְׁגִיָּהֶם כְּשֵׁרִים, וְהַשְּׂנִי
סוֹפֵג אֶת-יְהֵאֲרָבָעִים. קֹדְשִׁים
בַּחוּץ הָרֵאשׁוֹן חַיִּיב כְּרַת, וְשְׁגִיָּהֶם
פְּסוּלִים וְשְׁגִיָּהֶם סוֹפְגִים אֶת-
יְהֵאֲרָבָעִים. חוּלִין בְּפָנִים שְׁגִיָּהֶם
פְּסוּלִים, וְהַשְּׂנִי סוֹפֵג אֶת-
יְהֵאֲרָבָעִים. קֹדְשִׁים בְּפָנִים הָרֵאשׁוֹן
כְּשֵׁר וּפְטוּר, וְהַשְּׂנִי סוֹפֵג אֶת-
יְהֵאֲרָבָעִים וּפְסוּל.

1 *Leviticus 22, 28*. Compare 4⁵. 2 Because of the transgression of the *negative command*. Some render this *and [for the slaughtering of] the second beast only [whether this be the dam or the young] does he incur the forty stripes*. 3 For slaughtering outside the *Temple Court*; but he is not liable to this penalty for slaughtering the other because it was forbidden to slaughter the other on the same day in the *Temple Court* but it was nevertheless slaughtered outside it. See *Leviticus 17, 4; Appendix, Note 2*. 4 And if one slaughters both beasts he incurs two lots of forty stripes each. Some render this *and he incurs the forty stripes for each [beast]*. 5 If one slaughters the two beasts he receives the forty stripes. Some render this *and [the slaughterer] suffers the forty stripes [for having slaughtered] the second beast*. 6 If one slaughters both beasts

[and he slaughter one] inside [the Temple Court] and [the other] outside [the Temple Court], the first is invalid but he is exempt, and for the second he suffers the *forty stripes* and it is valid [to be consumed]; if [both] be offerings and [he slaughter one] within [the Temple Court] and [the second] outside [the Temple Court], the first is valid and he is exempt, but for the other he incurs the *forty stripes*¹⁰ and it is invalid.

1 Plural קדשים and קדשים. 2 Because he transgresses the negative command אֹתוֹ וְאֵת בְּנוֹ (Leviticus 22, 28). 3 Appendix, Note 2. 4 The first for the act outside the Temple Court and the other because he transgressed the negative command אֹתוֹ וְאֵת בְּנוֹ. If one slaughters both he suffers two lots of forty stripes each. Some render this 'and for the two he incurs forty stripes.' 5 The first for slaughtering the unconsecrated in the Temple Court and not in the proper time, and the other for transgressing the negative command אֹתוֹ וְאֵת בְּנוֹ. 6 The first outside the Temple Court and the second inside the Temple Court. 7 For slaughtering outside the Temple Court. 8 The first for slaughtering outside the Temple Court and the other for the improper time in which it was slaughtered. 9 The first for slaughtering outside the Temple Court, and the second for the transgression of the negative command אֹתוֹ וְאֵת בְּנוֹ. 10 For the transgression of the negative command אֹתוֹ וְאֵת בְּנוֹ.

Mishnah 3

If one slaughtered [a dam and its young on the same day, and one of them] was found to be *terefah*, or if he slaughtered [one of them] for idolatrous worship, or if he slaughtered the [red] heifer of the sin-offering¹ [with its young on the same day], or [if he slaughtered, together with its dam, on the same day], an ox that was to be stoned,² or [if he slaughtered, together with its dam on the same day], [the] heifer whose neck was to be broken,³ R. Simon⁴ declares [him] exempt [from the forty stripes] because of the law of it and its young,⁵ but the Sages⁶ declare him liable. If one slaughtered [both the dam and its young in one day, but one not in the prescribed ritual manner], and it became carrion at

משנה ג

השוחט וּנְמָצָא טְרֵפָה, השוחט לעבודת כוכבים, והשוחט יפרת חטאת וְשֹׂר הַזָּסְקָל וְעֹגֵלָה עֲרוּפָה, רבי ישמעון פוטר וְחֲכָמִים מְחַיְבִין. השוחט וְנִתְנַבְּלָה בְּדָו, וְהִנּוּחַר וְהַמְעַקֵּר פֶּטוּר מִשּׁוּם 'אוֹתוֹ וְאֵת בְּנוֹ. שְׁנַיִם שֶׁלְקָחוּ פָּרָה וּבָנָה, אִיזָה שֶׁלְקָח רֵאשׁוֹן לְשֹׁחֵט רֵאשׁוֹן; וְאִם קָדַם הַשְּׁנַיִם זָכָה. שֹׁחֵט פָּרָה וְאַחַר כֵּךְ שְׁנֵי בָנֶיהָ סוֹפְג שְׁמוֹנִים; שֹׁחֵט שְׁנֵי בָנֶיהָ וְאַחַר כֵּךְ שֹׁחֵטָה סוֹפְג אֶת-הָאֲרָבָעִים; שֹׁחֵטָה

offspring⁸ to [his] bride,¹⁵ it is necessary to give the information, for it is known that both of them slaughter [their beasts] on the same day.¹⁶

1 *Numbers* 19, 1 *et seq.* 2 *Exodus* 21, 28. After בֵּית דִּין had ordered the stoning. 3 *Deuteronomy* 21, 4. 4 His view is rejected. 5 Compare 5¹. 6 Their opinion is accepted. 7 Because one of them was not slaughtered in the required manner. 8 Literally daughter. 9 Or *Symmachos*. 10 When it was customary to make feasts and consume much flesh so that slaughtering on a big scale was carried out. 11 *i.e.*, שְׁמִינִי עֲצֵרַת, the Eighth Day of Assembly. 12 Where it was customary to eat much meat and flesh of birds and fish on that day. 13 With reference to the information by the seller to the buyer. 14 Or the indefinite form בְּזִמָּן. 15 Or לַפְלֵה, to the bride. 16 And the knowledge of the facts will prevent them transgressing the law of it and its young.

Mishnah 4

מִשְׁנֵה ד

At these four times* they may compel the butcher to slaughter against his will,¹ even if an ox were worth a thousand *denars*² and§ the purchaser possessed only one *denar*, [once the butcher has taken the money] they may oblige him to slaughter; hence, [as the buyer is a joint-holder], if [the beast] die, the buyer suffers loss.³ But on other⁴ days in the year [the law] is not so, [and] therefore, if [the animal] die, the loss falls⁵ on the vendor.

בְּאַרְבַּעָה פְּרָקִים אֵלּוּ מִשְׁחִיטִין
 אֶת-הַטֶּבַח בְּעַל כְּרַחוּ, אֲפִילוּ שׁוֹר
 שְׁוֵה אֶלֶף דִּינָרִין וְאֵין לוֹ לְלוּקָח
 אֶלָּא דִּינָר, כּוֹפִין אוֹתוֹ לְשַׁחוֹט;
 לְפִיכָךְ אִם מָת, מָת לְלוּקָח. אֲבָל
 בְּשָׂאֵר יְמוֹת הַשָּׁנָה אֵינוֹ כֵּן, לְפִיכָךְ
 אִם מָת, מָת לְמוֹכֵר.

1 Butchers often used first to collect the cost of the beasts from customers before slaughtering, and if the expenses were not covered they would not slaughter but return the money. 2 *נִרְעִים*, Page 18f. 3 Literally it dies to the buyer. † 4 *בְּשָׂאֵר* popular pronunciation. 5 † Literally it dies to the seller—who must return the money to the buyer. *See the preceding *Mishnah*. † See ADDENDA, Page 237. § See ADDENDA.

Mishnah 5

מִשְׁנֵה ה

The one day¹ stated with [the law of] it and its young means '[both] the day and the preceding night.'² This did

יּוֹם אֶחָד הָאָמּוֹר בְּאוֹתוֹ וְאֵת בְּנוֹ
 הַיּוֹם הוֹלֵךְ אַחֵר הַקְּלִיָּה. אֶת-וּ

the blood had to be covered up on the Holyday day. 6 שֶׁחֲטוּ, singular (*Kal past*) = שֶׁחַט אֹתוֹ; or שֶׁחֲטוּ, plural (*Kal past*), uniform with the following plural מִכְסֵינִי; perhaps the inflected singular participial form (*Kal*) שֶׁחֲטוּ (= שֶׁחַט אֹתוֹ), uniform with the preceding singular *Kal* participles. *See Volume VI (קַדְשִׁים), SUPPLEMENT, FAUNA.

Mishnah 2

If one slaughtered [a beast or a bird], and it was found *terefah*, or if he slaughtered [it] for idolatrous worship, or if he slaughtered aught unconsecrated inside [the Temple Court] or [animal] offerings without [the Temple Court], or [if he slaughtered] a beast of the chase or a bird condemned to be stoned,¹ R. Meir² declared [him] liable [to the law of covering the blood], but the Sages³ exempt [him]. If one slaughtered [a wild beast or a bird], and it became carrion at his hand,⁴ or if he pierced or tore out [the gullet or the windpipe],⁵ he is exempt from having to cover up [the blood].⁶

1 Compare עֲדוּיֹת 61. נִסְקָלִים refers to both. 2 His view is rejected. 3 Their opinion is accepted. 4 The slaughtering having become invalid. See ADDENDA, Page 237. 5 Compare 5³. 6 *Leviticus* 17, 13.

Mishnah 3

If a deaf-mute, or a mentally defective person, or a minor¹ slaughtered [a wild beast or a bird], and others saw them [that they were slaughtering expertly in the required ritual manner], one² [of the onlookers] must cover up [the blood];³ but if they were on their own [—none to overlook them being present—], [then according to the opinion of R. Meir⁴ the blood] is exempt from [the law of] covering up,^{5,6} and like-

מִשְׁנֵה ב

הַשּׁוֹחֵט וְנִמְצָא טְרֵפָה, וְהַשּׁוֹחֵט לְעִבּוֹדַת גִּלּוּלִים וְהַשּׁוֹחֵט חוּלִין בְּפָנִים וְקַדְשִׁים בְּחוּץ, חֵיָה וְעוֹף יִהְיֶה מְחֻיֵּב, יוֹחֲכָמִים פּוֹטְרֵין. הַשּׁוֹחֵט וְנִתְּנָבְלָה יִבְדּוּ הַגּוֹחֵר וְהַמְּעַקֵּר פֶּטוּר מִלְּכַסּוֹת.

מִשְׁנֵה ג

חֵרֵשׁ שׁוֹטֵה יִקְטֵן שֶׁשֶׁחֲטוּ וְאַחֲרִים רֹאֲיִן אֹתוֹן חֵיֵב לְכַסּוֹת; בֵּינָן לְבֵין עֲצָמָם פֶּטוּר מִלְּכַסּוֹת. וְכֵן לְעֵצֵן אֹתוֹ וְאֵת בְּנוֹ שֶׁשֶׁחֲטוּ וְאַחֲרֵיהֶם רֹאֲיִן אֹתוֹן אֲסוּר לְשַׁחֵט אַחֲרֵיהֶם; בֵּינָן לְבֵין עֲצָמָן רַבִּי מֵאִיר יִמְתִּיר לְשַׁחֵט אַחֲרֵיהֶן.

blood, it must be covered up; if it were mixed with wine, this is looked upon as though it were [an equal quantity of] water.² If it were³ intermingled with the blood of cattle or with the blood [of an animal] still alive,⁴ this is viewed as if it were water.⁵ R. Judah⁶ says, The blood [of one kind of animal or bird] does not nullify the blood [of another kind].

בֵּינָן, רוֹאֵין אוֹתוֹ כְּאֵילוֹ הוּא מִיָּם.
וְנִתְעָרַב בְּדָם הַבְּהֵמָה, אוֹ בְּדָם
יְהִיחָה, רוֹאֵין אוֹתוֹ כְּאֵילוֹ הוּא מִיָּם.
רַבִּי יְהוּדָה אוֹמֵר, אֵין דָּם מְבַטֵּל
דָּם.

1 Literally if there were therein. Or יֵשׁ-בּוֹ. 2 And it is estimated accordingly if the blood would have lost its appearance. 3 Whose blood does not have to be covered over. 4 i.e., the animal was injured in some way and lost blood. 5 sc., the blood that has not to be covered over is deemed as if it was water, and then the estimate is made. 6 His opinion is rejected.

Mishnah 6

The blood [of an animal or of a bird] that has splashed [upon a wall, and blood which remains] on the knife must be covered over [with earth].¹ R. Judah² says, When is this the case? When³ there is no other blood there but that, but if there be there⁴ other blood than that, it does not have to be covered up.

מִשְׁנָה ו'
דָּם הַנִּיחָו וְשָׁעַל הַסַּכִּין, חַיִּיב
יְלַכְסוֹת. אָמַר רַבִּי יְהוּדָה,
אֵימָתַי? בְּזִמְן שְׁאֵין שָׁם דָּם אֲלָא
הוּא; אֲבָל יֵשׁ-שָׁם דָּם שְׂלֵא הוּא,
פְּטוּר מִלְּכַסוֹת.

1 The knife must be rubbed on the earth. 2 He does not dispute but merely explains the foregoing. 3 Or the more definite form בְּזִמְן. 4 Or שָׁם.

Mishnah 7

With what may they cover up [the blood] and with what may they not cover [it] up? They may cover [it] up with fine dung, or with fine sand, with plaster,¹ or with potter's clay,² or with brick or with [clay] bung³ which have [first been finely] crushed⁴ [to render them more

מִשְׁנָה ז'
בְּמָה מְכַסִּין וּבְמָה אֵין מְכַסִּין?
מְכַסִּין בְּזֹבֵל הַדֶּק, וּבַחוּל הַדֶּק,
יְבֵסִיד, וּבַחֲרָסִית, וּבִלְבָנָה
וּבְמַגוּפָה יְשֻׁכְתָּשֵׁן; אֲבָל אֵין
מְכַסִּין לֹא בְּזֹבֵל הַנֶּסֶס, וְלֹא בַחּוּל

1 Or the tendon that shrank or the sinew of the hip. Genesis 32, 33. This is the ischiatic nerve [*nerous ischiaticus*] extending through the thigh to the ankles and serving for lifting the foot. Compare חוּלְיָן 89b. § 2 Or wild animals. 3 Genesis 32, 33. 4 A living foetus of nine months found in the dam's body. 5 His view is rejected. 6 חֶלֶב (in contradistinction to שֵׁמֶן) is the abdominal fat of cattle which is forbidden to be eaten. Some maintain that this refers only to the fat of the sinew, which, however, Jews refrain from eating. 7 His opinion that they are suspect of not removing the sinew in order to save labour and avoid loss of weight (and consequent profit) is not accepted. 8 *i.e.*, they are not to be believed when they say that they have removed [trade term 'porged'] the forbidden part of the sinew and the prohibited fat. *See 7⁴, 7⁷. §Sec ADDENDA, Page 237.

Mishnah 2

מִשְׁנָה ב

One may send to a gentile the thigh wherein is still the sinew of the thigh-vein¹ since its position is known.² One who removes the sinew of the thigh-vein must take away all of it. R. Judah³ says, [He need remove merely] enough [of the upper part] to fulfil the injunction of removal.

שׁוֹלַח אָדָם יָרֵךְ לְנֹכְרִי, יִשְׁנִיד הַנֶּשֶׁה
בְּתוֹכָהּ מִפְּנֵי שֶׁמְקוֹמוֹ יָנוּכָר.
הַנּוֹטֵל גֵּיד הַנֶּשֶׁה צָרִיךְ שֵׁיטוֹל אֶת-
כּוּלּוֹ. רַבִּי יִהוּדָה אוֹמֵר, כְּדֵי לְקַיֵּם
בּוֹ מִצְוַת נִטְיָלָה.

1 See the preceding Mishnah. 2 And a Jew buying this will remove the forbidden part. Literally *recognisable, discernible*. 3 His opinion is not accepted.

Mishnah 3

מִשְׁנָה ג

If one ate an olive's bulk of the sinew of the thigh-vein, he suffers the forty stripes. If he ate [any of] it, though¹ it was less than an olive's bulk, he is culpable [and incurs the forty stripes]. If he consumed an olive's bulk from the² [right thigh] and an olive's bulk from the² [left thigh], he receives eighty stripes. R. Judah³ says, He incurs only forty stripes.

הָאוֹכֵל מִגֵּיד הַנֶּשֶׁה כְּזֵית, סוֹפֵג
אַרְבָּעִים. אֶכְלוּ יוֹאִין בּוֹ כְּזֵית
חַיִּב. אֶכַל זֵמָה כְּזֵית וְזֵמָה כְּזֵית
סוֹפֵג שְׁמוֹנִים. רַבִּי יִהוּדָה אוֹמֵר,
אִינוֹ סוֹפֵג אֶלָּא אַרְבָּעִים.

1 Literally and there was not thereof an olive's bulk. 2 Literally this. 3 His view is rejected. See ADDENDA at the end of this Tractate.

Mishnah 6

[The law of the *sinew of the thigh vein*] is binding only in [the case of] clean [beasts] and does not apply to unclean [beasts].¹ R. Judah² says, [The law applies] to the unclean [beasts] also. R. Judah said, (And) was not the *sinew of the thigh vein* forbidden [as food from the period] of the sons of Jacob when unclean beasts were still permitted to them? [The Sages] made reply³ to him, [The law was first] enjoined on Mount Sinai, [but when it came to be inscribed in the Book of the Law in the time of Moses] it was written down [as a reference] in its place [in *Genesis* 32, 33].

1 Or the *indefinite* forms בְּטֵהוֹרָה, בְּטִמְאָה. This is self-evident since their flesh is entirely forbidden for Jewish consumption. 2 His view is rejected. 3 Their explanation is accepted as the correct one.

CHAPTER 8

Mishnah 1

No flesh may be cooked with milk¹ save the flesh of fish and locusts; and it is forbidden to serve it up together with cheese upon the table excepting the flesh of fish and locusts. If one vowed [to abstain] from flesh, he is permitted the flesh of fish and locusts. [The flesh of] a bird² may be served up on the table together with cheese, but it must not be eaten [with it]; this is the opinion of the School of Shammai, but the School of Hillel³ say, It must neither be served up [therewith] nor eaten [with it]. R. Jose said, This is one of the cases where the School of Shammai took the more lenient view

משנה ו

נוהג בטהורה ואינו נוהג בטמאה.
 רבי יהודה אומר, אף בטמאה.
 אומר רבי יהודה, והלא מבגדי יעקב
 נאסר גיד הנשה ועדיין בהמה
 טמאה מותרת להן? אאמרו לו,
 בסיני נאמר, אלא שנכתב במקומו.

פרק ח

משנה א

כל הבשר אסור לבשל בבחלב
 חוץ מבשר דגים וחסידים; ואסור
 להעלותו עם הגבינה על השולחן
 חוץ מבשר דגים וחסידים. הגודר
 מן הבשר מותר בבשר דגים
 וחסידים. העוף עולה עם הגבינה
 על השולחן, ואינו נאכל; דברי
 בית שמאי, ובית הלל אומרים,
 לא עולה ולא נאכל. אומר רבי
 יוסי, זו מקולי בית שמאי, ומחומרי

cut the udder* open [lengthways and* crossways] and express the milk therefrom;⁴ but if he have not cut it open [and cooked it by itself], he has not transgressed thereby.⁵

עָלְיוֹ הַמַּעֲלָה אֶת־הָעוֹף עִם
הַגְּבִינָה עַל הַשֶּׁלֶחָן, אִינוּ עוֹבְרִים
בְּלֹא תַעֲשֶׂה.

One should cut the heart [of a beast or bird] and drain away its blood; if he have not cut it open, he has not transgressed thereby.⁶ If one serve up [the flesh of] a bird⁷ together with (the) cheese⁸ on the [same] table, he does not transgress the *negative command*.⁹

1 Or לִשְׂבָּה. 2 But it is not prohibited—i.e., the milk is nullified—if the flesh is at least sixty times the quantity of the drop of milk. 3 Otherwise it is all—including the flesh first affected—permitted. 4 The udder may then be cooked with other flesh. 5 And it may be eaten. 6 It is cut open after boiling, and the blood is emptied out, after which it may be eaten. But if one did not cut it open after the boiling, but ate it with the blood, he is not liable to *excision* (כְּרִית) if it is the heart of a bird (since this does not contain an olive's bulk of blood), but he is culpable in the case of the heart of a beast (which contains more than an olive's bulk of blood). See *Appendix, Note 2*. 7 Literally *serve up the bird*. 8 Literally *the cheese*. 9 The prohibition against eating together milk (or milk foods) and the flesh of birds is Rabbinical and not Pentateuchal. *הַכְּתוּלִי traditional pronunciation.

Mishnah 4

The flesh of a clean beast [together] with the flesh of a clean beast—it is prohibited to cook them [together] or to derive any benefit [from them if cooked together]; the flesh of a clean beast with the milk of an unclean beast, [or] the flesh of an unclean beast with the milk of a clean beast—it is permitted to cook [them together] and it is permitted to benefit [from them if cooked together]. R. Akiba¹ says, Beasts of the chase² and birds are not [prohibited to be cooked together] by the Law, as it is said,³ three times, *Thou shalt not seethe a kid in its mother's milk*, to the exclusion⁴ of beasts of the chase and birds and unclean

משנה ד

בֶּשֶׂר בְּהֵמָה טְהוֹרָה בְּחֵלֶב בְּהֵמָה
טְהוֹרָה, אָסוּר לְבַשֵּׁל וְאָסוּר
בִּהְנֵאָה; בֶּשֶׂר בְּהֵמָה טְהוֹרָה
בְּחֵלֶב בְּהֵמָה טְמֵאָה, בֶּשֶׂר בְּהֵמָה
טְמֵאָה בְּחֵלֶב בְּהֵמָה טְהוֹרָה, מוּתָר
לְבַשֵּׁל וּמוּתָר בִּהְנֵאָה. רַבִּי יַעֲקֹבֵא
אוֹמֵר, חֵיָה וְעוֹף אֵינָם מִן־הַתּוֹרָה,
שֶׁנֶּאֱמַר, לֹא־תִבְשַׁל גְּדִי בְּחֵלֶב אִמּוֹ,
שְׁלֹשׁ פְּעָמִים, יִפְרָט לְחֵיָה וּלְעוֹף
וְלִבְהֵמָה טְמֵאָה. רַבִּי יוֹסִי הַגִּילְגִּילִי
אוֹמֵר, נֶאֱמַר, לֹא תֹאכְלוּ כָּל־

Mishnah 6

[There are cases when] greater stringency pertains to fat than to blood, and [there are cases when] greater stringency applies to blood than to fat. Greater stringency appertains to fat since fat is subject to the law of the *misappropriation of sacred property*,¹ and by reason thereof one becomes culpable through [transgressing the laws of] *rejection, remainder and uncleanness*;² but this is not so in [the case of] blood. And greater stringency applies in [the case of] blood for [the law of the prohibition of] blood³ applies to cattle, (and) beasts of the chase,⁴ and birds, whether unclean or clean, but [the law prohibiting] fat⁵ applies only to clean cattle.

משנה ו
 חומר בחלב מפרס וחומר בדם
 מפרס בחלב. חומר בחלב שהחלב
 ימועלין בו, ותיבין עליו משום
 פגול ונותר וטמא; מה שאין כן
 בדם. וחומר בדם ישתדם נוהג
 בבהמה יתיה ועוף, בין טמאים
 ובין טהורים, וחלב אינו נוהג
 אלא בבהמה טהורה בלבד.

1 *Leviticus 5, 15 et seq.* An offering for sacrilege (קרבן מעילה) must be brought.
 2 See *בבבב* 34; *Appendix, Note 18.* If use is made of the *forbidden fat* (חלב, see 7¹), an offering for sacrilege must be brought; if a wrongful intention regarding an offering (*sc.*, to eat it not at the proper time) is made, it becomes *rejection* and if one eats of its fat unintentionally he must bring three offerings (one for the fat, another for misuse of holy sacrifice, and the third for rejection); if he ate of the fat when it had become remainder (*i.e.*, it was left beyond the permitted time for offering it) he must bring a *sin-offering*; and if he ate of the fat in uncleanness he must bring a *sin-offering*.
 3 *Leviticus 7, 26 et seq.* 4 Or wild animals. 5 *Leviticus 7, 25.*

CHAPTER 9

Mishnah 1

The hide,¹ (and) the jelly,² (and) the settled spices in a meat pot,³ (and) the meat offal,⁴ (and) the bones,⁵ (and) the sinews,⁶ (and) the horns⁷ and the hooves⁷ are included together [to constitute the egg's bulk which suffices] to become susceptible* to *food-uncleanness* [and also to convey uncleanness],§ but not [to make up

פרק ט

משנה א

יהעור, יהרוטב, יהקיפה,
 יהאלל, יהעצמות, והגידין,
 והקרנים, והטלפים, מצטרפין
 לתמא טומאת אוכלין אבל לא
 טומאת נבלות. פיוצא בו, השוחט

of a person, (and) the skin² of the domestic pig—R. Jose³ says, Also the skin of a wild pig—(and) the skin of the hump of a young camel, (and) the skin of the head of a young calf, (and) the skin⁴ of the hoofs,⁵ (and) the skin of the genitals, (and) the skin of an embryo,⁶ (and) the skin that is beneath the fat-tail, and the skin of the wall-lizard,⁷ (and of) the [large] lizard,⁸ (and of) the newt,⁹ and [of] the [sand] lizard. R. Judah¹⁰ says, The lizard is deemed alike to the mole.¹¹ But when [the hides of] all of these have been worked up or have been trodden upon to be prepared they become clean, except the skin of a human being.¹² R. Jochanan¹³ ben Nuri says, The eight creeping things¹⁴ possess¹⁵ skins [that are not considered one with their flesh in what concerns uncleanness].

יֹוֹסִי אֹמֵר, אֵף עוֹר חֲזִיר הַבֵּר, וְעוֹר חֲטוּטֶרֶת שֶׁל גָּמֶל הָרֶבֶה, וְעוֹר הָרֵאשׁ שֶׁל עֵגֶל הָרֶף, יְעוֹר הַפְּרָסוֹת, וְעוֹר בֵּית הַבְּוֹשֶׁת, וְעוֹר הַשְּׁלִיל, וְעוֹר שֶׁתַּחַת הָאֵלֶיָה, וְעוֹר הָאֲנָקָה, וְהַכֶּחַ, יוֹהֶלְטָאָה, וְהַחֹמֶט. רַבִּי יְהוּדָה אֹמֵר, הֶלְטָאָה כַּחֲוִלְדָּה. וְכוֹלֵן שְׁעֵיבָדָן, אֹו שְׁהֶלֶף בָּהֶן כְּדִי עֲבוּדָה טְהוּרִין, חוּץ מֵעוֹר הָאֲדָם. רַבִּי יוֹחָנָן בֶּן נוּרִי אֹמֵר, יִשְׁמְנָה שְׂרָצִים יִלֵּשׁ לָהֶן עוֹרוֹת.

1 Because of its thinness and softness, and it is susceptible to uncleanness whether attached to the flesh or severed from it. 2 Because it is soft and tender, and edible. 3 His opinion is not accepted. The זמרא has יהודה רבי. 4 The tender skin of the last flayed joint. 5 The popular pronunciation הפרסות is not correct because פרסות is construct (and besides cannot be prefixed with the definite article ה). 6 Or a fetus [fetus]. 7 Or gecko. 8 Or chameleon. 9 Or poisonous lizard. 10 His view is not accepted. 11 Or weasel, stoat, ermine. 12 Which always conveys uncleanness. 13 His opinion is rejected. 14 Leviticus 11, 29. See שבב 141. 15 Because the skins of these reptiles are not connected with the flesh, they cannot convey uncleanness. See Volume VI (טהרות), SUPPLEMENT, FAUNA.

Mishnah 3

If one flay a beast or a wild animal, whether it is clean [and fit for food, but the flayer is unclean] or unclean [—carrion—and unfit to be consumed, but the flayer is clean], whether small or large,¹ [the skin

משנה ג

המפשיט בבהמה ובחיה, בטוהרה ובטמאה, בדקה ובגסה, לשטיח כדאי אחיה; וילחמת עד שישפשיט את ההזה; המרגיל כולו חבור

thereon two [separate pieces of flesh each of] a half-olive's bulk, they communicate uncleanness by carrying but not by touching.³ This is the opinion of R. Ishmael.⁴ R. Akiba⁵ says, Neither by contact nor by carrying [does one become unclean]. But R. Akiba admits that if there were two pieces [of carrion] of half an olive's bulk each, and one thrust a chip through [them] both and moved⁶ them, he becomes unclean. And why does R. Akiba

וַיְתִים מְטֵמָא בְּמִשְׁאָא וְלֹא בְּמִנְעָא.
 דְּבִרְי רַבִּי יִשְׁמַעְלֵא. רַבִּי עֲקִיבָא
 אֹמֵר, לֹא בְּמִנְעָא וְלֹא בְּמִשְׁאָא. וּמוֹדָה
 רַבִּי עֲקִיבָא בְּשֵׁנֵי חֲצָאֵי וַיְתִים
 שֶׁתְּחַבֵּן בְּקִיסָם יוֹהֲסִיטֵן שֶׁהוּא טֵמָא,
 וּמִפְנֵי מַת רַבִּי עֲקִיבָא מִטַּהַר בְּעוֹר?
 מִפְנֵי שֶׁהַעוֹר מִבְּטָלֵן.

declare one clean [who bears the hide with the two bits of flesh attached]? Because [each piece of flesh being only of a half-olive's bulk is therefore deemed as part of the hide itself, and] the hide nullifies them.

1 Or שֵׁשֶׁשׁ-עֲלָיו. 2 Literally *tassel, tuft*. Most commentators say it refers to the flesh; Maimonides maintains it refers to the hide. 3 Because a whole olive's bulk is being carried; when touched, half of an olive's bulk is in contact at a time, and two contacts are not included together to convey uncleanness. 4 His view is rejected. 5 His opinion is accepted. 6 Literally *swung, shook*. *Hiphil* הִסִּיט or הִסִּיטוּ [Kal סוט or טט].

Mishnah 5

If one touch a marrow-bone¹ of a corpse, or a marrow-bone of an [animal-] offering,² whether closed up or pierced,³ he becomes unclean. If one touch a marrow-bone of carrion, or a marrow-bone of a creeping thing, when it is stopped up he remains clean, but if it be hollowed out however little it communicates uncleanness on contact. Whence [do we know that one contracts uncleanness] by carrying also? The text in the Law teaches to intimate, *he that toucheth*⁴ and *he also that beareth*⁵—whatsoever comes under the principle [of uncleanness] by

מִשְׁנֵה הַ

קוֹלִית הַמֵּת וְקוֹלִית הַמּוֹקֵדִים,
 הַנּוֹנֵעַ בֵּהֶן בֵּין סְתוּמִים בֵּין נִקְוָבִים,
 טֵמָא קוֹלִית נְבִלָה וְקוֹלִית הַשָּׂרִץ
 הַנּוֹנֵעַ בֵּהֶן, סְתוּמִים טְהוּרִים,
 נִקְוָבִים כָּל-שֶׁהוּא מְטֵמָא בְּמִנְעָא.
 מִזֵּן שְׂאֵף בְּמִשְׁאָא? תִּלְמוּד לֹא
 הַנּוֹנֵעַ יוֹהֲוֵשָׂא, אֶת-שֶׁבֵּא לְכָלֵל
 מִנְעָא בָּא לְכָלֵל מִשְׁאָא, לֹא בָּא לְכָלֵל
 מִנְעָא לֹא בָּא לְכָלֵל מִשְׁאָא.

contact comes [also] within the

Simon⁷ says, They are not rendered susceptible. If the beast died [of itself], the flesh can only acquire susceptibility [to uncleanness by wetting first]; the member communicates uncleanness because it is as the *member* [severed] from the *living creature*, but it does not convey uncleanness by virtue of being a limb from carrion.⁸ This is the opinion of R. Meir. But R. Simon declares it clean.

1 Or *limb*. Literally *the member*. 2 *i.e.*, not completely severed. 3 They impart *carrion uncleanness* if wholly severed. 4 *Leviticus* 11, 34; *מִקְשֵׁירִין* 6⁴. 5 Without any other qualification. Literally *through its blood*. 6 His views in this *Mishnah* are accepted. 7 His opinions here are rejected. 8 It is accounted as having fallen off before the beast died.

Mishnah 8

If a member¹ [with its bones, flesh, and sinews or tendons], or [any] flesh, hangs loose² on a person, they are clean. If the person died, the flesh [torn away before death] is clean; the member communicates uncleanness³ by reason of being a *member from a living creature*; but it does not impart uncleanness by virtue of being a member of a dead body.³ This is the opinion of R. Meir.⁴ But R. Simon⁵ declares it clean [in both cases].

1 Or *limb*. Compare the preceding *Mishnah*. 2 But still attached. 3 Compare *עֲדוּת* 6³. 4 His view is accepted. 5 His opinion is rejected.

CHAPTER 10

Mishnah 1

The law of¹ *the shoulder and the two cheeks, and the maw* is obligatory both in the Land [of Israel] and outside the Land [of Israel], both during [the existence of] the *Temple* and

אָבֵר וְנִבְלָה. דְּבָרֵי רַבִּי מֵאִיר.
וְרַבִּי שִׁמְעוֹן מְטַהֵר.

מִשְׁנֵה ה
יְהֵאָבֵר וְהַבֶּשֶׂר יִתְמָדוּ וְלִדְלִין
בְּאָדָם, טְהוֹרִין. מֵת הָאָדָם, הַבֶּשֶׂר
טְהוֹר; הָאָבֵר מְטַמֵּא מְשוּם אָבֵר
מִן־הַחַי, וְאִיגוּ מְטַמֵּא מְשוּם אָבֵר
מִן־הַמֵּת. דְּבָרֵי רַבִּי מֵאִיר.
וְרַבִּי שִׁמְעוֹן מְטַהֵר.

פֶּרֶק י'

מִשְׁנֵה א

יְהוֹרוּעַ וְהַלְחָיִים וְהַקֶּבֶה, נוֹהֲגִין
בְּאֶרֶץ וּבְחוּץ לְאֶרֶץ, בְּפָנֵי הַבַּיִת
וְשֵׁלָא בְּפָנֵי הַבַּיִת, בְּחוּלִין אֲכָל לֹא

[none-the-less], excepting a *firstling* and *tithe* [of cattle].¹² All [animal] offerings¹³ that were consecrated before suffering a blemish, or that were consecrated after acquiring a temporary blemish, and then afterwards¹⁴ a permanent blemish developed in them and they were redeemed, they are exempt from *the law of the firstling* and [from *the law of*] *the priests' dues*, and they do not come under [the category of] unconsecrated beasts to be shorn¹⁵ or to be used for labour, and their young and their milk are prohibited after their redemption¹⁶; and one that slaughters them [before redemption] outside [the Temple Court] becomes liable [to excision]; and *the law of the substitute* is effective in their case, and if they die [of themselves before being redeemed] they must be buried¹⁷.

קָבוּעַ, וּנְפֻדוֹ, פְּטוּרִין מִן־הַבְּכֹרָה
 וּמִן־הַמִּתְּנוּת, וְאֵינָן יוֹצְאִין לַחֹלֶיִן
 לְהֵאָזוּ וּלְהַעֲבֹד, וְיִזְדָּן וְחִלְבָן
 אָסוּר לְאַחַר יְפֻדוֹן; וְהַשׁוֹחֲטִין
 בַּחוּץ חֲקִיב; וְעוֹשִׂין תְּמוּנָהּ, וְאִם
 מָתוּ יִקְבְּרוּ.¹⁷

1 This *Mishnah* is repeated in *בְּכוֹרוֹת* 22, 3. 2 Or *הַקְדָּשִׁים*. 3 Such are not at all fit for offering and must be sold, the money going to the Temple. 4 After redemption the firstling belongs to the priest. *Numbers* 18, 15-18. 5 When slaughtered after redemption, the shoulder, the two cheeks and the maw are given to the priest. Compare the preceding *Mishnah*. 6 *לֵיָאֵזוּ* in *בְּכוֹרוֹת* 22. 7 *i.e.*, to be eaten. 8 *Appendix, Note 2*. 9 Or *exchange, substitution*. *Leviticus* 7, 10. 10 *עוֹשִׂים* in *בְּכוֹרוֹת* 22. 11 *יְפֻדוּ* [*Kal*], *let them redeem*, or *יְפֻדוּ* [*Niphal*], *they shall be redeemed*. 12 *Leviticus* 27, 32. Even if the firstling suffered a blemish before birth, and the tithed beast acquired a blemish before it became tithe, they become nevertheless consecrated. 13 From here the *Mishnah* is repeated in *בְּכוֹרוֹת* 23. 14 Popular pronunciation *מִכְּפֵאן* [*מִכְּפָן*]. 15 *לֵיָאֵזוּ* in *בְּכוֹרוֹת* 23. 16 If the dam became pregnant before redemption, the issue is forbidden if born after the redemption; if the dam became pregnant after being redeemed, the offspring is permitted. 17 The carcasses must not be redeemed for feeding to dogs. *יִקְבְּרוּ* [*Kal*], *they shall bury [them]*, or *יִקְבְּרוּ* [*Niphal*], *they shall be buried*.

Mishnah 3

If a *firstling* [given by a non-priest to a priest suffered a blemish and was then sold to a non-priest] were confused among a hundred [other non-firstling beasts], though¹ a hun-

מִשְׁנָה ג
 בְּכוֹר שֶׁנִּתְעַרַב בְּמֵאָה, יְבוֹזֵמֵן שְׂמֵאָה
 שׁוֹחֲטִין אֶת־כּוֹלֵן, פּוֹטְרִין אֶת־
 כּוֹלֵן; אֶחָד שׁוֹחֲט אֶת־כּוֹלֵן

tism], he is exempt for on [the priest] that would claim [these dues] from his fellow rests the responsibility to produce evidence [to title]². What is [meant by] the *shoulder*? From the joint of the knee to the shoulder-socket of the [right] foreleg; and such, [also, is the *shoulder* enjoined] for the nazirite³; and the part [of the *peace-offering* given to the priest] corresponding thereto is the *thigh* of the hindleg. R. Judah⁴ says, The *thigh* [extends] from the joint of the knee to the calf of the hindleg. What is [meant by] the *cheek*? From the joint of the jaw to the thyroid cartilage.⁵

עד כף של יד; והוא של ג'ויר; וכנגדו ברגל שוקי רבי יהודה אומר, שוק מן-הפרק של ארכובה עד סוכך של רגלי. איזהו לחי? מן-הפרק של לחי עד פיקה של ג'רנות.

1 He does not have to give the shoulder, the two cheeks and the maw to the priest. See 10^a. 2 Compare 311; 96; 26 *et seq*; 412. See ADDENDA.* 3 Numbers 6, 19. 4 His view is rejected. 5 It is like a protruding lump on the windpipe. Compare 10^b. This includes the whole lower jaw and the tongue. *See Page 237.

CHAPTER 11

פרק יא

Mishnah 1

משנה א

[The law of] *the first of the fleece*¹ is obligatory both in the Land [of Israel] and outside the Land [of Israel], both during the existence of the *Temple* and when the *Temple* no longer exists, for undedicated beasts but not for [animal] offerings. [The law of] *the shoulder, and the two cheeks and the maw*² is more stringent than [the law of] *the first fleece*, for [the law of] *the shoulder, and the two cheeks, and the maw* applies both to herds and flocks, whether many³ or few, [or even if only one be slaughtered], but [the law of] *the first fleece* applies to sheep only, and it applies only when they are many.⁴

יראשית הגז נוהג בארץ ובחוץ לארץ. בפני הבית ושלא בפני הבית. בחולין אבל לא במוקדשין. חומר בגורע ובלקחים ובקיבה, מראשית הגז, שהגורע והלקחים והקיבה נוהגים בפקר ובצאן, במרובה ובמועט, וראשית הגז אינו נוהג אלא ברחלות, ואינו נוהג אלא במרובה.

liable. If one had two kinds, gray and white, and he sold to someone the gray but not the white, [or if he sold him the fleeces of] the males but not [of] the females, the former must give [to the priest of the fleece he kept back] for himself and the latter must give [of what he bought] for himself.

1 See at the end of the preceding *Mishnah*. Or מְרוּבָה. 2 *Isaiah* 7, 21; וְחָמֵשׁ עֶשְׂרִים, עֶשְׂרִים. 3 *I Samuel*, 25, 18. 4 עֲדָרִיּוֹת 33. 5 Some render it *mina*. See זָרְעִים, Page 18f. 6 But not from less than sixty *selas*' weight. 7 Literally *which are*. 8 Compare כְּתוּבוֹת 59. 9 *i.e.*, the donor does not have to bleach the fleeces first, but he gives such a quantity at shearing that when the priest bleaches it he will have the prescribed weight of wool. Some render this *washed white and not dirty (wool)*. 10 כְּדִי, absolute form. 11 A girdle. 12 *Deuteronomy* 18, 4. 13 כְּדִי, construct form. 14 *sc.*, sufficient not to put the recipient to shame. 15 הַמּוֹכֵר is omitted in the גְּמָרָא. *§See ADDENDA, Page 237.

CHAPTER 12

פֶּרֶק יב

Mishnah 1

מִשְׁנֵה א

[The law of] *letting the mother bird go from the nest*¹ is obligatory both in the Land [of Israel] and outside the Land of [Israel], both in *Temple* times and after the existence of the *Temple*, for undedicated [birds] but not for [bird]-offerings.² [The law to cover up the blood is more stringent than [the law to] let the mother bird go from the nest, since [the law to] cover up the blood applies both to wild animals³ and to birds, whether [the birds are] domesticated⁴ or not-domesticated,⁵ but [the law to] let the mother bird go from the nest applies only to birds and only to such as are *not* domesticated. Which are they that are non-domesticated? For instance, geese and fowls that nest in a park;⁶ but if they

יִשְׁלַח הַקָּנָן, נוֹהֵג בְּאֶרֶץ וּבְחוּצָה לְאֶרֶץ, בְּפָנֵי הַבַּיִת וְשֵׁלָא בְּפָנֵי הַבַּיִת, בְּחוּלִין אֲבָל לֹא בְּמוֹקְדֵשִׁין. חוֹמֵר בְּכֶסֶף הַדָּם מִשְׁלַח הַקָּנָן, שְׂכֶסֶף הַדָּם נוֹהֵג בְּבַחֲהָ וּבְעוֹף, בְּמִזְמָן וּבְשָׂאִין מְזוּמָן, וְשֵׁלִיחַ הַקָּנָן אֵינוֹ נוֹהֵג אֶלָּא בְּעוֹף, וְאֵינוֹ נוֹהֵג אֶלָּא בְּשָׂאִינוֹ מְזוּמָן. אֵיזְהוֹ שָׂאִינוֹ מְזוּמָן? כְּגוֹן אַוּוּזִין וְתַרְנְגוּלִין שֶׁקָּנְנוּ בְּפֶרְדֵּס; אֲבָל אִם קָנְנוּ בְּבַיִת, וְכֵן יִיגַי הַרְדְּסִיאוֹת, פְּטוּר מִשְׁלִיחַת.

able to fly, or spoilt eggs, one is exempt from [the law] to let [the mother bird] go, for it is said², and the dam sitting⁴ upon the young,⁵ or upon the eggs—just as the young are such as are viable even so must the eggs be such as are viable, [hence eggs that are] spoilt are excluded. And as the eggs are such as need their mother, even so must the young birds be such as require their mother, [therefore such young as can] fly are excluded. If one let her go and she returned, and he again let her go and she came back, even four or five times, he is [still] liable [to observe the law to let the mother bird go, for it is said,⁶ thou shalt in any wise let [the mother bird] go. If one said, 'I will take the mother bird and let the young go,' he must still let [her] go, for it is said,⁶ thou shalt in any wise let [the mother] go. If one took the young and then returned them to the nest, and afterwards the mother bird came back to them, he is exempt from [the law] to let [the mother bird] go.

1 Or the definite form בַּיָּמִין. 2 Deuteronomy 22, 6, צִפּוֹר. 3 Irrespective of the number of eggs or nestlings. 4 In Scripture, רֹבֶצֶת. 5 הָאֶפְרוֹתִים in Scripture. 6 Deuteronomy 22, 7. The duplicated verbal form, by Rabbinical interpretation, enjoins repeated action where necessary to fulfil a precept.

Mishnah 4

If¹ one took the mother bird together with the young, R. Judah² says, He suffers the forty stripes and he does not have to let [the mother bird] go; but the Sages³ say, He must let [the mother bird] go, and he does not receive the forty stripes.

מִפְּרִיחִין, אוּ בַּיָּצִים מוֹרֹת, פָּטוֹר מִלְּשַׁלְּחָן, שֶׁנֶּאֱמַר, וְהָאִם יִרְבֶּצֶת עַל הָאֶפְרוֹתִים אוּ עַל הַבַּיָּצִים, מָה אֶפְרוֹחִין בְּנֵי קַיָּמָא, אִף בַּיָּצִים בְּנֵי קַיָּמָא, יֵצְאוּ מוֹרֹת. וּמָה הַבַּיָּצִים צְרִיכִין לְאִמָּן, אִף הָאֶפְרוֹתִים צְרִיכִין לְאִמָּן, יֵצְאוּ מִפְּרִיחִין. שְׁלַחָה וְחֹרָה, שְׁלַחָה וְחֹרָה, אֶפְלוּ אַרְבַּע נַחֲמָשָׁה פְּעָמִים חֲדָיִב, שֶׁנֶּאֱמַר, שְׁלַח תְּשַׁלַּח אֹמֵר, הֲרִינִי נוֹטֵל אֶת-הָאִם וּמְשַׁלַּח אֶת הַבָּנִים, חֲדָיִב לְשַׁלְּחָן, שֶׁנֶּאֱמַר, שְׁלַח תְּשַׁלַּח אֶת-הָאִם. נוֹטֵל הַבָּנִים וְהַחֲזִירָן לְקֹן, וְאַחַר כֵּן חֹרָה הָאִם עֲלֵיהֶם, פָּטוֹר מִלְּשַׁלְּחָן.

מִשְׁנָה ד

יִהְיֶה נוֹטֵל אִם עַל הַבָּנִים, רַבִּי יְהוֹדָה אוֹמֵר, לֹקֵה וְאִינוּ מְשַׁלְּחִים; וְרַבִּי חֲכָמִים אוֹמְרִים, מְשַׁלְּחִים וְאִינוּ לֹקֵה. וְהַהֲכַל, כָּל-מִצְוֹת לֹא תַעֲשֶׂה שֵׁשׁ בָּהֶם קוֹם עֲשֵׂה, אֵין לֹקֵן עֲלֵיהֶם.

- 24, **Note 2.** A clear case of עֵקוּר.
- 24, **Note 4.** A clear case of שְׁהִיָּה.
- 27, **Note 2.** His reason being that the heathen intends to use it for idolatrous purposes.
- 27, **Note 3.** The rest to be eaten by a Jew.
- 31, **Note 1.** But naught of substance is missing.
- 32, **Note 6.** *i.e.*, sclerosis of the lung caused by nature; but if caused by act of man it is *terefah*.
- 33, **Note 6.** Similarly, organs greyish yellow, like intestines, would become *terefah* if they turned red as a result of contact with fire.
- 34, **Note 7.** He refers to the soft and fine feathers close to the body of a bird.
- 44, **Note 8.** An eight-months' birth was not considered as a living creature, and therefore not regulated by laws of שְׁחִטָּה.
- 46, **Note 1.** *i.e.*, from the joint *downward*; for if *upward*, it would be *terefah*.
- 46, **Note 3.** צִוְמַת הַיָּדִין, the tendons in the distal part of the tibia known as *Achilles tendon* (it consists of the attachment of the soleus—the lowest part or underside of the foot—and strong gastrocnemius muscles of the calf of the leg to the bone of the heel).
- 47, **Note ***. Some render it *it communicates food uncleanness*, pointing it מְטַמְּאָה [Piel] instead of the *Hithpael*.
- 54, **Note §.** וְאִין לוֹ לְלוּקָת אֶלְא דִּינָר, and the buyer had only one denar, means if the purchaser only wanted one denar's worth of flesh, for which he had paid.
- 54, **Note 3.** He cannot claim the return of the *denar*.
- 54, **Note 5.** The giving of money does not constitute an irrevocable sale.
- 62, **Note 4.** Covering of the blood only operates when there had been ritual slaughter.
- 71, **Note 1.** The entire hip in cattle resembles the back of a spoon and is called by the Rabbis כַּף הַיָּרֵךְ.
- 73, **Note 3.** Because for every thigh he eats he incurs stripes. According to R. Judah, only the right thigh is forbidden כַּף הַיָּרֵךְ הַיְמָנִית.
- 74, **Note 5.** According to Rabbinic reckoning, the meat cannot impart taste if the turnips are sixty times as large in bulk.
- 103, **Note 3.** The beasts *all* belonging to him.
- 103, **Note 4.** That all should realise why he is exempt from the priests'-dues.
- 104, **Note 2.** The priest must bring evidence that the owner was proselytised before the slaughtering of the animal took place.
- 112, **Note ***. He is exempt if he dyes the wool before giving it to the priest, because by this change he acquires absolute ownership of the wool. Actually it is an act of theft, but the 'strict letter of the law' is on his side.
- 112, **Note §.** The bleaching does not constitute such drastic change in wool as to constitute ownership.
- 125, **Note 2.** For rarely would the mother bird be worth more than that.

מסכת

בְּכוֹרוֹת

TRACTATE

BECHOROTH

[BEING THE FOURTH TRACTATE OF THE FIFTH ORDER KODASHIM

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

PHILIP BLACKMAN, F.C.S.

INTRODUCTION

בְּכוֹרוֹת, **Bechoroth**, is the fourth *Tractate* or *Treatise* (מִסְפָּכָה) of the fifth *Order Kodashim* (סֵדֶר קֹדָשִׁים) of the *Mishnah* (מִשְׁנָה).

It is given with **נִמְרָא**, in the *Babylonian Talmud* (תַּלְמוּד בַּבְּלִי), but it does not appear at all in the *Palestinian* (or *Jerusalem*) *Talmud* (תַּלְמוּד יְרוּשָׁלַיִמִי).

The term **בְּכוֹרוֹת**, or **בְּכוֹרוֹת**, is the *plural* form of the substantive **בְּכוֹרָה**, or **בְּכוֹרָה**, (1) *first-born*,* *first offspring*, (2) *first birth, birthright, seniority, right of primogeniture*, and (3) particularly in this *Tractate*, **the laws pertaining to the first-born and the firstling**, and is a derivative of the verb **בָּכַר**, *be early, be fresh, be young, break open, burst forth, mature, ripen* (the *Kal* is probably not used).§ The term **בְּכוֹר** means both the **first-born** of man and the **firstling** of a beast (cattle), and the *plural* forms **בְּכוֹרִים** is used of men and **בְּכוֹרוֹת** is used mostly of beasts.†

The laws regarding the first-born and the firstling are given‡ in *Exodus* 12, 29, 13, 2, 12, 13, 15; *Numbers* 18, 15-18; *Deuteronomy* 15, 19, 20, 21.

The *first-born*, if a male child, is redeemed by giving five *shekels* of silver to a כֹּהֵן (priest). The *firstling* (if a male) of clean cattle, if without blemish, was sacrificed, but it was ritually slaughtered if it had a blemish. The male *firstling* of unclean cattle, *i.e.*, of an ass, was either redeemed with a lamb or else was killed.

The *Tractate* is divided into nine Chapters whose titles are:

CHAPTER 1	הַלּוֹקֵחַ עוֹבֵר הַמּוֹרֵר	פָּרָק א
CHAPTER 2	הַלּוֹקֵחַ עוֹבֵר פָּרְתוֹ	פָּרָק ב
CHAPTER 3	הַלּוֹקֵחַ בְּהֵמָה	פָּרָק ג
CHAPTER 4	עַד כִּמָּה	פָּרָק ד
CHAPTER 5	כָּל-פְּסוּלֵי הַמּוֹקְדָשִׁין	פָּרָק ה
CHAPTER 6	עַל אֵלּוּ מוֹמִין	פָּרָק ו
CHAPTER 7	מוֹמִין אֵלּוּ	פָּרָק ז
CHAPTER 8	יֵשׁ בְּכוֹר	פָּרָק ח
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מִסְכֵּת

בְּכוֹרוֹת

TRACTATE

BECHOROTH

CHAPTER 1

פֶּרֶק א

Mishnah 1

מִשְׁנָה א

If one bought of a gentile¹ the unborn young of his ass [which was pregnant] or sold to him [the unborn young of his own pregnant ass], though this is not permitted,² or if he were a jointholder with him,³ or if [the Jew] had received [asses] from him⁴ or had delivered [asses] to him,⁵ he is exempt from *the law of the firstling*, for it is said,⁶ [all the first-born] in Israel, but not the first-born that belong to others. Priests and Levites are exempt⁷ [from the redemption of the first-born son and of the firstling of an ass] by [reason of the] *deduction from the less to the greater*: if, in the Wilderness, [the Levites had the power] to exempt⁸ [the first-born] of Israelites, how much the more so [must they have the power] to exempt their own⁹ [first-born and firstlings of their asses].

הַלֹּקֶחַ עֹבֵר חִמּוּרוֹ שֶׁל יְבוּתִי, וְהַמּוֹכֵר לוֹ אֶף עַל פִּי שְׂאִינוֹ רִשְׁאִי, וְהַמְשַׁתֵּף לוֹ, וְהַמְקַבֵּל מִמֶּנּוּ, וְהַנּוֹתֵן לוֹ בְּקַבְּלָהּ, פֶּטוּר מִן הַבְּכוּרָה, שֶׁנֶּאֱמַר, בְּיִשְׂרָאֵל, אֲבָל לֹא בְּאֶחָרִים. כֹּהֲנִים וְלוֹיִם, פֶּטוּרִין מִקָּל וְחוֹמֵר, אִם פֶּטְרוּ שֶׁל יִשְׂרָאֵל בַּמִּדְבָּר דִּין הוּא שִׁיפְטוּרוֹ שֶׁל יַעֲצֹקֵן.

1 Literally *Cuthean, Cuthite, a member of the sect Samaritans* (or *Samaritans*), and is frequently used for *non-Jew, gentile, heathen, apostate, idolater*. עֹבֵר (עֲבָר), literally *embryo, fetus*. 2 It is forbidden for a Jew to sell a beast to a non-Jew lest he does work with it on the Sabbath. See פֶּטוּרִים 43; וְרָה 16. 3 And they had arranged in advance which parts were to belong to each. 4 To rear them on condition that he receive a share in the offerings. 5 That the non-Jew should rear them and receive as payment a share in the offerings. 6 *Numbers* 3, 13. 7 *Numbers*

[the owner] gives one lamb [in redemption] to the priest [for one of them is certainly a *firstling*]; [if it bore] a male and a female² [and there is a doubt as to which was born first], [the owner] sets apart a lamb [as redemption but keeps it] for himself;³ if two asses that had never before borne [offspring] gave birth to two males, [the owner] must give two lambs [as redemption] to the priest;⁴ [if of two asses one bore] a male⁵ [and the other] a female, [the owner gives one lamb in redemption to the priest], or [if one bore] a male and [the other bore] a male and a female⁶ [but it was not known which of these two latter ones was born first], he gives one lamb to the priest⁷ [to redeem the first, seeing that it was an undoubted male *firstling*]; [if two asses bore] two females and a male,⁸ or two males and two females,⁹ the priest can claim naught.¹⁰

וַיִּגְקֶבֶה, מִפְּרִישׁ טֹלָה אֶחָד לְעֶצְמוֹ;
שְׁתֵּי חֲמוֹרִים שְׁלֹא בִּיכְרוּ וַיִּלְדוּ
שְׁנֵי זָכָרִים, נוֹתֵן שְׁנֵי טֹלָאִים לַפֶּהֶן;
זָכָר וַיִּגְקֶבֶה אוֹ שְׁנֵי זָכָרִים וַיִּגְקֶבֶה,
נוֹתֵן טֹלָה אֶחָד לַפֶּהֶן; שְׁתֵּי נְקֻבוֹת
וַיִּזְכֹּר אוֹ שְׁנֵי זָכָרִים וְשְׁתֵּי נְקֻבוֹת,
אֵין כָּאֵן לַפֶּהֶן כְּלוּם.¹⁰

1 בִּכְרָ [Piel], (of fruits) *be early, ripen early, produce first-fruits*, (of animals—as here) *bear for the first time*. Compare בִּכְרָ in the INTRODUCTION. 2 If the female were born first there is no redemption. 3 And he may slaughter it for food. This act nullifies the sanctity of the male if it were the firstling, but a priest can have no claim to it without proof. See 26. 4 Here there can be no doubt, for each must be a firstling. 5 This is evidently a firstling. 6 Literally *or two males and a female*. 7 But in the second doubtful case he sets aside a lamb for himself. 8 And it is not known whether one ass bore both females, or whether one had borne a male and a female (or the female first and then the male). 9 Here there is a possibility of two firstlings, or one firstling, or no firstlings. 10 אֵין כָּאֵן לַפֶּהֶן כְּלוּם, literally *there is naught for the priest here*. Popular traditional pronunciation כָּאֵן.

Mishnah 4

[If a man had] one [ass] that had [already] borne [young] and one that had never [before] borne [young], and they bore two males¹ [and there is a doubt as to which was born from which], he gives one lamb to the priest; [if they gave birth to] a male and a female [and it is not

מִשְׁנָה ד
אֶחָת בִּיכְרָה וְאֶחָת שְׁלֹא בִּיכְרָה,
וַיִּלְדוּ שְׁנֵי זָכָרִים, נוֹתֵן טֹלָה אֶחָד
לַפֶּהֶן; זָכָר וַיִּגְקֶבֶה, מִפְּרִישׁ טֹלָה
אֶחָד לְעֶצְמוֹ. שְׁנֵי זָכָרִים, וַיִּזְכֹּר
חֲמוֹר תּוֹפְדָה בְּשָׂה, מִן־הַכֹּבְבָשִׁים

with the statement at the beginning of this *Mishnah*. 8 He keeps the lamb for himself and he may then work with the ass. The priests were suspect regarding this redemption, hence anyone who gave a *firstling* to a priest had to see that the latter fulfilled the precept. See the next *Mishnah*. *Page 297. §See Volume VI, SUPPLEMENT I, FAUNA.

Mishnah 6

If one had set apart the redemption [lamb] for the *firstling* of an ass, and it died, R. Eliezer¹ says, He is still responsible therefor,² just as [in the parallel case he is responsible for the] five *selas*³ in redemption of a [*firstborn*] son. But the Sages⁴ say, He is not responsible for it, just as [in the like case of] the redemption [money] of *second tithe*.⁵ R. Joshua and R. Zadok testified of the redemption [lamb] of an ass which had died that the priest has no claim.⁶ If the *firstling* of an ass died,⁷ R. Eliezer⁸ says, It must be buried, and [the owner] may make use of the [redemption] lamb, but the Sages⁹ say, It need not be buried and the lamb [belongs] to the priest.

1 In some texts, אֶלְעָזָר, *Elazar*. 2 He must give another lamb to the priest. But his view is not accepted. (This statement is also given in עֲדוּיוֹת 71.) 3 זָרְעִים 3 Page 18f. *Numbers* 18, 16. Compare 87. 4 Their opinion is the accepted ruling. 5 If one redeemed *second tithe* produce and the money was lost, he did not have to replace it to spend it in Jerusalem. 6 The owner does not have to replace the dead lamb. 7 After the redemption lamb had been set apart but had not yet been delivered to the priest. 8 His view is rejected. 9 Their opinion is accepted.

Mishnah 7

If one were not minded to redeem it, he must break its neck [and behead it] from behind with a bill¹ and bury it.² The obligation of redemption precedes the obligation

מִשְׁנָה ו

הַמְּפָרֵשׁ פְּדִיּוֹן פֶּטֶר חֲמֹר וּמֵת, רַבִּי אֶלְעָזָר אוֹמֵר, הַיִּיבִין בְּאַחֲרֵיוֹתוֹ, כְּחֶמֶשׁ סִלְעִים שֶׁל בֶּן יִתְחַכְּמִים אוֹמְרִים, אֵין תִּיבִין בְּאַחֲרֵיוֹתוֹ, כְּפְדִיּוֹן מֵעֶשֶׂר שְׁנֵי הַעִיד רַבִּי יְהוֹשֻׁעַ וְרַבִּי צְדוֹק, עַל פְּדִיּוֹן פֶּטֶר חֲמֹר שֶׁמֵּת שְׂאֵין קָאֵן לְכַהֵן כְּלוּם. יְמֵת פֶּטֶר חֲמֹר, רַבִּי אֶלְעָזָר אוֹמֵר, יִקָּבֵר וּמוֹתָר בְּהִנְאָתוֹ שֶׁל טֹלָה, וְיִתְחַכְּמִים אוֹמְרִים אֵין צְרִיךְ לְהִקָּבֵר וְהַטֹּלָה לְכַהֵן.

מִשְׁנָה ז

לֹא רִצָּה לְפָדוֹתוֹ, עֹרְפוֹ בְּקוֹפֵיץ מֵאַחֲרָיו יִקָּבֵרוּ. מִצֹּת פְּדִיָּה קוֹדֶמֶת לְמִצֹּת עֲרִיפָה, שֶׁשְּׂנֵאָמֵר,

Jew] had received [a cow] from him or delivered [a cow] to him [on condition in either case to rear and to divide the coming young], [in all these cases the Jew] is exempt from *the law of the firstling*, as it is said, . . . *in Israel*,⁴ but not [the *firstling*] that appertains to others.⁵ Priests and Levites are liable [to *the laws of the first-born and firstling*]; they are not⁶ exempt from *the law of the firstling* of a clean beast, and they are not exempt save only from *the law of the redemption of the [first-born] son and the firstling of an ass*.⁷

שְׁנֵאמַר, בְּיִשְׂרָאֵל, אֲכַל לֹא
 יִבְאָחֲרִים. כֹּהֲנִים וְלֵוִיִּם חַיִּיבִים;
 לֹא יִנְפְטְרוּ מִבְּכוֹר בְּהֵמָה טְהוֹרָה
 (וְלֹא יִנְפְטְרוּ) אֲלָא מִפְּדִיּוֹן הַבֵּן
 וּמִפְּטָר חֲמוֹר.

1 Compare 1¹. כִּיִּתִי in some editions. 2 Compare 1¹. 3 They both possessed in partnership a cow which bore a *male firstling*. 4 *i.e.*, only the *firstling* that belongs entirely to the Jew pertains to the priest. § 5 *i.e.*, who are non-Jews. 6 שְׂלֵא in the גְּמָרָא. 7 *viz.*, the priests and Levites do not have to redeem their own first-born sons and firstlings. *§See ADDENDA at the end of this *Tractate*.

Mishnah 2

All¹ [animal] offerings which before dedication acquired a lasting blemish and were redeemed,² are subject to *the law of the firstling*³ and to *the law of the priests' dues*,⁴ and they come under [the class of] unconsecrated beasts to be shorn,⁵ and may be used for labour, and their offspring and their milk are permitted for use⁶ after their redemption; and he that slaughters them outside [the Temple Court, whether before or after redemption] is exempt⁷ [from *excision*], and *the law of the substitute*⁸ does not apply⁹ to them [either before or after being redeemed], and if they died [of themselves], they should be redeemed [none-the-less], excepting a *firstling* and *tithe* [of cattle].¹⁰

מִשְׁנָה ב
 יְכַל־הַקְדָּשִׁים שֶׁקָּדַם מוּם קָבוֹעַ
 לְהַקְדֵּשׁ וְנִפְדוּ, חַיִּיבִים בְּבִכּוּרָה
 יוֹבֵמִתְנוּת, וְיוֹצֵאִין לְחֹלִין לְיִנּוּז
 וְלִהַעֲבֹד, וְיִלְדָן וְחִלְבָן מוֹתָר
 לְאִמֵּר פְּדִינָן; וְהַשׁוֹחֲטֵן בַּחוּץ
 פְּטוּר, וְאִין עוֹשִׂים תְּמוּרָה, וְאִם
 מָתוּ יִפְדוּ, חוּץ מִן־הַבְּכוֹר וּמִן
 יְהִמְעֵשֶׂר.

1 This *Mishnah* is also given in the first half of חִילִין 102. 2 Such are not valid to be offered but must be sold and the money belongs to the Temple. 3 And the redeemed *firstling* belongs to the priest. *Numbers* 18, 15-18. 4 When slaughtered

are liable [to the law of the firstling].³ [If the Jew had stipulated] that the [firstlings of the] offsprings should stand [in lien for] their dams, then [the firstlings⁴ of] the offsprings of such offerings are exempt [from the law of the firstling], but [the firstlings⁵ of] the offsprings of their offsprings' offerings are liable [to the law of the firstling]. Rabban Simon⁶ ben Gamaliel says, They are exempt [from the law of the firstling] even to the tenth generation, for the non-Jew has a right to claim thereon [for non-payment].

וְלִדְי וְלִדְי וְלִדְוֹת תִּיְבִינִי רֶבֶן
שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, אֲפִילוּ
עַד עֶשְׂרֵה דוֹרוֹת פְּטוּרִין שְׂאֲחֲרֵיוֹתָן
לְזָכְרֵי.

1 צֵאן בְּרִזָּל [a technical term], or mortmain—a flock of sheep sold on payment in terms to divide all profits realised (from young, wool, milk) until the payment under the terms has fully taken place. Compare מְצִיעָא 56. Here the non-Jew stated the value of the flock to the Jew and the latter undertook to rear the sheep for a fixed period of years on condition that he would repay the non-Jew for any loss or depreciation as fixed in advance, as well as share out at the end of the period. 2 For the non-Jew can claim on these for any loss during the Jew's tenure. 3 The non-Jew's right to claim does not extend beyond the first generation. 4 i.e., the fourth generation. 5 i.e., the fifth generation. 6 His view is not accepted.

Mishnah 5

If a sheep bore [a firstling] that resembled a goat, or if a goat bore [a firstling] that was like to a sheep, it is exempt from the law of the firstling, but if [the firstling] bore¹ any marks [peculiar to its mother so that it is recognisable to which species it belongs], it is liable² [to the law of the firstling].

מִשְׁנֵה ה'
רְחֵל שֵׁילָדָה כְּמִין עֹז, וְעֹז שֵׁילָדָה
כְּמִין רְחֵל, פְּטוּר מִן-הַבְּכוֹרָה,
וְאִם יִשְׁבּוּ מִקְצַת סִמְנֵינָא תִּיְבִי.

1 Or בּוּ. Literally if there be therein. 2 A deduction from Numbers 18, 17.

Mishnah 6

If a sheep that had never before borne offspring* bore two males, and their heads came forth together, R. Jose¹ the Galilean says, Both pertain to the priest, as it is said,² the males are the Eternal's. But the Sages³ say, That is impossible,⁴ but

מִשְׁנֵה ו'
רְחֵל שְׂלֵא בְּכֹרָה וְנִלְדָה שְׁנֵי זָכָרִים,
וְרִצְאוּ שְׁנֵי רִאשֵׁיהֶן כְּאַחַד, רַבִּי
יֹזֵסִי הַגְּלִילִי אוֹמֵר, שְׁנֵיהֶן לַכֹּהֵן.
שְׂנַאמֵר, הַזְּכָרִים לֵהּ. יוֹחֲכָמִים

priest; [if one bore] a male² and [the other] a female, the male falls to the priest; [if they bore] two males and a female, one [male] falls to the owner³ and the other [male] goes to the priest. R. Tarfon says, The priest chooses for himself the better one. R. Akiba says, They decide between them, [the priest taking one] and the other is put to pasture until it acquires a blemish [when the owner may slaughter it for consumption];⁴ and it is subject to [the law of] *priests' dues*,⁵ but R. Jose exempts it. If one of them [the males] died, R. Tarfon says, [The owner and the priest] divide its value, but R. Akiba says, On [the priest] lies the burden of the proof if he would exact aught from his fellow. [If they bore] two females and a male, or two males and two females, the priest can claim naught here.⁶ §Popularly pronounced כאן.

וּנְקֵבָה הַזָּכֵר לַפֶּהֶן; שְׁנֵי זָכָרִים
וּנְקֵבָה, אֶחָד יָלוּ וְאֶחָד לַפֶּהֶן. רַבִּי
טַרְפוֹן אוֹמֵר, הַפֶּהֶן בּוֹרֵר לוֹ אֶת-
הַיֵּפֶה. רַבִּי עֲקִיבָא אוֹמֵר, מִשְׁמָנִים
בִּיגִיחֵן. וְהַשְּׁנֵי יִרְעֶה עַד שִׁסְתָּאב;
וְחַיִּיב בַּמִּתְנוּת, רַבִּי יוֹסִי פוֹטֵר.
מֵת אֶחָד מֵהֶן, רַבִּי טַרְפוֹן אוֹמֵר,
יִחְלֻקוּ, רַבִּי עֲקִיבָא אוֹמֵר, הַמוֹצִיא
מִחֲבֵרוֹ עָלָיו *הִרְאָהּ. שְׁתֵּי זָקָבוֹת
וְזָכָר, אוֹ שְׁנֵי זָכָרִים וְשְׁתֵּי זָקָבוֹת,
אֵין §כָּאן לַפֶּהֶן כְּלוּם.

1 *i.e.*, each sheep bore a male, hence both lambs are *firstlings*. 2 This is a *firstling*. 3 Literally *to him*. See ADDENDA. 4 And likewise the beast given to the priest is left to pasture and after it suffers a blemish he may slaughter it for food. 5 See the preceding *Mishnah*. 6 Because of the uncertainty, the male (or both males, as the case may be), must be left to pasture until it suffers a blemish when it may be slaughtered for food. See ADDENDA at the end of this *Tractate*. *Or הִרְאָהּ.

Mishnah 8

If one [sheep] that had already borne offspring and another that had never before borne offspring bore two males, one goes to the owner¹ and the other falls to the priest. R. Tarfon says, The priest chooses for himself the better one. R. Akiba says, They decide between themselves, [the priest taking one] and the other is left to pasture until it

מִשְׁנֵה ח
אֶחָד בְּכָרָה וְאֶחָת שְׁלֵא בְּכָרָה,
וַיֵּלְדוּ שְׁנֵי זָכָרִים, אֶחָד יָלוּ וְאֶחָד
לַפֶּהֶן. רַבִּי טַרְפוֹן אוֹמֵר, הַפֶּהֶן
בוֹרֵר לוֹ אֶת-הַיֵּפֶה? רַבִּי עֲקִיבָא
אוֹמֵר, מִשְׁמָנִין בִּיגִיחֵן, וְהַשְּׁנֵי יִרְעֶה
עַד שִׁסְתָּאב; וְחַיִּיב בַּמִּתְנוּת,

CHAPTER 3

פָּרָק ג

Mishnah 1

מִשְׁנָה א

[If a Jew] bought a beast from a non-Jew,¹ and it is not known whether it had already borne offspring or had not yet borne offspring, R. Ishmael says, If it were a *goat* in its first year, [its first offspring if a male] undoubtedly falls to the priest;² but if it were older than this,³ there is a doubt [as to whether the first born, if a male, is a *firstling*].⁴ [If a Jew bought from a non-Jew] a *sheep* in its second year,⁵ [the first young born, if a male] undoubtedly belongs to the priest, but if it were older than this it remains in doubt.⁴ [If a Jew bought from a non-Jew] a *cow* or an *ass* in its third year, [and the first young born was a male], it shall surely fall to the priest,⁶ but if it were older than this, there is a doubt.⁴ R. Akiba⁷ said to him, If a beast were exempted by a [previously born] offspring only, it would be as thou hast stated; but they have said, The token of offspring in small cattle⁸ is a flow from the womb,⁹ and in large¹⁰ [cattle the token of previously born offspring] is the placenta;¹¹ and in women [the token of a previous birth] is the fetus-sack or the placenta. This is the general principle: * if it be known that [a beast] had already produced offspring, the priest claims naught; but if it had not already borne young, [the *firstling*] goes to the priest; and if there be a doubt, [the owner] may consume [the offspring] when it has contracted a blemish. R. Eliezer¹² ben Jacob says, If a large beast expelled a clot of blood, this [clot] must be buried,¹³ and it is exempt from *the law of the firstling*. *Popularly pronounced הַפֶּלֶל.

הַלֹּקֶחַ בְּהֵמָה מִן הַנֹּכְרִי, וְאִין יָדוּעַ
אִם בְּכָרָה וְאִם לֹא בְּכָרָה, רַבִּי
יִשְׁמָעֵאל אָמַר, עֵז בֵּת שְׁנָתָהּ וְדַאי
לִכְהֵן; *מִכָּאֵן וְאִילָךְ *סָפֵק. רַחֵל
בֵּת שְׁתַּיִם וְדַאי לִכְהֵן, מִכָּאֵן וְאִילָךְ
*סָפֵק. פָּרָה תַתְּמוֹר בְּנוֹת וְשִׁלֵּשׁ
וְדַאי *לִכְהֵן, מִכָּאֵן וְאִילָךְ *סָפֵק.
אָמַר לוֹ רַבִּי יַעֲקֹב, אֵילוּ
בּוֹלֵד בְּלֶבֶד בְּהֵמָה וְנִפְטָרָתָהּ
הִיא כְּדִבְרֵיךָ; אֵלָּא אָמַרְוּ, סִימָן
הַיֶּלֶד *בְּבִהֵמָה דְקָה *טַנְיָה, *וּבַגֹּשֶׁה
*שְׁלִיא; וּבַאֲשֶׁה שְׁפִיר וְשְׁלִיא. זֶה
*הַפֶּלֶל, כָּל-שִׁדְיוֹעַ שֶׁבְּכָרָה אֵין
כָּאֵן לִכְהֵן כְּלוּם; וְכָל שְׁלֵא בְּכָרָה
הָרִי זֶה לִכְהֵן; אִם סָפֵק, יֵאָכֵל
בְּמוֹמוֹ לְבַעֲלִים. רַבִּי אֱלִיעֶזֶר בֶּן
יַעֲקֹב אָמַר, בְּהֵמָה גֹּשֶׁה שֶׁשֶּׁפְּעָה
תָּרַרְתָּ דָם, הָרִי זֶה *מִתְקַבֵּר, וְנִפְטָרָהּ
מִן-הַבְּכוּרָה.

Mishnah 3

R. Jose¹ ben Meshullam says, If one slaughters a *firstling*, he makes a place with² the hatchet³ on either side⁴ and plucks out the hair,⁵ provided that he does not remove it from its place;⁶ and likewise, also, when one plucks out⁷ (the) hair to inspect the place of a blemish.

1 His view is accepted. 2 Or *for*. 3 Or *bill, chopper, cleaver*. 4 *i.e.*, he makes a clear space on the throat for the slaughtering knife. Popular traditional pronunciation **מִכַּאן**. See ADDENDA.* 5 So that the slaughtering is not invalidated. 6 The hair is not removed but is left entangled with the hair near by. Compare *Deuteronomy* 15, 19. It is forbidden to shear the wool of firstlings. 7 **תּוֹלֵשׁ** in the **גִּמְרָא**. *Page 298.

Mishnah 4

If the hair of a *firstling* with a blemish fell out, and one put it¹ in an aperture,² and afterwards slaughtered it, Akabia ben Mahalalel permits [it],³ but the Sages forbid [it]. This is reported by R. Judah. R. Jose said, Akabia did not permit it in this case [nor did the Sages prohibit it], but if the hair of a *firstling* with a blemish fell out, and one put it in an aperture, and afterward [the beast] died, in this case does Akabia ben Mahalalel permit [it] but the Sages prohibit. The clumpy wool⁴ on a *firstling* [that has been slaughtered] is permitted if it indubitably appear [to be as one] with⁵ the shorn wool, but if it do not appear patently [to be as part] of⁶ the shorn wool, it is prohibited.⁷

1 Or **וְהִנְיָחוּ**. 2 Or *niche in a wall*; literally *window*. 3 *sc.*, a priest may make use of the hair. See **עֲדוּת** 56.* 4 The loose, detached wool. The **גִּמְרָא** has

מִשְׁנָה ג

רבי יוסי בן משולם אומר, השוחט את-הבכור, עושה מקום² בקופיץ³ ימכאן ומכאן, ותולש⁵ השער, ובלבד שלא יחזנו⁶ ממקומו; וכן התולש את-השער לראות מקום המום.

מִשְׁנָה ד

שער בכור בעל מום שגשער וְהִנְיָחוּ שְׂחָטוֹ, וְאַחַר כֵּן עָקְבִיא בֶן מַהֲלָלָאֵל מַתִּיר, וְחֲכָמִים אוֹסְרִין. דְּבָרֵי רַבִּי יְהוּדָה. אָמַר רַבִּי יוֹסִי, לֹא בָזָה הַתִּיר עָקְבִיא, אֲלָא בַשֶּׁעַר בְּכוֹר בְּעַל מוּם שֶׁגִּשְׁר וְהִנְיָחוּ בַחֲלוֹן וְאַחַר כֵּן מַת, בָּזָה עָקְבִיא בֶן מַהֲלָלָאֵל מַתִּיר וְחֲכָמִים אוֹסְרִין. יֵהָצֵמַר הַמְדוּבָלָל בְּבִכּוֹר, אֶת-שְׂהוּא גְרָאָה מִן-הַגִּזָּה מוֹתֵר, וְאֶת שְׂאִינוֹ גְרָאָה מִן-הַגִּזָּה אֲסוּר.

Mishnah 2

If within its year [of birth] it² acquired a blemish,¹ it is permitted to keep it alive throughout the twelve months [from its birth]; [but] if [it contracted a blemish] after its [first] year, it may not be preserved beyond thirty days [from the day of the appearance of the blemish].

1 Literally a blemish were born to it. 2 viz., a firstling.

Mishnah 3

If one slaughtered a *firstling*¹ and [then] indicated its blemish,² R. Judah³ permits it [to be eaten], [but] R. Meir says,⁴ Since it was slaughtered without an [authorised] expert having been [first] consulted, it is prohibited.

1 Literally *the firstling*. 2 By aid of an authorised expert who declared it to be a permanent blemish (see next *Mishnah*). 3 His view is rejected. 4 His opinion is accepted.

Mishnah 4

If one that was not a [properly qualified] expert¹ beheld the *firstling*, and it was slaughtered at his word, it must be buried, and [this examiner] must pay compensation from his own possessions.² If [an unqualified person] gave a legal decision, declaring the guilty exempt or declaring the innocent culpable, or declaring the clean unclean or declaring the unclean clean, what he has done can not be undone, but he must compensate [the wronged litigant] from his own means. But if an [authorised] expert approved by the court [to act as judge gave

משנה ב

ינולד לו מום בתוך שנתו, מותר לקיימו כל-שנים עשר חודש; לאחר שנתו, אינו רשאי לקיימו אלא עד שלשים יום.

משנה ג

השוחט הבכור ומראה את-מומו, רבי יהודה מתיר, רבי מאיר אומר, הואיל והוא נשחט שלא על פי מומחה אסור.

משנה ד

מי שאינו מומחה וראה את-הבכור ונשחט על פיו, הרי זה יקבר וישלם מביתו. דן את-הדין, זיכה את-החייב, וחייב את-הזכאי, טמא את-הטהור, וטהר את-הטמא, מה-שעשה עשוי, וישלם מביתו. ואם הנה מומחה לבית דין, פטור מלשלם. מעשה בפרה שנטלה האם שלה, והאכילה רבי טרפון

1 Literally *his payment, his fee*. 2 Or . . . רואה . . . , for acting as an inspector of cattle. 3 He is suspect of receiving money to declare a sound firstling to have a blemish so that its owner may retain it. 4 He was a medical expert. 5 זרעים, Page 18f. 6 He would not then be tempted to give a false decision.

Mishnah 6

If one take payment [to act as a judge] to give legal decisions, his judgments are void;¹ [if he accept payment] to give evidence, his testimony is void; [if he receive payment] to sprinkle [*sin-offering water* of the red heifer upon the unclean] or for mixing [with water] the ashes [of the red heifer], his water is as the water of a cave and his ashes are as the ashes of a hearth.² If he were a priest [called to examine a firstling or to act as a judge], and he had [in consequence] contracted uncleanness [so that he could not eat] of his *priest's-due*,³ [he who caused the disqualification] must give him what he requires for eating, drinking and anointing. And if [the expert or judge] were an aged man, he should supply him with an ass for riding, and [further] he should give him payment⁴ such as [would be given to] a labourer.

1 עדותו בטיילה [in the singular]. 2 Literally roasting place. viz., they are פסול, invalid. Numbers 19, 17 et seq. 3 Appendix, Note 1. The priest being obliged to eat of the comparatively dearer non-holy produce (חולין) thereby suffers loss. See ADDENDA at the end of this Tractate. 4 Literally *his payment, his fee*.

Mishnah 7

If [a priest] be suspected of [causing blemishes in] firstlings,¹ none may purchase from him the flesh of deer nor skins that are not tanned.² R. Eliezer³ says, They may buy from him the hides of female [beasts]⁴ but they may not buy from him washed or dirty wool;⁵ but they may buy of him spun wool or garments⁶ [made of carded material].

משנה ו

הנוטל שכרו לדון, דיניו בטלים; להעיד, יעדומו בטלין; להוות ולקדש, מימיו מי מערה ואפרו יאפר מקלה. אם הנה כהן וטמאהו מתרומתו, מאכילו ומשקו וסכו. ואם הנה זקן מרכיבו על החמור, ונותן לו ישכרו כפועל.

משנה ז

החשוד על הבכורות, אין לוקחין ממנו בשר צבאים, ולא עורות שאינן עבודין. רבי יאליעזר אומר, לוקחים ממנו עורות של יקבה ואין לוקחים ממנו צמר מלובן וצואי; אבל לוקחין ממנו טווי ויבגדים.

if he be suspected regarding the one and the other,² he is suspected in what concerns the [ritual] cleanness [of foodstuffs],³ and yet one may be⁴ suspected regarding the [ritual] cleanness [of foodstuffs] and not be a suspect concerning either the one or the other. This is the general principle: he that is a suspect with regard to any matter may neither give a legal decision thereon nor testify thereof.⁵

- 1 Compare 4⁸. 2 Some prefer the rendering *the one or the other*. See ADDENDA.*
 3 Or הַטְּהָרוֹת. *i.e.*, he eats or sells unclean food, saying it is clean. 4 Or וְיֵשׁ שְׁהוּא.
 5 If one is suspected of transgressing Pentateuchal laws he is suspected of transgressing Rabbinical laws. If one is suspected of disregarding Rabbinical laws he need not be suspected of disobeying Pentateuchal laws. *Page 298.

CHAPTER 5

פָּרָק ה'

Mishnah 1

All [animal] offerings that have become invalid—their advantage pertains to the Temple¹—they may be sold in the market and slaughtered in the market,² and weighed by the *litra*,³ except only the *firstling* and the *tithe* [of cattle], since their advantage would accrue to the owners;⁴ but in the case of [animal] offerings [that have become invalid] their advantage pertains to the Temple.⁵ And a *maneh's* weight [of common flesh may be weighed] against a *maneh's* weight of [the flesh of] a *firstling*.⁶

- 1 *i.e.*, invalidated offerings must be redeemed and the proceeds used for substitute animals for offering. A beast slaughtered in the abattoir will fetch a bigger price than if slaughtered privately and sold privately. 2 Literally *bazaar, shop*. 3 The Roman *litra* [a pound]; see וְרָעִים, Page 18f. *i.e.*, sold in small quantities as butchers usually do so as to increase the takings. 4 If the *firstling* in the keeping of a priest acquired a blemish, it must be sold and the increased value falls to the priest, and so it must not be slaughtered in the slaughter-house nor sold to the

is the meaning of this?' They replied to him, 'It is a *firstling* and it may not be slaughtered except it contracts a blemish'. [The quæstor] took a dagger and slit its ear. And when the matter came before the Sages they declared it permitted [to be slaughtered].⁷ When he saw that [the Sages] had pronounced it permitted he went and slit the ears of other *firstlings*,⁸ but [the Sages] prohibited it.⁹ Once children were playing in a field and tied together the tails of lambs one to another, and the tail of one of them was torn away, and this one was a *firstling*. And the matter was brought before the Sages and they permitted it [to be slaughtered]. When the children saw that [the Sages] had declared it permitted they went and tied together the tails of other *firstlings*, but the Sages declared it prohibited [to slaughter any *firstlings* whose tails had been torn off]. This is the general principle:* if it be [done] deliberately,¹⁰ it is prohibited [to slaughter], but if it be not [done] of set purpose, [the slaughtering] is permitted.¹¹

רָאָהוּ יְקַדְדוֹר אֶחָד. אָמַר, מַה־
 טִיבוֹ שֶׁל זֶה? אָמְרוּ לוֹ, בְּכוֹר הוּא,
 וְאִינוּ נֹשְׁחֵט אֶלָּא אִם כֵּן הָיָה בּוֹ
 מוּם. נָטַל פְּגִיזוֹ וְצָרַם בְּאָזְנוֹ. וְכֹא
 מַעֲשֵׂה לְפָנֵי חֲכָמִים יְהִתְרִוּהוּ.
 רָאָה שֶׁהִתִּירוּ וְהִלֵּךְ וְצָרַם בְּאָזְנֵי
 *בְּכוֹרוֹת אַחֲרִים, וְאָסְרוּ. פָּעַם אַחַת
 הָיוּ תִינוּקוֹת מְשַׁחֲקִין בְּשֶׂדֶה, וְקִשְׂרוּ
 זַנְבוֹת טְלָאִים זֶה לְזֶה, וְנִפְסְקָה
 זַנְבוֹ שֶׁל אֶחָד מֵהֶם וְהָרִי הוּא בְּכוֹר.
 וְכֹא מַעֲשֵׂה לְפָנֵי חֲכָמִים יְהִתְרִוּהוּ.
 רָאוּ שֶׁהִתִּירוּ, וְהִלְכּוּ וְקִשְׂרוּ זַנְבוֹת
 בְּכוֹרוֹת אַחֲרִים, וְאָסְרוּ. זֶה *הַכֹּלֵל,
 כֹּל־שֶׁהוּא ¹⁰לְדַעְתּוֹ אֲסוּר, וְשֶׁלֹּא
 לְדַעְתּוֹ ¹¹מוֹתָר.

1 *i.e.*, to invalidate it so that he might consume it. He is liable for the forty stripes for this act. 2 Their view is accepted. 3 If the priest responsible for the blemish (and who may not slaughter it) died, his son may slaughter it. 4 Or *inquisitor, adjutant*. 5 Literally a male of sheep. 6 It had never been shorn and dragged on the ground. See ADDENDA. § 7 Because he did not do this at the suggestion of the Jews. 8 His intention being to do the Jews a favour. 9 Because his action in this case was tantamount to an invitation from the Jews, and it was forbidden to them to slaughter them. 10 *sc.*, if a blemish is caused of set purpose. 11 If a Jew remarked innocently before a non-Jew that a blemish would permit his *firstling* to be slaughtered, and the non-Jew thereupon maimed the beast, the Jew may slaughter it. *Popular pronunciation הַכֹּלֵל. §Page 298.

1 Literally *men of the synagogue*. Such blemishes are evidently permanent. Nevertheless, if there is a qualified expert, he must be consulted first. See 4^b.
 2 His view is not accepted. 3 Or **שם**. 4 *i.e.*, a Sanhedrin. Even if a High Priest were present.

Mishnah 6

If one slaughtered a *firstling*¹ and sold it, and it became known that he had not had it inspected [by a certified expert for a blemish], what they have consumed they have consumed,² but he must restore to them what they have paid;³ and whatever flesh they have not consumed must be buried, and he must return to them the money⁴ [they paid]. And likewise, also, if one slaughtered a cow and sold it, and then it became known that it was *terefah*, what they have eaten they have eaten, but he must give them back the money [they have paid], and what flesh they have not eaten they must restore to him and he must return to them what they have paid. If [the buyers] had sold it [to wit, the *terefah* flesh] to a gentile or had thrown it to the dogs,⁵ they pay him what it was worth as *terefah* [flesh].⁶

1 Literally the *firstling*. 2 *viz.*, this is a dead loss. 3 Literally the *money*. They are compensated in full, regardless of the value of the flesh eaten. 4 As a fine for causing innocent people to eat of forbidden flesh. 5 Or **לכלבים**, *to dogs*. 6 But he must give back to them the difference between this and what they paid him (*terefah* flesh is cheaper than valid flesh).

CHAPTER 6

Mishnah 1

By reason of these blemishes may a *firstling*¹ be slaughtered:² if the ear have become defective³ from the

משנה ו

השוחט את הבכור ומכרו, ונודע שלא הראהו, מה שאכלו אכלו, והוא יחזיר להם את הדמים; ומה שלא אכלו, הבשר יקבר, והוא יחזיר להם את הדמים. וכן השוחט את הפרה, ומכרה, ונודע שהיא טרפה, מה שאכלו אכלו, ויחזיר להם את הדמים, ומה שלא אכלו הן יחזירו לו את הבשר, והוא יחזיר להם את הדמים. מוכרוהו לעובד פוכבים, או הטילוהו לכלבים, ישלמו לו דמי הטרפה.

פרק ו

משנה א

על אלו מומין שוחטין את הבכור, ונפגמה אָנּוּ מן הסחוס, אכל לא

spots [on the cornea]? All such as have continued eighty days. R. Chanina² ben Antigonus says, They must examine it [namely, the defect of white spots,] on three occasions during the eighty days.³ And this is [the test for] 'lasting rheum [in the eyes]': if it ate fresh [fodder that grew in the month of *Adar* to the middle of the month of *Nisan*, and it was tended during the whole summer], and [fed on] the dry [fodder that grew in the month of *Elul* to the middle of the month

יום. רבי יהנינא בן אנטיוגוס אומר, בודקין אותו שלשה פעמים בתוך שמונים יום. ואלו הם מים הקבועים, אכל לח ויבש של יבשמים. לח ויבש של שלחיים, אכל היבש ואחר כך אכל הלח אינו מום, עד שאכל היבש אחר הלח.

of *Tishri*] from rain [-watered fields, and the defect remained].⁴ [But if it ate] fresh [fodder] or dry [fodder] from irrigated fields,⁵ [or even] if it ate [first] the dry [fodder that grew in rain-watered fields in the month of *Elul* to the middle of the month of *Tishri*, and it was tended during the whole winter], and afterwards ate the fresh [fodder that grew in the month of *Adar* to the middle of the month of *Nisan*, and the defect still remained], it is not [deemed] a blemish, [since the kinds of fodder are remedial for this complaint, only it is necessary] to eat the dry [fodder] after the fresh [fodder for a valid test as to permanency, as first stated above].

1 Humid matter that collects in the eye and impairs the sight. 2 His opinion is accepted. 3 *i.e.*, the specks are examined on the 27th, 54th and 80th days. If the blemish disappeared and then returned, the period of 80 days is counted afresh from the day of reappearance, because to qualify for a permanent defect it must persist continuously for 80 days. If no inspection was made during the 80 days and the defect was there on the 80th day, this is no proof of its having persisted unbroken all this period and the 80 days' term of inspection begins from this day. 4 These kinds of grasses are a remedy for eye-defects, hence if no cure was effected the blemish is of a permanent character. 5 שלחיים traditional pronunciation. The grass from such fields is not remedial for such eye trouble, and the persistence of the rheum is no evidence to its lastingness.

Mishnah 4

משנה ד

If the [outer wall of the] nose be pierced, or if it be defective,¹ or if it were slit; if [the outside of] the

חוטמו שנקב, ושפופם, שנסדק; שפתו שנקבה, ושפופמה, שנסדקה;

two testicles in the one scrotum, this is deemed a blemish]. R. Akiba says, It should be set on its buttocks⁴ and [the scrotum] be squeezed, [and] if there be a testicle there⁵ it will finally come out [but if not, this is accounted a blemish]. It once happened that [the scrotum] was squeezed but no testicle came forth, yet when [the *firstling*] was slaughtered [the testicle] was found cleaving to the groin; and R. Akiba⁶ declared [the flesh] permitted [to be eaten], but R. Jochanan ben Nuri pronounced it forbidden.

בִּיצָה אֶחָת. רַבִּי עֲקִיבָא אָמַר, מוֹשִׁיבוֹ עַל יַעֲכוּזוֹ, וּמִמְעַף, אִם יִשְׁשֵׁם בִּיצָא, סוֹפָה לְצֹאת. מַעֲשָׂה שְׁמִיעֵךְ וְלֹא יֵצֵאָה וְנִשְׁחַט וְנִמְצְאת דְּבוּקָה בַּפְּסָלִים; וְהִתִּיר רַבִּי עֲקִיבָא, וְאָסַר רַבִּי יוֹחָנָן בֶּן זוּרִי.

1 The corrected reading runs thus: *if its two testes be in one pouch or if it have only one testis and two pouches [this is deemed a blemish].* 2 Or לוֹ יֵשׁ. 3 Or scrotums. 4 Or עֲכוּזוֹ, יַעֲכוּז, אֶכּוּז, an arched hollow jug or pitcher, a term used euphemistically for buttocks, extremity (testes, etc.). 5 Or יֵשׁ שָׁם. 6 His view is accepted.

Mishnah 7

מִשְׁנָה ז

If [the firstling] have five legs,¹ or if it have only three,² or if its hoofs be uncloven³ like those of an ass, or if it have a dislocated hip or a deformed hip, [these are considered blemishes]. What is [understood by] a 'dislocated hip'? It means that the thigh [-bone] has slipped [from the socket]⁴; [and what is meant by] a 'deformed hip'? [It means] that one of its thighs is higher [than the other].

בְּעַל חֲמֵשׁ רַגְלָיִם, אוֹ שְׁאִין לוֹ אֶלְיָא יִשְׁלֵשׁ, וְשֶׁרְגָלָיו יְקִלוּטוֹת כְּשֶׁל חֲמוֹר, וְהִשְׁחוּל וְהַפְּסוּל. אֵיזְהוּ שְׁחוּל? שְׁנִשְׁמָטָה יִרְכוֹ; וְכִסּוּל? שְׂאֵחַת מִירְכוּתָיו גְּבוּהָה.

1 (Not רַגְלָיִם which is *dual*.) Three forelegs and two hindlegs. 2 One foreleg and two hindlegs (in both these cases the beast is deemed blemished but not *terefah*; but if it has three hindlegs or only one hindleg it is accounted *terefah*). 3 קָלוּט, in general, a beast with unparted hooves [the sign of uncleanness] born of a clean animal. 4 And this leg appears longer than the other leg. Compare חוּלִין 71.

Mishnah 8

מִשְׁנָה ח

If a bone of its foreleg or a bone of its hindleg be fractured, even if it be not evident [when the beast

נִשְׁבַּר עֲצָם יָדוֹ וְעֲצָם רַגְלוֹ, אֵף עַל פִּי שְׂאִינוֹ נִכְרָה. מוּמִין אֵלָיו מִנָּה

links* it is not a blemish, but one link only present constitutes a blemish. *Or *vertebra*.

Mishnah 10

R. Chanina ben Antigonus says, If it have a wart on its eye, or if a bone of its foreleg or a bone of its hindleg be defective,¹ or if there be torn away a bone [in which the teeth are set] in its mouth, [or] if one eye² be large [as that of a calf] and the other small [as that of a goose], or if one ear³ be big and the other small, so that it is evident without the need for measurement, [it is considered a blemish].⁴ R. Judah⁵ says, If one of its testes be as large as two [testes] in its fellow⁶ [beast of its own size, it also constitutes a blemish]; but the Sages did not agree with him.

1 Or *broken [off]*. Hence the defect is noticeable. 2 Literally *its eye*. 3 Literally *its ear*. 4 But if the difference in size is only manifest by measuring this does not constitute a blemish. 5 His opinion is rejected. 6 Some render this *If one of the testicles be twice as big as the other*.

Mishnah 11

If the tail of a calf do not reach the hough¹—the Sages said, Throughout the growth of calves this is so [their tails reaching to their knee-joint, but if they do not—they are short—it is a blemish]; as they continue growing [the tails, too,] keep on growing in length. To which hough did they refer? R. Chanina ben Antigonus says, The hough in the middle of the thigh.² By reason of these blemishes they

מִשְׁנָה י'
 רַבִּי חֲנִינָא בֶן אַנְטִיגוֹנוֹס אוֹמֵר, אֶת־
 שֵׁיבֶלֶת בְּעֵינָיו, וְשֹׁפְסָם עֵצִים יָדוֹ
 וְעֵצִים רִגְלוֹ, וְשֹׁפְסֵם עֵצָמוֹ שְׁפָפִיו,
 יְעִינוֹ אַחַת גְּדוֹלָה וְאַחַת קְטָנָה,
 אָזְנוֹ אַחַת גְּדוֹלָה וְאַחַת קְטָנָה,
 בְּמִרְאָה אֶבֶל לֹא בְּמִדָּה. רַבִּי
 יְהוּדָה אוֹמֵר, אֶחָד מִבִּיצְיוֹ גְּדוֹלָה
 כְּשֵׁתִים בְּחִבְרָתָהּ; וְלֹא הוֹדוּ לוֹ
 חֲכָמִים.

מִשְׁנָה י"א
 וְנֵב הָעֵגֹל שְׂאִינָה מֵגִיעַ לְעֶרְקוֹב,
 אָמְרוּ חֲכָמִים, כָּל־מִרְבִּית הָעֵגֹלִים
 כֵּן, כָּל־זְמַן שֶׁהֵן מִגְדִּילִין הֵם
 נִמְתַּחֲחוֹת. לְאִיזָה עֶרְקוֹב אָמְרוּ?
 רַבִּי חֲנִינָא בֶן אַנְטִיגוֹנוֹס אוֹמֵר,
 לְעֶרְקוֹב שְׁבָאֲמָצַע יְהִרְדֵּי. עַל
 אֵלוֹ מוֹמִין שׁוֹחֲטִין אֶת־הַבְּכוֹר,
 וּפְסוּלֵי הַמוֹקֵדֶשֶׁן יִגְפְּדִין עֲלֵיהֶן.

CHAPTER 7

פֶּרֶק ז

Mishnah 1

These same blemishes, whether permanent or temporary, [similarly] disqualify priests¹ [from Temple service]. There are more [disqualifications] among priests¹ than these, [namely,] a wedge-shaped head² or a turnip-shaped head,³ [or] a mallet-shaped head⁴ or a sunken head⁵ or [the head] flat behind,⁶ or a hunchback. R. Judah⁷ declares [the humpbacked priest] qualified, but

מִשְׁנֵה א
מוֹמִין אֵלָיו בֵּין קְבוּעִין בֵּין עוֹבְרִין,
פוֹסְלִין בְּאָדָם יוֹתֵר עֲלֵיהֶן
בְּאָדָם, הַכֵּילוֹן הַלְפָתוֹן, הַמִּקְבָּן
וְשֵׂרָאשׁוֹ שְׂקוּעַ וְשִׁקִּיפָס, וּבְעֵלֵי
הַחֲטוּטָתָי רַבִּי יְהוּדָה מְכַשֵּׁיר.
וְחֻכְמִים פּוֹסְלִין.
the Sages⁸ disqualify [him].

1 Literally *man*. 2 Literally *the one who has a head shaped like a basket* [כֵּילוֹן, *Latin calathus*], broad at the base and narrow at the top. 3 Literally *the one whose head is turnip-shaped*, wide above and narrow below. 4 Literally *the one whose head is mallet-shaped*. 5 Narrow in the forehead and broad below. 6 Flat and narrow at the back and broad at the base. 7 His view is rejected. 8 Their opinion is the accepted ruling.

Mishnah 2

[The priest] who is baldheaded is unqualified [for Temple service]. What is [understood in a legal sense by a] 'baldheaded' [person]? One that has not a row¹ of hair going around from ear to ear, but if he have² [such a strip of hair], he is qualified. If one have no eye-brows or only one eye-brow³—this is the גִּבָּן mentioned in the Law.⁴ R. Dosa says, [גִּבָּן means] one whose eye-brows hang down [over the eyes, and he is in consequence unqualified]. R. Chanina⁵ ben Antigonus says, [גִּבָּן] is one [whose back is so misshapen that he appears as if he] have⁶ two backs and two backbones [and is therefore unqualified].

מִשְׁנֵה ב
הַקָּרַח פָּסוּל. אֵיזוֹהוּ קָרַח? כָּל־
שָׂאִין לוֹ יִשְׁטָה שֶׁל שַׁעַר מִקְפַּת מֵאֵן
לְאֵן; וְאִם יֵשׁ לוֹ תְּרֵי זֶה כָּשֵׁר.
אֵין לוֹ גְּבִינִים, אֵין לוֹ אֶלָּא גְּבִין
אֶחָד הוּא גִבָּן הָאָמוּר בְּתוֹרָה.
רַבִּי דוֹסָא אוֹמֵר, כָּל־שְׂגוּבֵינֵינוּ
שׁוֹכְבֵין. רַבִּי חֲנִינָא בֶן אֲנְטִיגוֹס
אוֹמֵר, מִי שֵׁשׁ לוֹ שְׁנֵי גְבִים, וְשִׁתֵּי
שִׁדְרָאוֹת.

too big [compared] with his limbs, or too small [in comparison] with his limbs,⁵ if the ears be small, or if the ears be shrunken [he is unqualified for Temple service]. What is [meant by] צַמֵּץ? [It means] one whose ears are [too] small. And [what is understood by] צָמֵט? [It means] one whose ears are like a sponge.⁶

1 Referring to a priest. 2 Or אָזָן. 3 *i.e.*, the body is abnormally big or the limbs are abnormally small. 4 *i.e.*, the body is abnormally small or the limbs are abnormally large. 5 If the nose be longer or shorter than one's little finger it is deemed a blemish. 6 The pores of a sponge shrink and close up when it is dry.

Mishnah 5

If his upper lip project beyond his lower lip, or if the lower [lip] protrude beyond the upper one, this is a blemish. (And) if his teeth were removed, he is disqualified because of his unsightly appearance¹ [from Temple service]. If his breasts hang down like those of a woman, if his belly be swollen, if his navel jut forth, if he have attacks of epilepsy even but at rare intervals, if he be attacked by asthma,² if his testes be too large,³ or if his membrum* be too long [reaching down to his knees he is unqualified for Temple service]. If he have no testes, or if he have but one testis, this is he that *hath his stones crushed*,⁴ spoken of in the Law. R. Ishmael says, [מְרוֹחַ אֶשֶׁר] means anyone whose testes are crushed. R. Akiba says, [מְרוֹחַ אֶשֶׁר] means anyone who has wind in his testes.⁵ R. Chanina ben Antigonus⁶ says, [מְרוֹחַ אֶשֶׁר] means one whose features are dark.⁷

מֵאַבְרָיו, אוֹ קָטָן מֵאַבְרָיו, הַצָּמֵם, וְהַצָּמֵץ. אֵיזָה הוּא צָמֵץ? שְׁאֲזָנָיו קָטְנוֹת. וְהַצָּמֵם? שְׁאֲזָנָיו דּוֹמוֹת לְסֻפּוֹג.

מִשְׁנָה ה'
שִׁפְתוֹ הַעֲלִינָה עוֹדֶפֶת עַל בַּתְּחִתּוֹנָה, וְהַתְּחִתּוֹנָה עוֹדֶפֶת עַל הַעֲלִינָה, הָרִי זֶה מוּם. וְשִׁנָּיו לֹא שָׁנָיו, פְּסוּל מִפְּנֵי יִמְרֵאת הָעַיִן. וְדָדָיו שׁוֹכְבִים כְּשֶׁל אִשָּׁה, כְּרִסוֹ צָבָה, טַבּוּרוֹ יוֹצֵא, נִכְפָּה אֶפְלוֹ אַחַת לְיָמִים, רְנוּחַ קוֹצְרִית בְּאֶה עֲלָיו, הַמְּאֹשְׁכָן, וּבְעַל גְּבֵר. אֵין לוֹ בִּיצִים, אוֹ אֵין לוֹ אֶלָּא בִּיצָה אַחַת. זֶהוּ מְרוֹחַ אֶשֶׁר הָאָמור בְּתוֹרָה. רַבִּי יִשְׁמַעֵאל אוֹמֵר, כָּל־שֶׁנִּמְרָחוּ אֶשְׁכִּיו. רַבִּי עֲקִיבָא אוֹמֵר, כָּל־שָׂרוּחַ בְּאֶשְׁכִּיו. רַבִּי חֲנִינָא בֶן אֲנְטִיגוֹנוֹס אוֹמֵר, כָּל־שֶׁמְרָאוּ יִחְשׁוּכִין.

abnormally dark-complexioned¹³ or have unusually ruddy features or have an uncommonly white face,¹⁴ or if he be extremely tall and thin,¹⁵ or if he be a dwarf, or a deaf-mute, or mentally deficient,¹⁶ or drunk [from the effects of wine only], or if he have any leprosy symptoms

even though adjudged clean,* [all such blemishes] are disqualifications among men but are deemed valid among beasts [to be brought as offerings]. R. Simon ben Gamaliel says, A beast that is mad can not be [accounted] of the choicest [to be offered up].¹⁷ R. Eliezer¹⁸ says, Also those afflicted with large dangling warts—in the case among men they are a disqualification, but in the case of beasts they are deemed valid.*

*See ADDENDA at the end of this *Tractate*.

1 More correct אֲרַכְבוֹתָיו. 2 Or לָזוּ לָזוּ. § 3 רְחֹבָה [substantive], its width; or רְחֹבָה [adjective], wide, broad. 4 Or אֹיִז. 5 Some consider לְמַעַלָּה † redundant. 6 The גַּמְרָא has פָּה and not בּוֹ. Some consider בּוֹ redundant. 7 Or יֶשֶׁבוּ. 8 Popular pronunciation לָאֵל. 9 Literally [If he had] extra [fingers and toes] on his hands and on his feet [respectively]. 10 His view is rejected. 11 Their opinion is accepted. 12 Literally If he manage with both his hands. See ADDENDA. 13 Compare סוּפָה 36. 14 Or לְקָוָן. Or having white spots on the face; perhaps suffering from elephantiasis. 15 Or unshapely, ugly. 16 Or an imbecile. 17 Compare Deuteronomy 12, 11. 18 His ruling is accepted. § See Volume II, Page 12. † Or לְמַעַלָּה.

Mishnah 7

These are qualified among men [priests] and invalid among animal [offerings]: a parent and his son,¹ one that is *terefah*,² or one that is extracted by means of cæsarean section,³ or one that has undergone unnatural sexual intercourse,⁴ or one that has killed a human being.⁵ [A priest] that has married women that are prohibited⁶ is disqualified until he vows [to derive] no benefit [from them].⁷ [A priest] who becomes unclean because of the dead⁸ is disqualified [from Temple service] until he takes a pledge not to suffer uncleanness [again] for the dead.⁸

בְּבַהֲמָהּ. רֶבֶן שְׂמֵעוֹן בֶּן גַּמְלִיאֵל
אוֹמֵר, שׁוֹטָה בְּבַהֲמָהּ אֵינָה מִן־
הַמּוֹבָחָר. רַבִּי אֱלִיעֶזֶר אוֹמֵר,
אִךְ בְּעַלְי לְדוּלִין, פְּסוּלִין בְּאָדָם,
וּכְשֵׁרִין בְּבַהֲמָהּ.

מִשְׁנָה ז
אֵלוּ כְּשֵׁרִין בְּאָדָם, וּפְסוּלִין
בְּבַהֲמָהּ, אוֹתוֹ וְיֹאֵת־בְּנוֹ וְיֹטְרָפָה,
וְיוֹצֵא דוֹפָן, וְשׁוֹעֲבֵדָה בְּהֵן
עֵבִירָה, וְשֶׁהִמִּית אֶת־הָאָדָם.
הַנוֹשֵׂא גִשְׁמִים בְּעֵבִירָה פְּסוּל, עַד
שִׁדְדִיר הַגִּיּוּה. הַמִּיטְמֵא לַמֵּתִים
פְּסוּל, עַד שֶׁיִּקְבַּל עָלָיו שְׁלֵא יִהְיֶה
מִיטְמֵא לַמֵּתִים.

although its head had protruded [from its parent's body] while still alive; or [in the case of twins] after a nine-months-old whose head had projected [from the mother's body, but this young] was dead [and then the other twin emerged]; or after a miscarriage [the abortion] resembling a beast or a wild creature or a bird [followed by the birth of a normal child]. This is the view of R. Meir.⁵ But the Sages⁶ say, [If a woman had an abortion that was like to an animal or to a wild beast or to a bird, its twin born next is deemed a *firstborn* in both respects, namely, inheritance and redemption], but it is not accounted [a *firstborn* if that aborted before it] has aught of the form of a man. (And) if an abortion were [shaped like] a sandal or a placenta⁷ or a foetus⁸ having an articulated shape, or if what should have been born had [first] to be dissected [before it could be extracted from the body of the mother], what is born after them is accounted a *firstborn* concerning [the right to claim the double portion of] an inheritance but is not deemed a *firstborn* in what concerns [the redemption price of five *selas*] to the priest. If one had no children, and wed a woman that had already borne children, even if she were a [Canaanite] bondwoman [when her first child was born] and was then freed from bondage, [or] if she were a gentile [when she bore her first child] and then was proselytised, and after she was wedded to the Jew she bore [a male child], such is considered a *firstborn* in what concerns [the right to claim the double portion of] an inheritance but is not deemed a *firstborn* regarding [the five *selas*' redemption fee] to the priest. R.

עוֹדָה שְׁפָחָה וְנִשְׁתַּחֲרָה, עוֹדָה
 זָכְרִית וְנִתְיַיְרָה, וּמִשְׁבָּאָה לְיִשְׂרָאֵל
 יְלֵדָה, בְּכוֹר לְנִחְלָה וְאִינוּ בְּכוֹר
 לַכֹּהֵן. רַבִּי יוֹסִי הַגִּילְיָי אָמַר,
 בְּכוֹר לְנִחְלָה וְלַכֹּהֵן,¹⁰ שֵׁנֵאמַר,
 פֶּטֶר רַחֵם בְּבִי יִשְׂרָאֵל, עַד שֵׁיפְטֵרוּ
 רַחֵם מִיִּשְׂרָאֵל. מִי שֶׁהָיוּ לוֹ בָּנִים
 וְנִשְׂאָ אִשָּׁה שְׁלֵא יְלָדָה, נִתְיַיְרָה
¹¹מִמֶּעוֹבְבֵרֶת, וְנִשְׁתַּחֲרָה ¹²מִמֶּעוֹבְבֵרֶת,
 יְלָדָה הִיא וְכִהְנֶה, הִיא וְלוֹנְהָ, הִיא
 וְאִשָּׁה שֶׁכָּבַר יְלָדָה, וְכֵן מִי שֶׁלֹּא
 שִׁתְּתָה אַחֵר בְּעֵלָה שֶׁלְּשָׁה חֲדָשִׁים,
 וְנִשְׂאָת וְיְלָדָה, וְאִין יָדוּעַ אִם בֶּן
 תִּשְׁעָה לְרֵאשׁוֹן, אוֹ בֶן שֶׁבְעָה
 לְאַחֲרוֹן, בְּכוֹר לַכֹּהֵן וְאִינוּ בְּכוֹר
 לְנִחְלָה. אִיזְהוּ בְּכוֹר לְנִחְלָה
 וְלַכֹּהֵן? ¹³הַמִּפְלֵת שֶׁפִּיר מְלֵא דָם
 מְלֵא מִים מְלֵא ¹⁴גְּנוּגִים. ¹⁵הַמִּפְלֵת
 כְּמִין דָּגִים, וְחֲנָבִים, ¹⁶שֶׁקָּצִים,
 וְרִמְשִׁים, ¹⁷הַמִּפְלֵת יוֹם אֶרְבָּעִים,
 הָבֵא ¹⁸אֲחֵרֵיהֶן בְּכוֹר לְנִחְלָה
 וְלַכֹּהֵן.

See ADDENDA, § 13 Literally *the abortion*. See ADDENDA, § 14 According to some, *slender worm-like matter*; and also, but incorrectly, *lumpy fleshy material*. Compare נִדְהָ 33, 24b. 15 Compare *Leviticus* 7, 21, 11, 10, 20, 21. Or שְׂקָצִים וְרִמָּשִׁים, *unclean (or forbidden) animals and reptiles*. 16 Counting from the first day of pregnancy. 17 These just enumerated. *See וְרָעִים, Page 18f. §Page 298.

Mishnah 2

[If a woman were bearing twins, and] one was extracted by caesarean operation and the other was born [in the natural manner] after it, then both are not considered *first-born* whether concerning [the right to claim the double portion of] an inheritance or regarding the priest's [right to claim the redemption fee]. R. Simon¹ says, The first [is accounted *firstborn*] with regard to [the right to claim the double portion of] an inheritance, and the second [is deemed *firstborn*] concerning the five *selas*² [which the priest claims as redemption fee].

מִשְׁנָה ב
 יוֹצֵא דוֹפָן וְהָבֵא אַחֲרָיו, שְׁנֵיהֶם
 אֵינָן בְּכוֹר, לֹא לְנַחֲלָה וְלֹא לַכֹּהֵן.
 רַבִּן שִׁמְעוֹן אוֹמֵר, הָרֵאשׁוֹן לְנַחֲלָה
 וְהַשֵּׁנִי לְחֵמֶשׁ סֵלָעִים.

1 His view is not accepted. 2 See וְרָעִים, Page 18f.

Mishnah 3

If a man's wife had never before borne¹ children, and she gave birth to twin males,² [the father] must give to the priest [the redemption price of] five *selas*.³ If one of them died within thirty days, the father is exempt⁴ [from this five *selas*' redemption price]. If the father died,⁵ and the [twin] sons were living, R. Meir says, If [the twins] paid [the redemption fee of five *selas* to the priest] before they divided [the inheritance], then they have paid [and the fee is irrecoverable], but if not,⁶ they are exempt⁷ [from having to pay the redemption fee]. R. Judah⁸ says, The property is liable⁹ [to the payment of the five *selas*' redemption price to the priest]. If [the twins were] a male and a female,¹⁰ the priest can claim naught¹¹ in this case.¹²

מִשְׁנָה ג
 מִי שֶׁלֹּא יִבְכְּרָה אִשְׁתּוֹ וַיִּלְדָּה שְׁנֵי
 זָכָרִים, נוֹתֵן חֵמֶשׁ סֵלָעִים לַכֹּהֵן.
 מִת אֶחָד מֵהֶן בְּתוֹךְ שְׁלֹשִׁים יוֹם,
 הָאֵב יִפְטוֹר. מִת הָאֵב וְהַבָּנִים
 קִיָּמִים, רַבִּי מֵאִיר אוֹמֵר, אִם נָתַנוּ
 עַד שֶׁלֹּא חִלְקוּ נָתַנוּ, וְאִם לֹא
 פִּטְרוּן. רַבִּי יְהוּדָה אוֹמֵר,
 נִתְחַיְבוּ יְכָסִים. זָכָר וְיִגְזַקְבָּה אֵין
 כָּאֵן לַכֹּהֵן כָּלום.

the two wives] had already borne young, and the other had not before had children, and they gave birth to two males [and they were confused so that it was not known which was the child of which], [the husband] must give [the redemption price of] five *selas* to the priest. If one of them died within thirty days [from the day of birth], the father is exempt⁶ [from having to pay the five *selas*' redemption fee to the priest]. If the father died and the sons were living, R. Meir says, [If the twins] gave [the five *selas*' redemption fee to the priest] before they shared [the heritage], then they have paid, [and this payment is not recoverable], but if not,⁷ they are exempt.⁸ R. Judah⁹ says, The property is liable¹⁰ [for the redemption fee of five *selas*]. If [the two wives] bore a male and a female [and these were confused so that it is not known whether the male child was born of her that had not yet borne young or was born of the other], the priest can claim naught¹¹ in this case.

1 Here there can be no doubt that each child was a *firstborn*. 2 Since each priest can argue that his share was for the *firstborn* still living. 3 Evidently, if each bore one child, the male must be *firstborn*; and if one bore two males, one of them must be *firstborn*; and if one bore a male and a female, here arises an uncertainty, but the male of the other is *firstborn*. 4 Popularly, *באין*. 5 Here the possibility exists that the females were born first. 6 Since he can plead that the *firstborn* had died. 7 *i.e.*, the inheritance was already divided up. Or *לא*?. 8 Each can plead that he was not born first. 9 His ruling is accepted. 10 Each son pays two and a half *selas* to the priest, since the deceased parent's debt must be met from the inherited property. 11 For the priest is responsible to prove his claim to the redemption fee.

Mishnah 5

If the two wives of two men—the wives never before having borne young—gave birth to two males¹ [which were confused and it is indeterminate which is the child of which], [the husband of one] must pay [the redemption fee of] five *selas* to the priest and [the husband of the other] must pay five *selas* to the priest. If one of them died within thirty days [from the date of birth], and [the fathers] had given

אומר, ונתחייבו וְכִסִּים. זָכָר
וְנִקְבָּה אֵין קָאן לַפְהֵן יִכְלוּם.

מִשְׁנֵה הַ
שְׁתֵּי נָשִׁים שֶׁל שְׁנֵי אָנָשִׁים, שְׁלֹא
בְּכָרוּ, וַיִּלְדוּ שְׁנֵי יוֹכְרִים, וְהָ גוֹתָן
חֲמֵשׁ סֵלָעִים לַפְהֵן, וְהָ גוֹתָן חֲמֵשׁ
סֵלָעִים לַפְהֵן. מִת אֶחָד מֵהֶן בְּתוֹךְ
שְׁלֹשִׁים יוֹם, אִם לַפְהֵן אֶחָד נָתַנוּ,
יְחֻזַּר לָהֶן חֲמֵשׁ סֵלָעִים; אִם לְשְׁנֵי
כֹהֲנִים נָתַנוּ, אֵינָן יְכוּלִין לְהוֹצִיא

paid [the five *selas*' redemption price to the priest], he must [still] pay it. [If the son] died on the thirtieth day, it is deemed as though he had died on the previous day [—namely, the twenty-ninth day—in what concerns the payment of the five *selas*' redemption fee to the priest]. R. Akiba says, If he had paid [the five *selas*' redemption fee to the priest], he can not recover it; and if he did not pay, he does not have to pay.⁵ If the father died within the thirty days [from the day of birth of the

firstborn], the assumption [is that the son] was not redeemed⁶ unless evidence is furnished that he was redeemed;⁷ [if the father died] after the thirty days, the presumption [is that the son] was redeemed unless proof can be produced⁸ that he was not redeemed.⁹ If a man must redeem himself¹⁰ and has [also] to redeem his [*firstborn*] son, he precedes his son.¹¹ R. Judah says, His son comes before him, for the obligation [to redeem] him devolves upon his father, and the obligation [of redeeming] his son devolves upon him.

1 Since there can be no doubt that his wife had borne a *firstborn*. 2 The male might possibly be the son of the woman who had already borne young. 3 Or popularly *באן*. 4 This refers to an undoubted *firstborn*. 5 But the opinion of the Sages just before stated is the accepted ruling. 6 Because it is not customary to pay the redemption fee before the conclusion of the thirty days. 7 In the absence of proof the fee must be paid by the son when he grows up. 8 *שיאמרו לו* in the *מפרא* instead of *ראיה*. 9 *i.e.*, there are witnesses to say that they had heard the father before his death state that the son was not redeemed. 10 He was a *firstborn* whose father died without redeeming him. 11 This (as laid down by the Sages) is the accepted ruling.

Mishnah 7

[The redemption price of] five *selas* [to be paid to the priest] for the [*firstborn*] son [must be given in coins based] on the Tyrian *maneh*¹ [as the standard]; the thirty [*shekels*] due for a [Canaanite] slave [gored by

שְׁלִשִׁים יוֹם, בְּחֻזְקַת־שְׁלָא נִפְדָּה,
עַד שֶׁיָּבִיא רֵאִיָּה שֶׁנִּפְדָּה; לְאַחַר
שְׁלִשִׁים יוֹם, בְּחֻזְקַת שְׁנִפְדָּה עַד
שֶׁיָּבִיא רֵאִיָּה שְׁלָא נִפְדָּה. ¹⁰ הוּא
לְפָדוֹת וּבְנֵו לְפָדוֹת, הוּא קוֹדֵם
אֶת־בְּנוֹ. רַבִּי יְהוּדָה אוֹמֵר, בְּנוֹ
קוֹדֵמוֹ, שֶׁמִּצְוֹתוֹ עַל אָבִיו וּמִצְוֹת
בְּנוֹ עָלָיו.

מִשְׁנָה ז
הַמֵּשֶׁלֶׁס סְלָעִים שֶׁל בֶּן בְּמִנְהָ צוּרִי;
שְׁלִשִׁים שֶׁל עֶבֶד, וְחֻמְשִׁים שֶׁל
אֲנוֹס וְשֶׁל מִפְתָּה, וּמֵאָה שֶׁל מוֹצִיא
שֵׁם רַע, כּוֹלֵם בְּשֶׁקֶל הַקֹּדֶשׁ בְּמִנְהָ

Mishnah 9

מִשְׁנֵה ט

The *firstborn* takes a double share of the [inherited] property of his father,¹ but he does not take a double share in the inherited property of his mother,² and he does not take a double share of the increased value³ [of the father's estate], nor does he take a double portion of what will come due to the estate as he does of what is already held in possession;⁴ and [similarly] the woman does not [receive any benefit from accrument

to the estate after the death of her husband when claiming] her *marriage settlement*,⁵ and [likewise] the daughters are not [entitled to any of the increase of the value of the property of their father after his death] regarding their maintenance,⁶ and [in like manner] the brother-in-law who performs the *leviratic union*⁷ does not get [more than one share of the increase of the value of the estate of his deceased father or brother];⁸ but none of these may take of the accrued worth or of what is coming due to the property as they do of what is already held in possession.

1 Literally *the father*. 2 Literally *the mother*. All the brothers share equally. 3 The enhanced value of the deceased's estate is divided equally among the brothers, and then the estate itself is divided so that the *firstborn* gets twice as much as each of his brothers. Or בְּשֵׁבַח. Or בְּשֵׁבַח, בְּשֵׁבַח, of any increased value. 4 Compare בְּרֵאשִׁי 10³; בְּרֵא 55a. For instance, money owing to the dead father when paid up is shared equally by all the brothers. Or the less definite forms בְּרֵאשִׁי. 5 See בְּרֵאשִׁי INTRODUCTION. 6 See בְּרֵאשִׁי 13³. 7 See בְּרֵאשִׁי INTRODUCTION and 1¹. 8 Thus: a man died leaving three sons A, B and C; before the estate was divided A died, leaving no issue, and B married the widow leviratically; then if they divide the father's property, B takes two shares (one for A the deceased and one his own, and C gets one share) but only of the property as valued when A died; but any additional values accruing after the father's death or (or and) after A's death is shared equally by B and C.

Mishnah 10

מִשְׁנֵה י

These do not revert [to their original owners] in the Jubilee year:¹ the [double] portion of the *firstborn*,

אֵלוֹ שְׂאִינָן חוֹרֵינן יְבִיבֵל, הַבְּכוֹרָה, וְהַיִּרְשָׁה אֶת-אִשְׁתּוֹ, וְהַמִּיבָּם אֶת-

goats,* and they tithe from one for the other;³ [and it applies] both to the new and to the old;⁴ and they may not give tithe from the one for the other.⁵ It might have been deduced that if from the new and the old, which are not *forbidden junction*⁶ with each other, they may not separate tithe from one for the other, should it not be inferred [all the more strongly] that they must not give tithe from the sheep and the goats, which are *forbidden junction* with each other, from the one for the other! But the Scriptural text reads,⁷ or the flock,⁸ hence the logical conclusion⁹ that all flocks are as one.¹⁰

1 *Leviticus* 27, 32. 2 Nor may they be included together to make up ten for the purpose of tithing. 3 And they may be included together to make up ten for tithing. 4 The first day of the month of Elul is termed *the New Year for the tithe of cattle* (see *ראש השנה* 1¹); animals born before then are termed *old breed* and those born after the first day are termed *new breed*. 5 Nor may they be included (even of the same species) to make up ten for tithing. 6 Or *diverse kinds* (see *פלאים*, INTRODUCTION); seeing they are beasts of the same species. 7 *Leviticus* 27, 32. 8 *צאן* means both *sheep* and *goats*. 9 Popular traditional pronunciation *משמע*. 10 For the purpose of tithing of cattle, for tithing one for the other. *Or the definite forms *במקדשין*, *בכבשים*, *ובעזים*, *בחילין*.

Mishnah 2

For [the] *tithe* those cattle may be included together [as a herd under one herdsman] that are within a space wherein cattle roam while at pasture. And what is the distance that cattle while pasturing wander? Sixteen *mil*.¹ If there were [an interval of] thirty-two *mils* between one herd and another,² they are not included together; but if one had [cattle] midway³ [between the two herds], he includes⁴ [them with those] midway and tithes them.

מתעשרין מזה על זה. שהיה בדין
מה אם החדש והקדש שאינן
כלאים זה בזה, אין מתעשרין מזה
על זה, הכבשים והעזים, שהם
כלאים זה בזה, אינו דין שלא
יתעשרו מזה על זה! יתלמוד
לומר, וצאן, משמע כל-צאן
אחד.¹⁰

משנה ב

מעשר בהמה מצטרף כמלא רגל
בהמה רועה. וכמה היא רגל
בהמה רועה? ששה עשר מיל.
היה בין אלו לאלו שלשים ושנים
מיל, אינן מצטרפין; הנה לו
באמצע, מביא ומעשרן באמצע.
רבי מאיר אומר, הנה דין מפסיק
למעשר בהמה.

Mishnah 4

All [beasts]¹ are brought into the shed² to be tithed except those that are of *forbidden junction*,³ or are *terefah*,⁴ or have been extracted by caesarean operation, or are not old enough,⁵ or are orphans. What is understood by 'orphan'? [It means one] whose dam died or was slaughtered.⁶ R. Joshua⁷ says, Even if its dam were slaughtered but [its] hide⁸ remained intact, [the young] is not deemed an orphan.⁹

1 Even those not valid for offering. 2 Or *pen*. 3 Or *cross-bred* (see בְּלָאִים, INTRODUCTION), for instance, the offspring of a he-goat with a sheep or of a she-goat and a sheep. 4 *e.g.*, that cannot live. 5 *i.e.*, less than eight days old. 6 Immediately after the birth. 7 His view is rejected. 8 Or *fresh skin*. 9 In some places, when a dam dies soon after giving birth, its hide is cut off and wrapped round the young to keep it warm, and this beneficial operation is accounted as equivalent to the presence of the dam itself.

Mishnah 5

There are three periods¹ [in a year] for [the] *tithe of cattle*: fifteen days² before Passover, fifteen days before Pentecost, [and] fifteen days before the Festival [of Tabernacles]. This is the opinion of R. Akiba. Ben Azzai says, On the twenty-ninth of Adar, on the first of Sivan, [and] on the twenty-ninth of Ab. R. Eliezer and R. Simon say, On the first of Nisan, on the first of Sivan, [and] on the twenty-ninth of Elul. And why* did they say on the twenty-ninth of Elul and did not say on the first of Tishri? Because [the first of Tishri] is a Holyday,³ and it is impossible to tithe on a Holyday, hence they made it [a day] earlier,

מִשְׁנֵה ד

יֵהָלַל גְּבוּסִים לְדִיר לְהִתְעַשֵּׂר, חוּץ מִן־הַיְּהוּדִים, וְהַטְּרֵפָה, וְיוֹצֵא דוֹפָן, וּמְחוּסֵר וּמֵן, וְיִתוֹם. אֵיזְהוּ יִתוֹם? כָּל־שִׁמְתָהּ אִמּוֹ, אוֹ שִׁנְשַׁחְתָּהּ. רַבִּי יְהוֹשֻׁעַ אוֹמֵר, אֲפִילוּ נִשְׁחַטָּהּ אִמּוֹ וְהִשְׁלַח קַיִּים אֵין זֶה יִתוֹם.

מִשְׁנֵה ה

שְׁלֹשׁ יְגִרְנוֹת לְמַעֲשֵׂר בְּהֵמָה, בְּפָרוֹס הַפֶּסַח, בְּפָרוֹס הָעֲצָרֶת, בְּפָרוֹס הַחֹג. דְּבַר־י רַבִּי עֲקִיבָא בֶן עֲזַאי אוֹמֵר, בְּעֶשְׂרִים וְתִשְׁעָה בְּאֵדָר, בְּאֵחָד בְּסִינּוֹ, בְּעֶשְׂרִים וְתִשְׁעָה בְּאָב. רַבִּי אֱלִיעֶזֶר וְרַבִּי שְׁמַעוֹן אוֹמְרִים, בְּאֵחָד בְּנִיסָן, בְּאֵחָד בְּסִינּוֹ, בְּעֶשְׂרִים וְתִשְׁעָה בְּאֵלוּל. וְלָמָּה אָמְרוּ בְּעֶשְׂרִים וְתִשְׁעָה בְּאֵלוּל, וְלֹא אָמְרוּ בְּאֵחָד בְּתִשְׂרִי? מִפְּנֵי שֶׁהוּא יוֹם טוֹב, וְאֵי אֲפָשֵׁר לַעֲשׂוֹת בְּיוֹם טוֹב, לְפִיכֵן הִקְדַּמְתִּיהוּ בְּעֶשְׂרִים וְתִשְׁעָה בְּאֵלוּל.

can be made. Or לָמָּה, לָמָּה. 5 And the flesh of the slaughtered beast may be eaten.

Mishnah 7

How do they tithe [the beasts]? One leads them into an enclosure¹ and makes for them a small opening so that no two can pass out together. [And as they go forth singly] he counts with a rod, 'One, two, three, four, five, six, seven, eight, nine', and he marks with red paint the one that comes forth tenth and he says, 'This is tithe'. If he did not mark it with red paint, or if he did not count them with a rod, or if he counted them lying down or standing up,² they are nevertheless tithed.* If one had a hundred [beasts] and he took [any] ten [of them], or [if he had] ten [beasts] and took [any] one [from them without the counting], this is not [valid] tithing. R. Jose³ ben R. Judah says, This is [valid] tithing. If one of those already counted leaped in among them [not yet counted, and it could not be recognised], then these are exempt [from being tithed]; if one of those that had been set aside as tithe [jumped in among the others not yet counted, and not having been marked with red paint it could not be distinguished], then all of them must be left to pasture until they acquire a blemish,⁴ and they may then be consumed by their owner by reason of their blemish. § בְּרֵבִי, see גִּישׁוֹ 47, אָבוֹת 420.

1 Literally *pen, shed*; formed of stones or stakes. 2 *i.e.*, They were not made to pass out for the counting. סִקְרָא, a red dye or paint like *fucus* or *fuchsine*. 3 His opinion is rejected. 4 They may not be slaughtered so long as they are sound. See ADDENDA, Page 299. *Or מַעֲשֵׂרִים.

after they have acquired a blemish. 5 He mistakenly thought these numberings were correct. 6 *Leviticus* 27, 10. Both the eleventh and the substitute must be offered as *peace-offerings* if this be so. 7 His view is rejected. 8 Or יִשְׁתַּמְּרָה i.e., *Can that for which it is exchanged effect another exchange?* or *Can a substitute affect the status of another animal exchanged for it?* Compare תִּמְוָרָה 2^s. See ADDENDA. 9 אֵלֹו in some texts. 10 The accepted ruling is that this eleventh does not transfer its sanctity to a substitute (since no *tithe of cattle* nor a *firstling* can have a substitute). 11 הַפְּלִל popular pronunciation. 12 If the tenth was correctly named the tenth. 13 Or סְלִיק מִסִּכְתָּא בְּכוֹרוֹת, CONCLUSION OF TRACTATE BECHOROTH.

וְנִשְׁלְמָה מִסִּכְתָּא בְּכוֹרוֹת¹³

TRACTATE BECHOROTH CONCLUDED.

ADDENDA

[Additional Notes to Tractate BECHOROTH]

- 11, Note 8. From the firstborn of an ass.
- 11, Note 9. The firstborn [firstling] is not holy if a gentile has any share in the mother or offspring.
- 15, Note 3. Here a lamb born from a he-goat and ewe.
- 21, Note *. Because the animal is made to work on the Sabbath (see *Fourth Commandment*).
- 21, Note 4. But not if only part belongs to the Jew.
- 22, Note 10. In the case of tithing, every animal passing under the rod, perfect or blemished, must be tithe.
- 26, Note 2. Since 'males' implies at least 'two,' the inference is that more than 'one' comes within the provision of the *law of the firstling*.
- 26, Note 7. See בְּתָרָא בְּבֹאָה 74. The owner, being in the stronger position, and the priest being unable to validate his own claim, can choose which animal he prefers.
- 27, Note 3. Because of the female, he can claim that this was delivered first by the dam.
- 27, Note 6. The doubt here is that the ewe whose first birth this was might have begot a female and the one which had already borne young now gave birth to a male.

- 81, **Note 12.** It is not considered **בְּכוֹר לְנַחֲלָה** because it is not known whose firstborn he is and from what heritage he should be prohibited.
- 81, **Note 13.** These are not considered *offspring*, because of these, the word **וַיֵּצֵר** is not used as of *man* at the Creation (*Genesis 2, 7*).
- 81^o, **Note 2.** Being regarded in law a genuine **נַחֲלָה** it is not affected by **יָזַב**.
- 92, **Note 1.** This being regarded the limit over which a shepherd can exercise effective control.
- 92, **Note 3.** 'midway' is not to be taken too literally.
- 95, **Note 3.** On **יִום טֹב** no marking can take place, hence no *tithing*.
- 97, **Note 4.** As any one of them may be the *tithe*, in which case he will be deriving benefit from that which is consecrated.
- 98, **Note 8.** Since the eleventh was itself substituted for the tenth.

INTRODUCTION, Page 241, **Note †.**

Exodus 12, 29:

[29] וַיְהִי בַחֲצֵי הַלַּיְלָה נָחַ ה' הַכָּה כָּל-בְּכוֹר בְּאֶרֶץ מִצְרַיִם מִבְּכוֹר פַּרְעֹה הַיֹּשֵׁב עַל-כִּסֵּא עַד בְּכוֹר הַשָּׂבִי אֲשֶׁר בְּבַיִת הַבּוֹר וְכֹל בְּכוֹר בְּהֵמָה

And it came to pass at midnight, that the Eternal smote all the *first-born* in the land of Egypt, from the *first-born* of Pharaoh that sat on his throne unto the *first-born* of the captive that was in the dungeon; and all the *first-born* of cattle.

Exodus 13, 2, 12, 13, 15:

[2] קִדַּשׁ לִי כָל-בְּכוֹר פֶּטֶר כָּל-רֶחֶם בְּבִנְיֵי יִשְׂרָאֵל בְּאָדָם וּבַבְּהֵמָה לִי הוּא

'Sanctify unto Me all the *first-born*, whatsoever openeth the womb among the children of Israel, both of man and of beast, it is Mine.'

[12] וְהֵעַבְרַתְּ כָל-פֶּטֶר רֶחֶם לַה' וְכָל-פֶּטֶר שֹׁנֵי בְהֵמָה אֲשֶׁר יִהְיֶה לָּהּ הַזָּכָרִים לַה'

That thou shalt set apart unto the Eternal all that openeth the womb; every *firstling* that is a male, which thou hast coming of a beast, shall be the Eternal's.

[13] וְכָל-פֶּטֶר חֲמֹר תִּפְדֶּה בְשֵׂה וְאִם-לֹא תִפְדֶּה וְעַרְפָּמוֹ וְכֹל בְּכוֹר אָדָם בְּבִנְיָה תִפְדֶּה

And every *firstling* of an ass thou shalt redeem with a lamb; and if thou wilt not redeem it, then thou shalt break its neck; and all the *first-born* of man among thy sons shalt thou redeem.

[15] וַיְהִי כִי הִקְשָׁה פַרְעֹה לְשַׁלְּחֵנוּ וַיַּהַרְג ה' זָכָל-בְּכוֹר בְּאֶרֶץ מִצְרַיִם מִבְּכוֹר אָדָם וְעַד בְּכוֹר בְּהֵמָה עַל-כֵּן אֲנִי זֹכֵחַ לַה' כָּל-פֶּטֶר רֶחֶם הַזָּכָרִים וְכֹל בְּכוֹר בְּנֵי אִפְדָּה

And it came to pass, when Pharaoh would hardly let us go, that the Eternal slew all the *first-born* in the land of Egypt, both the *first-born* of man, and the *first-born* of beast; therefore I sacrifice to the Eternal all that openeth the womb, being males; but all the *first-born* of my sons I redeem.

מִסְכָּה

עֵרָכִין

TRACTATE
ARACHIN

[BEING THE FIFTH TRACTATE OF THE FIFTH ORDER KODASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

PHILIP BLACKMAN, F.C.S.

INTRODUCTION

עֲרֵכִין, **Arachin** (popularly mispronounced **עֲרֵכִין**), is the fifth *Tractate* or *Treatise* of the fifth Order *Kodashim* (**סֵדֶר קֹדָשִׁים**) of the *Mishnah* (**מִשְׁנָה**).

It is presented in the *Babylonian Talmud* (**תְּלַמוּד בַּבְּלִי**) with **נִמְרָא**. The *Tractate* is absent in the *Palestinian* (or *Jerusalem*) *Talmud* (**תְּלַמוּד יְרוּשָׁלַיִם**).

The term **עֲרֵכִין** (or **עֲרֵכִין**, the *Aramaic* form pronounced by the German-Polish Jews) is a *plural* form (there is another **עֲרֵכִים**) of the *noun* **עֲרֵךְ**, (1) *order, arrangement*, (2) *array, pile, row*, (3) *outfit, preparation*, (4) **appraisal, appraisement, estimation, evaluation, valuation, assessment, price, value**, a derivative of the *verb* **עָרַךְ**, (1) *arrange, range, array, set in array, place in order*, (2) *marshal, muster, prepare*, (3) *knead, roll, shape*, (4) **assess, estimate, appraise, evaluate, price, value**.

The *Tractate* consists of nine Chapters whose titles are:

CHAPTER 1	הַכֹּל מְעֵרִיכִין	פָּרָק א
CHAPTER 2	אֵין יִנְעֵרִיכִין	פָּרָק ב
CHAPTER 3	יֵשׁ בְּעֵרִיכִין	פָּרָק ג
CHAPTER 4	הַשֵּׁג יָד	פָּרָק ד
CHAPTER 5	הָאוֹמֵר מְשַׁקְּלִי עָלַי	פָּרָק ה
CHAPTER 6	שׁוּם הִיתּוּמִים	פָּרָק ו
CHAPTER 7	אֵין מְקַדִּישִׁין	פָּרָק ז
CHAPTER 8	הַמְּקַדֵּישׁ שְׂדֵהוּ	פָּרָק ח
CHAPTER 9	הַמּוֹכֵר שְׂדֵהוּ	פָּרָק ט

* See 2¹, **Note 1**, *viz.*, **אֵין בְּעֵרִיכִין**. §Or **יֵשׁ בְּעֵרִיכִין**.

The nine Chapters are here briefly summarised. [N.B.—*dedicate* = *consecrate*.]

1. Persons capable of vowing to consecrate objects for the Sanctuary.
2. Maximum and minimum amounts to be given by a consecrator or dedicator; the maximum and minimum amounts for various religious injunctions; Temple affairs.
3. Estimation of values of dedicated real estate; fixed amounts paid as indemnities.
4. Assessments as mentioned in *Leviticus* 27, 2-27.†
5. Various personal or bodily evaluations.
6. General valuations (**שׁוּם** in contradistinction to **עֲרֵךְ**); distraint for debt incurred by consecration.
7. Appraisal of dedicated real estate according to *Leviticus* 27, 16,† and the subject of **מְחֻנָּה**, *the devoted thing*, and irredeemable property of the Temple or of the priests according to *Leviticus* 27, 28, 29.†
8. Continuation of the appraisements treated in the preceding chapter.
9. The Jubilee year and the redemption of sold real estate according to *Leviticus* 25, 25-34.† †See **ADDENDA**, Pages 344f.

מִסְכֵּת

עֲרָכִין

TRACTATE

ARACHIN

CHAPTER I

פֶּרֶק א

Mishnah I

מִשְׁנָה א

All persons are fit to dedicate [the valuation of another] or be the subject of dedication¹ [according to the valuation of another], and they may vow [the worth of another] and [their own worth] may be vowed² [by another]. [This dedication and vowing may be carried out by] priests, (and) Levites, and Israelites, [and] women³ and [Canaanite] slaves.⁴ But one of indeterminate sex⁵ and an hermaphrodite may vow [the worth of each other] and may be vowed [by another] and are fit to dedicate [the valuation of another] but are not fit to be the subject of dedication [according to the valuation of another], since only an undoubted male or an undoubted female is fit to be the subject of dedication [according to the valuation of another]. A deaf-mute, a mentally defective person, and a minor may be vowed [according to their worth estimated by another] and are fit to be the subject of dedication [according to the valuation of another], but they may not vow [the worth of another] or dedicate [the worth of another], because they possess no understanding [to formulate vows nor to make assessments]. [The worth of a child] less⁶ than a

הַכֹּל יִמְעָרִיכִין, וְנִעְרָכִין, יְגוּדְרִים
וְיִגְדְרִים. כֹּהֲנִים וְלוֹיִם וְיִשְׂרָאֵלִים
יְנָשִׁים יְעֹבְדִים. יְטוּמְטוּם
וְאֲנָדְרוּגִינוּס נוֹדְרִים וְיִגְדְרִים
וּמְעָרִיכִין אֲבָל לֹא נִעְרָכִין, שְׂאִיגוּ
נִעְרָךְ אֲלֵא זָכָר וְדֹאֵי וְנִמְקָה וְדֹאֵית.
חֲרַשׁ שׁוֹטֵה וְקִטָּן וְיִגְדְרִין וְנִעְרָכִין,
אֲבָל לֹא נוֹדְרִין וְלֹא מְעָרִיכִין,
מִפְּנֵי שְׂאִין כֹּהֵם דְּעֵת. יְפָחוֹת מִבֶּן
חֲדָשׁ יְגִדֵר, אֲבָל לֹא יִנְעָרֵךְ.

another] vowed or be the subject of dedication [according to the valuation of another]. R. Chanina ben Akabia says, He can be the subject of dedication [according to the valuation of another] since his valuation worth is fixed;² (but his worth [as evaluated by another] can not be vowed because its price is not fixed). R. Jose says, He may vow [the worth of another], and may dedicate [the worth of another], and may dedicate [ought to the Temple]; and if he caused damage, he is liable to pay compensation.³

1 By sentence of the Sanhedrin. 2 *Leviticus* 27, 2ff. 3 And if he died or was executed his heirs must make restitution or the damages are recovered from the estate. *This bracketed part is not given in the גמרא.

Mishnah 4

If a [pregnant] woman were sentenced to death,¹ they do not wait for her until she shall have given birth, [but] if she were sitting on the birth-stool,² they must wait for her till she shall have given birth. If a woman were put to death, they may make use of her [false] hair;³ if a beast were slain [at the order of the court], any use⁴ of it is prohibited.

משנה ד
האשה שהיא יוצאה ליהרג, אין ממתינין לה עד שתלד, לשבה על המשבר, ממתינין לה עד שתלד.
האשה שנהרגה גהנין בשערה;
בהמה שנהרגה אסורה בהנאה.

1 Literally *to be slain, to be put to death*. 2 The seat for a woman in labour. See ADDENDA.* 3 Only if she had expressed her wish to that effect before execution. But she cannot so will away her own real hair. 4 As soon as the sentence is pronounced the animal is already considered forbidden. In the case of a human being this is operative only after execution. *Page 343.

CHAPTER 2

פרק ב

Mishnah 1

The valuation¹ must not be less² than a *selā*³ nor more than fifty *selas*. For instance, if a [poor] person paid

משנה א
אין בצרכין פחות מסלע, ולא יתר על חמשים סלע. כיצד, גזון

from that day of observation. It is evident that, if this first day is the commencement of the state of **יִבָּה** then after ten days she is no longer a **יִבָּה**. And when the flow ceased after seven days and she saw anew a discharge of blood, this thus occurring on the eighteenth day, she is again a **יִבָּה**; and on the other hand, if this first day is the beginning of the condition of a **יִבָּה**, if she awaits six more days and eleven days also in **יִבָּה**—a total of seventeen days—and sees a flux of blood on the eighteenth day, she is manifestly once more a **יִבָּה**. 9 *Leviticus* 14, 46f. *Instead of the fifty *shekels* enjoined for those between twenty and sixty years of age. *See ADDENDA, Page 343.

Mishnah 2

משנה ב

There must not be less than four full months [of thirty days each] in a year, and it never appeared [necessary to the Sages to intercalate] more than eight¹ [months to thirty days each]. The *two loaves*² [of the Festival of Weeks] were consumed not sooner³ than the second [day] and not later than the third⁴ [day]. The *shewbread*⁵ was consumed not earlier than the ninth day and not after the eleventh day. A child must not be circumcised before the eighth day and not later than the twelfth⁶ [day].

אין פּוֹחֲתִין מֵאַרְבַּעַה חֳדָשִׁים
הַמְעוֹבְרִים בְּשָׁנָה, וְלֹא נִרְאָה יִתֵּר
עַל יִשְׁמֹנֶה. יִשְׁתִּי הַלֶּחֶם נֶאֱכָלוֹת,
אֵין פָּחוֹת מִשְׁנַיִם, וְלֹא יִתֵּר עַל
יִשְׁלֹשָׁה. לֶחֶם הַפָּנִים נֶאֱכַל אֵין
פָּחוֹת מִתְּשַׁעָּה, וְלֹא יוֹתֵר עַל אֶחָד
עָשָׂר. קָטָן נְמוּל אֵין פָּחוֹת מִשְׁמוֹנֶה
וְלֹא יוֹתֵר עַל יִשְׁנַיִם עָשָׂר.

1 *i.e.*, in some years four months might have 30 days each and eight 29 days each, and in others four months might have 29 days each and eight 30 days each. (The length of the *lunar month* is determined by the duration of one complete revolution of the moon round the earth, *i.e.*, 29 days 12 hours 44 minutes $3\frac{1}{2}$ seconds, which is nearly 29 $\frac{1}{2}$ days. To avoid beginning a month during the middle of a day it was necessary to subtract half a day from one month and add half a day to the next, the months thus having alternately 29 and 30 days. As the *lunar year* is shorter than the *solar year* an adjustment is made by intercalating an extra month of 30 days seven times—thus *seven leap years*—every 19 years, termed the *metonic cycle*, *viz.*, the 3rd, 6th, 8th, 11th, 14th, 17th and 19th years of each cycle.) 2 *Leviticus* 23, 17. 3 Popular pronunciation פָּחוֹת. 4 Compare מְנַחֲוֹת 119. The *two loaves* are baked on the eve of Pentecost and eaten the next day. If Pentecost falls on Sunday the *two loaves* were baked on the preceding Friday, and thus they are eaten on Sunday which is the third day. 5 See מְנַחֲוֹת 119. The *shewbread* is baked on Friday and eaten on the Sabbath of the next week, this thus being the ninth day; if Thursday

beat or close and open) the holes with their finger tips. Compare 33 בַּפְּרִיִּים. 6 91 פְּסָחִים. 7 51 טוֹבָה. 8 Or *bronze*. According to the זְמֵרָא the term אָבוֹב is synonymous with תְּלִיל; Maimonides considers אָבוֹב as the *mouthpiece* of the flute. 9 This one kept on after the other(s) had stopped. While the music played during these twelve days the priests sang the תְּלִיל (*Psalms 113-118*); on other days they played on harps (or lyres) and cymbals and chanted a special *Psalm* for each day of the week (as given in our Daily Prayer Books at the end of the Morning Service). *Page 343.

Mishnah 4

מְשֻׁנָּה ד

(And) [those that played the musical instruments] were the slaves of the priests. This is the opinion of R. Meir. R. Jose¹ says, [They were from] the families of Beth-Hapegarim and [from the families of] Beth-Zepharia² and from Emmaus,³ and [because of their distinguished lineage] they [had the privilege of giving [their daughters] in marriage to priests.⁴ R. Chanania ben Antigonus⁵ says, [The musicians] were Levites.⁶

וְעַבְדֵי הַכֹּהֲנִים הָיוּ דְבָרֵי רַבִּי מֵאִיר. רַבִּי יְיוֹסִי אוֹמֵר מְשֻׁפְחוֹת בֵּית הַפְּגָרִים, וּבֵית יְצִפְרִיא וְיִמְאָמָאוֹם הָיוּ מְשִׁיאֵין לְכַהֲנָנָה. רַבִּי חֲנַנְיָא בֶּן אֲנְטִיגוֹנוֹס אוֹמֵר, לְלוֹיִם הָיוּ.

1 His statement is accepted. 2 These were people of good repute. 3 Or *Ammaus*. More correct אִימָאוֹס, אֲמָאוֹס. A town in the plain of Judea (or Philistaea) and well known in Talmudic times for its warm springs and luxurious life.* 4 Literally to the priesthood. Compare 41 קְדוּשָׁין. 5 Or אֲנְטִיגוֹס, אֲנְטִיגוֹס. 6 There is no dispute over the fact that at the animal sacrifices the Levites recited the appropriate *Psalms*. *Some locate it near Tiberias.

Mishnah 5

מְשֻׁנָּה ה

There had to be no less than six lambs that had passed examination [with regard to soundness] in the Chamber of Lambs,¹ sufficient for the Sabbath and for the two Festival days of the New Year² [which followed the Sabbath], and [their number above six] could be increased indefinitely. [They played on] no less than two trumpets, and

אֵין פּוֹחֲתִין מִשְׁשָׁה סְלָאִים הַמְּבֻקְרִין בְּלִשְׁבַת הַסְּלָאִים, כְּדֵי לִשְׁבַת וְלִשְׁנֵי יָמִים טוֹבִים שֶׁל רֵאשׁ הַשָּׁנָה, וּמוֹסִיפִין עַד לְעוֹלָם. אֵין פּוֹחֲתִין מִשְׁתֵּי חֲצוֹצְרוֹת, וּמוֹסִיפִין עַד לְעוֹלָם; אֵין פּוֹחֲתִין מִתְּשֻׁעָה

priestly platform. 10 וַיִּצְעֲרֵי in the גְּמֵרָא. 11 Because their voices were not so sweet and agreeable as those of the boys.

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

In the laws of the *dedication of valuations* there are¹ lenient considerations and rigorous considerations: the law of the *field of possession*² has a lenient side and a stringent side;³ the law of the *ox that is a certified danger*⁴ that has killed a slave may sometimes bear lightly and sometimes stringently; the law of the *ravager*⁵ and the *seducer*⁶ and one that *hath brought up an evil name*⁷ is sometimes clement and sometimes strict. In the laws of the dedication of valuations there are¹ lenient considerations and rigorous considerations. How so? If one dedicated the valuation of the fairest person in Israel or of the most repulsive in Israel, he must pay fifty *selas*⁸ [in either case]; but if he said, 'Lo! I vow to give his

וְיֵשׁ בְּעֶרְכֵּן לְהִקָּל וּלְהִחְמִיר; בְּשִׂדָּה אֲחֻזָּה לְהִקָּל וּלְהִחְמִיר; בְּשׂוֹר יְהוּמָעַד שֶׁהֵמִית אֶת־הָעֶבֶד לְהִקָּל וּלְהִחְמִיר; בְּאֹנֶס יוֹמֵפְתָה וּמוֹצִיא שֵׁם רַע לְהִקָּל וּלְהִחְמִיר. וְיֵשׁ בְּעֶרְכֵּן לְהִקָּל וּלְהִחְמִיר. כִּיצַד? אֶחָד שֶׁהִעֲרִיף אֶת־הַנְּאֻזָּה שֶׁבְּיִשְׂרָאֵל, וְאֶת־הַכַּעֲוֵר שֶׁבְּיִשְׂרָאֵל, גִּוְתַן חֲמִשִּׁים סֵלַע; וְאִם אָמַר, הֲרִי דָמָיו עָלַי, גִּוְתַן אֶת־שְׂוֵיָיו.

1 Or וְיֵשׁ בְּעֶרְכֵּן. 2 *Leviticus* 27, 16 *et seq.* שִׂדָּה אֲחֻזָּה, an inherited field. 3 For instance, if one dedicated an inherited field and then wished to redeem it the law may bear leniently or severely according to circumstances as dealt with later on. 4 *Exodus* 21, 29ff. An ox that has been attested of having killed for the third time a (Canaanite) slave, the question of compensation may sometimes be less severe and at other times rigorous. See 31. 5 *Deuteronomy* 22, 28 *et seq.* 6 *Exodus* 22, 16 *et seq.* וְשֹׂאוֹנֵס in some texts. 7 *Deuteronomy* 22, 19. Compare בְּכֹרֹת 87. 8 This example is of a person between twenty and sixty years of age. Here the actual value of the 'fair' person may be much more than fifty *selas*, therefore in this case the law bears leniently; in the case of the 'repulsive' person whose value may be less than fifty *selas*, the law bears rigorously. See וְרָעִים, Page 18f.

among the bondmen or the most repulsive of the bondmen, [the owner of the ox] pays thirty *selas*;² [but] if it killed a freeman, [its owner] must pay his [full] worth. If [the ox] wounded the one [a bondman] or the other [a freeman], [the owner] must pay full damages.

1 Compare 31, **Note 3.** מוֹעֵד is a technical term applied to an animal whose owner stands forewarned by reason of three successive acts of damage. *Exodus 21, 29.* See **ADDENDA.* 2 Exodus 21, 32.** If the bondservant is worth more than thirty *selas* (see זְרַעִים, Page 18f.) the law deals lightly with the owner; if the bondservant is worthless, the law deals comparatively severely with the owner seeing that he has to pay nevertheless. *Page 343.

Mishnah 4

The law of the *ravager* and the *seducer* sometimes deals lightly and sometimes severely. How so? It is all the same whether one ravaged or seduced the greatest [woman] in the priestly community or [a woman] from among the least important of the [lay] Israelite stock¹—he must pay² fifty *selas*; but restitution for loss of dignity and for blemish³ is all in accordance with [the status of] the one who causes the indignity and [according to the social position of] her that suffers the indignity.⁴

מִשְׁנֵה ד
בְּאוֹנוֹס וּמִפְתָּה לְהַקֵּל וּלְהַחְמִיר.
כִּיצַד? אֶחָד שְׂאוֹנוֹס וּפְתָה אֶת-
הַגְּדוֹלָה שֶׁבְּכַהֲנָה וְאֶת-הַקְּטָנָה
יִשְׁבִּי־יִשְׂרָאֵל, יוֹתֵן חֲמִשִּׁים סֵלַע;
וְהַבִּישָׁת יוֹהַפְנוֹם הַכֹּל לְפִי הַמְּבִיִּישׁ
יֹהַמְתִּבִּישׁ.

1 *Deuteronomy 22, 29.* 2 To the father of the outraged woman. 3 כְּחַיִּבוֹת 37. 4 The amount of the fine varies with the social standing of the offender and of the injured party.

Mishnah 5

The law of the one that *hath brought up an evil name*¹ has a light side and a severe side. How so? It is all the same whether one *hath brought up an evil name* against the greatest [woman] of the priestly stock or against the

מִשְׁנֵה ה
בְּמוֹצִיא שֵׁם רַע לְהַקֵּל וּלְהַחְמִיר.
כִּיצַד? אֶחָד שֶׁהוֹצִיא שֵׁם רַע, עַל
גְּדוֹלָה שֶׁבְּכַהֲנָה וְעַל קְטָנָה
שֶׁבִּי־יִשְׂרָאֵל, נוֹתֵן מֵאָה סֵלַע. וּמִצָּא

1 *Leviticus* 27, 8. 2 See further 4⁴. Thus, if A vowed to donate the value of B (according to the valuation in the Law), when the time to pay arrives the means of A are assessed and not of B. 3 If A vows to donate the value of B, the assessment of the years of B is made and not of A. 4 If one donate the value of a woman he pays that value. 5 *e.g.*, if the vower were twenty years of age when he made the vow, and at the due time of payment he was above that age, he pays according to the twenty years' term.

Mishnah 2

But with *offerings* it is not so. If one said, 'I undertake [to bring] the offering of this leper', and the leper was a poor man,¹ he must bring the offering of a poor man; [and if the leper were] rich,² he must bring the offering of a rich man. Rabbi says, (I say that)³ it is also the same when dedicating a valuation. (And) why should a poor person who dedicated the valuation of a rich person pay only the valuation of a poor person? Because the rich person has not made himself liable for aught. But if the rich person said, 'I dedicate my own valuation', and the poor person heard [this] and said, 'What this person has said I take upon myself', he must pay the valuation of a rich person.⁴ [If a person were poor and then became rich], or [if he were rich] and then became poor, he must pay the valuation of a rich person. R. Judah⁵ says, Even if

מִשְׁנָה ב
אָבֵל בְּקִרְבָּנוֹת אֵינוֹ כֵּן. הָרִי
שָׁאֵמַר, קִרְבָּנוֹ שֶׁל מִצְוָרַע זֶה עָלַי,
אִם הָיָה מִצְוָרַע יַעֲזִי מִבֵּיא קִרְבָּן
עָזִי; יַעֲשִׂיר, מִבֵּיא קִרְבָּן עֲשִׂיר.
רַבִּי אוֹמֵר, (אוֹמֵר אֲנִי) אַף בְּעֶרְכִּין
כֵּן. וְכִי מִפְּנֵי מָה עָזִי שֶׁהָעֶרְיף
אֶת־הָעֲשִׂיר נוֹתֵן עֶרְךָ עָזִי? שָׂאֵין
הָעֲשִׂיר חַיִּיב כָּלֹּם. אָבֵל הָעֲשִׂיר
שָׁאֵמַר, עֶרְכִּי עָלַי, וְשָׁמַע הָעָזִי
וְאָמַר, מִה־שָׁאֵמַר זֶה עָלַי, נוֹתֵן
עֶרְךָ יַעֲשִׂיר. הָיָה עָזִי וְהָעֲשִׂיר, אוֹ
עֲשִׂיר וְהָעָזִי, נוֹתֵן עֶרְךָ עֲשִׂיר. רַבִּי
יְהוּדָה אוֹמֵר, אֲפִילוֹ עָזִי וְהָעֲשִׂיר
יִחְזֹר וְהָעָזִי נוֹתֵן עֶרְךָ עֲשִׂיר.

1 *Leviticus* 14, 21. 2 *Leviticus* 14, 10. 3 *אוֹמֵר אֲנִי* is considered redundant by some and is omitted in some texts. 4 Since he has taken over the rich man's liability. 5 His opinion is rejected.

enjoined] at the time of [the vow or dedication of] the valuation. How so? If one had dedicated the valuation of a child³ less⁴ than five years of age which then became⁵ more than five years old, [or if one had dedicated the valuation of a person] less than twenty years old who then became more than twenty years of age, he pays according to the time when he dedicated the valuation. Thirty days are as below it;⁶ five years, or twenty years, are as below it, as it is said,⁷ *And if it be from sixty years old⁶ and upward:⁸ if it be a male;* thus we learn about all the others from those that are sixty years of age, [namely], as sixty years are deemed below it [—this age—], even so twenty years or five years must be considered under this age. Indeed?⁹ If [the Law] has enjoined the sixtieth year to be below it [—this age—], and thus bearing the more rigorously,¹⁰ should the fifth year¹¹ or the twentieth year¹² be considered less than it [—this age—] and so bearing more lightly? The Scriptural text reads, *years . . . years,*¹³ to furnish the analogy:¹⁴ as [the term] *years* expressed in [the phrase] *sixty years* means [that one is to be considered as if he were] below this [age], even so [the term] *years* expressed in [the phrase] *five years and . . . twenty years* means [also that one is to be deemed as if he were] under [either of] these¹⁵ [ages as the case may be], irrespectively whether it reacts leniently or rigorously. R. Eliezer¹⁶ says, [This is even so] until they are* a month and a day more than the years¹⁷ [stated in the Scripture].

דְּשֵׁנָה עֲשָׂרִים כְּלִמְטָה מִמֶּנּוּ,
 יִשְׁנֹאמַר, וְאִם מִבְּנֵי-שָׁשִׁים שָׁנָה
 יִמְעָלָה אִם-וְכֹר, הֲרִי אָנוּ לְמִדִּים
 בְּכֹלָם מִשְׁנַת שָׁשִׁים, מֵה-שְׁנַת שָׁשִׁים
 כְּלִמְטָה מִמֶּנּוּ אִף שְׁנַת חֲמֵשׁ וְשְׁנַת
 עֲשָׂרִים כְּלִמְטָה מִמֶּנּוּ. הֲיֵן? אִם
 עָשָׂה שְׁנַת שָׁשִׁים כְּלִמְטָה מִמֶּנּוּ
 יִלְהַחְמִיר, וְעָשָׂה יָשְׁנַת חֲמֵשׁ וְשְׁנַת
 עֲשָׂרִים כְּלִמְטָה מִמֶּנּוּ לְהַקְלִי?
 תִּלְמִיד לֹאמַר, יִשְׁנָה שָׁנָה לְגִנְיָה
 שְׁוֵה, מֵה-שְׁנָה הָאֲמוּרָה בְּשְׁנַת שָׁשִׁים
 כְּלִמְטָה מִמֶּנּוּ, אִף שְׁנָה הָאֲמוּרָה
 בְּשְׁנַת חֲמֵשׁ וְשְׁנַת עֲשָׂרִים, כְּלִמְטָה
 מִמֶּנּוּ, בֵּין לְהַקְלִי בֵּין לְהַחְמִיר.
 רַבִּי יְאִלְעָזָר אוֹמֵר, עַד שִׁיְהִי
 יְתֵרוֹת עַל יְהִשְׁנִים תְּרֵשׁ יוֹם אֶחָד.

1 This statement in 4^a is now here exemplified. 2 Who understood what he was doing. This does not refer actually only to the cases of 'child' and 'old person', but in general to one younger than the other and vice versa. 3 Literally of it. 4 פחותה popular traditional pronunciation. 5 תעשה [Niphal past]; or יועשה [Niphal participle]. 6 i.e., if one dedicated the valuation of a child thirty days old

flesh is equal [in weight] to [that of another kind of] flesh, and [one kind of] bones is equal [in weight] to [that of an equal bulk of another kind of] bones?⁶—but, rather, they estimate⁷ how much the hand is likely to weigh.

1 If one did not stipulate the medium he gives any material that is dealt with by weight in his locality. 2 Or *jug, cask*. 3 Or *sineus*. 4 שְׁתַּמְלֵא [Niph'al]; in some editions שְׁתַּתְּמֵלֵא [Hithpa'el]. 5 His view is accepted. 6 Perhaps *bones!* 7 *viz.*, without any measurement.

Mishnah 2

[If one said], 'I vow [to give] the worth of my hand', they estimate how much he is worth with a hand and what is his value without a hand.¹ This [is an instance wherein] vows [of worth] are more severe than the dedication of valuations,* and [there are cases wherein] dedication of valuations* obtains greater stringency than vows* [of worth]. How so? If one said, 'I vow my valuation', and he died, the heirs must pay it;² but [if he said], 'I vow my worth', and he died, the heirs pay naught, for the dead* have no worth. [If one said], 'I vow the valuation of my hand', or 'I vow the valuation of my foot', he has said naught [and is not liable]; [but if he said], 'I vow the valuation of

my head', or 'I vow the valuation of my liver',³ he must pay [as for the vow of] the whole of his valuation. This is the general principle:⁴ [if one vow the valuation of any part of the body] whereon life depends, he must pay the whole of his valuation.

1 The assessment is made by assuming him to be a slave put up for sale, and the difference between the values is the worth of the hand. See ADDENDA. 2 Since the amount is explicitly stated in the Law. 3 Or any other organ vital for existence. 4 Popular traditional pronunciation הַכֶּלֶל *Or the indefinite forms מְבַעְרֵכֵן, מְבַעְרֵכֵן, מְבַעְרֵכֵן, בְּעַרְכֵן, בְּעַרְכֵן, בְּעַרְכֵן, בְּעַרְכֵן. *Page 343.

מִשְׁנָה ב

דָּמִי יְדֵי עָלַי, שְׁמִין אוֹתוֹ כְּמָה הוּא
שְׁנֵה בְּיָד, וְכְמָה הוּא שְׁנֵה בְּלֹא יָד.
זֶה הוֹמֵר בְּנִדְרִים *מִבְּעַרְכֵן,
וְהוֹמֵר *בְּעַרְכֵן *מִבְּנִדְרִים. בִּיצְדָּ?
הָאוֹמֵר, עָרְפִי עָלַי, וּמַת, יִתְּנוּ
הַיּוֹרְשִׁין; דָּמִי עָלַי, וּמַת. לֹא יִתְּנוּ
הַיּוֹרְשִׁים. שְׂאֵין דָּמִים *לְמַתִּים.
עָרַף יְדֵי, וְעָרַף רַגְלֵי עָלַי, לֹא אָמַר
כְּלוּם; עָרַף רֹאשִׁי, וְעָרַף *כְּבִדִי
עָלַי, נוֹתֵן עָרַף כְּלוּ. זֶה יִתְּכַלֵּל,
דְּבַר שֶׁהִנְשָׂמָה חַלּוּיָהּ בּוֹ נוֹתֵן עָרַף
כְּלוּ.

vow the value of² this ox as a *burnt-offering*, or 'I vow the value of² this house as an *offering*', and the ox died or the house fell down, he is bound to pay the like.³

1 *i.e.*, the *house* was to be sold and the proceeds used for the Temple upkeep, but it fell down before the Temple treasurer could sell it. The same ruling applies if the *ox* is lost or stolen (compare חילין 139a). Such gifts were also called קרבן. 2 In the *Mishnah* of the *Gemara* (דמי' and דמי'), the *value of*, are omitted. 3 For he vowed money.

Mishnah 6

Pledges must be taken¹ from those who are liable for dedications [or vows] of valuations,² but pledges are not taken from such as are liable to *sin-offerings* or *guilt-offerings*. Pledges must be taken from them that are liable to *burnt-offerings* or *peace-offerings*, although one can not effect expiation³ unless he acts of his own freewill, as it is said,⁴ *that he may be accepted*, yet they may press him until he says, 'I wish [to do it]'. And likewise, also, is the ruling,⁵ in the case of bills of divorce of women,⁶ the court can press him [namely, the husband] until he says, 'It is my will' [to give the letter of divorce to my wife]'.⁷

1 The Temple treasurer may enter a house and enforce distraint. 2 The same ruling applies where there is liability for money. 3 Or *atonement*. 4 *Leviticus* 1, 3. Or *for his acceptance, at his goodwill*. לרצונו in Scripture. 5 Literally *thou sayest*. 6 See כתובות, INTRODUCTION. 7 The husband's consent must be obtained to make the letter of divorce valid.

CHAPTER 6

Mishnah 1

[The estate of] orphans which has been valued [by the court to liquidate a debt contracted by the deceased

משנה ו
 חייבי ערכים יממשכנין אותן,
 חייבי חטאות ואשמות אין ממשכנין
 אותן. חייבי עולות ושלמים
 ממשכנין אותן, אף על פי שאין
 מתכפר לו עד שיתרצה, ישנאמר,
 לרצונו, כופין אותו עד שיאמר,
 רוצה אני. וכן אתה אומר בנטי
 נשים, כופין אותו עד שיאמר,
 רוצה אני.

פרק ו

משנה א

שום היתומים ישלשים יום; ושום
 ההקדש ששים יום; ומכריון

what was dedicated], but anyone who would redeem [the property] redeems it on the condition that he must pay to the wife [the amount of] her *marriage settlement* or¹ to the creditor his debt. If he dedicated [property] worth ninety *manehs*,⁴ and his debt was a hundred *manehs*, [the creditor] should add another *denar* [to the debt], and with this [additional *denar*] he may redeem this property on the condition that he pays to the wife [the amount of] her *marriage settlement* or¹ to the creditor his debt.

יֹולֵבֶעַל חֹוב אֶת-חֹובוֹ. הַקֹּדֶשׁ
תִּשְׁעִים מָנֶה, וְהָיָה חֹובוֹ מֵאָה מָנֶה,
מוֹסִיף עוֹד דִּינָר וּפְדוּתָהּ בֹּ אֶת-
הַנִּכְסִים הַלְלוּ עַל מָנֶת לִיתֵן לְאִשָּׁה
בְּתוֹבָתָהּ יֹולֵבֶעַל חֹוב אֶת-חֹובוֹ.

1 Or *and* as the case may be. 2 *i.e.*, he borrowed money on it before the dedication. See ADDENDA, Page 343. 3 הַקֹּדֶשׁ in some texts. 4 וְרָעִים, Page 18f.

Mishnah 3

Although they said that pledges must be taken from those who are liable for dedications [or vows] of valuations,¹ they must leave him sustenance for thirty days, (and) raiment for twelve months, (and) a bed with bedding, (and) shoes,² and phylacteries,³ for him [alone] but not for his wife or for his children. If he were a craftsman, they must leave him two tools of every sort of his trade. If he were a carpenter, they must leave him two adzes⁴ and two planes.⁵ R. Eliezer⁶ says, If he were a farmer, they must leave him [his] pair of working animals [tied to the yoke], and⁷ if he were an ass-driver, they must leave him his ass.

מִשְׁנָה ג
אֵף עַל פִּי שְׁאָמְרוּ חַיִּיבֵי יַעֲרֹכִין
מִמַּשְׁכָּנֵין אוֹתָן, נוֹתְנִין לוֹ מִזֶּחַן שְׁלֹשִׁים
יּוֹם וְכֹסוֹת שְׁנַיִם עָשָׂר חֹדֶשׁ וּמִטָּה
מוֹצָעַת וְסַנְדְּלִין וְתַפְּלִין לוֹ, אֲבָל
לֹא לְאִשְׁתּוֹ וְלֹא לְבָנָיו. אִם הָיָה
אוֹמֵן נוֹתְנִין לוֹ שְׁנֵי כְּלֵי אוֹמְנוֹת מִכָּל
מִין וּמִין. חֹרֶשׁ נוֹתְנִין לוֹ שְׁנֵי
מַעֲצָדִין וְשְׁתֵּי מַגְרוֹת. רַבִּי
אֱלִיעֶזֶר אוֹמֵר, אִם הָיָה אֹכֵר נוֹתְנִין
לוֹ אֶת-צִמְדוֹ, חֹמֶר נוֹתְנִין לוֹ אֶת-
חֲמוּרוֹ.

1 See 5⁶. 2 Or *sandals*. 3 If he lacks any of these and has no money to get them, the authorities must provide him with money to get them. 4 Or *axes*. Or תַּפְּלִין. 5 Or *saws*. 6 His view is rejected because these are deemed property and not 'tools'. 7 Or *his yoke*.

- 1 When the treasurer comes to claim the goods or to take a pledge. See ADDENDA.*
 2 Even if they were quite new and had not yet been worn. 3 On sandals.
 4 וְרַעִים, Page 18f. 5 Contrast מְצִיעָא בְּבֵא 412. 6 פְּרֻךְ, fortified town, city, capital. 7 Or וְשַׁעֲתוֹ. *Page 343.

CHAPTER 7

פָּרָק ז'

Mishnah 1

מִשְׁנָה א

One may not dedicate [an inherited field—the *field of his possession*—]¹ less² than two years³ before [the year of] *Jubilee* or redeem [it] after [the year of] *Jubilee* in less than one year. [When redeeming a field] they do not reckon months against [the advantage of] the Temple,⁴ but the Temple reckons months⁵ [to its own benefit]. If one sanctified his field during⁶ a period [when the Jews possessed the Land of Israel and observed the laws of the year] of *Jubilee* [the dedication having taken place at the beginning—namely, the first year—of the *Jubilee* cycle], he must pay *fifty shekels* of silver* [for every area of a field that suffices for the normal] sowing of a *chomer** of barley. If rifts were there ten handbreadths* deep or rocks ten handbreadths high, the areas they take up are not included in the measurement; but if less than this,⁷ [the space they cover] is included in the measurement thereof. If one dedicated it two or three years before [the year of] *Jubilee*, he must pay a *sela** and a *pondion*** for each year. If he said, 'I will pay [a *sela* and a *pondion*] by annual instalments', they do not hearken to him,⁹ but he must pay the whole of it¹⁰ in one sum.

אִין מְקַדִּישִׁין לְפָנֵי הַיּוֹבֵל פְּחוֹת
 מִשְׁתֵּי שָׁנִים, וְלֹא גּוֹאֲלִין לְאַחַר
 הַיּוֹבֵל פְּחוֹת מִשְׁנֵהוּ. אִין מְחַשְׁבִּין
 חֳדָשִׁים לְהַקְדִּישׁ אֲבָל הַהֶקְדָּשׁ
 מְחַשֵּׁב חֳדָשִׁים. הַמְקַדִּישׁ אֶת־
 שָׂדֵהוּ בְּשַׁעֲתַת הַיּוֹבֵל גּוֹתֵן בְּגִרְע
 חוֹמֵר שְׁעוּרִים חֲמִשִּׁים *שֶׁקֶל כֶּסֶף.
 הִיוּ שָׁם גְּקָעִים עֲמוּקִים עֲשָׂרָה
 טַפְחִים, אוֹ סְלָעִים גְּבוּהִים עֲשָׂרָה
 טַפְחִים, אִין גְּמַדְדִּים עֲמָה; פְּחוֹת
 מִכְּאֵן גְּמַדְדִּים עֲמָה. הַקְדִּישָׁה
 שְׁתֵּים אוֹ שְׁלֹשׁ שָׁנִים לְפָנֵי הַיּוֹבֵל,
 גּוֹתֵן *סְלָע **וּפּוֹנְדִיוֹן לְשָׁנָה. אִם
 אָמַר, הֲרִינִי גּוֹתֵן דָּבָר שָׁנָה בְּשָׁנָה,
 אִין שׁוֹמְעִין לוֹ, אֲלֹא גּוֹתֵן אֶת־
 כּוֹלוֹ כְּאֶחָד.¹⁰

of *Jubilee*], he shall not say, 'Since¹ יְדִי הָרִי הִיא שְׁלִי, אֵלָא יוֹצֵאָה לְכָל אַחָיו הַכֹּהֲנִים. because it is [already] in my possession, therefore it is mine', but it goes out to all his brethren the priests.²

1 Compare *Leviticus* 27, 21. 2 *sc.*, the field is divided out among all the priests. See ADDENDA at the end of this *Tractate*.

Mishnah 4

If the [year of] *Jubilee* arrived, and the field was not yet redeemed, [it can no longer be redeemed, and] the priests¹ enter [into possession] of it,² and they pay its worth.³ This is the opinion of R. Judah.⁴ R. Simon⁵ says, They enter into possession [thereof] but they do not pay [its value]. R. Eliezer⁶ says, They neither enter into possession [thereof] nor pay its price, but it is termed an abandoned field until [the advent of] the second [year of] *Jubilee*; [and] if the second [year of] *Jubilee* arrived, and it was still not redeemed, it is termed '[a field] abandoned on two successive occasions' until the third [year of] *Jubilee*; the priests can never take redeemed it.⁷

מְשֻׁנָּה ד
הַגֵּיעַ הַיּוֹבֵל וְלֹא נִגְאָלָה, יִהְיֶה הַכֹּהֲנִים וְנִכְנְסִים לְתוֹכָהּ וְנוֹתְנִים אֶת־דְּמֵיהָ. דְּבַר רַבִּי יְהוּדָה. רַבִּי שִׁמְעוֹן אוֹמֵר, וְנִכְנְסִין אֲבָל לֹא נוֹתְנִין. רַבִּי אֱלִיעֶזֶר אוֹמֵר, לֹא וְנִכְנְסִין וְלֹא נוֹתְנִין, אֵלָא נִקְרְאת שְׂדֵה רְטוּשִׁים עַד הַיּוֹבֵל הַשֵּׁנִי; הַגֵּיעַ הַיּוֹבֵל הַשֵּׁנִי וְלֹא נִגְאָלָה, נִקְרְאת רְטוּשִׁי רְטוּשִׁין עַד הַיּוֹבֵל הַשְּׁלִישִׁי; לְעוֹלָם אֵין הַכֹּהֲנִים וְנִכְנְסִים לְתוֹכָהּ עַד שִׁינְאָלָה אַחֵר.

1 The priests who are on duty that week of the commencement of the *Jubilee*. 2 Literally *into it, therein*. 3 As set out in 7¹. 4 His view is accepted. 5 His opinion is rejected. 6 His ruling is not accepted. 7 If after redemption the field leaves the redeemer's possession at the *Jubilee year* then it passes into the possession of the priests. See ADDENDA at the end of this *Tractate*.

Mishnah 5

If one bought a field from his father, and his father died, and he afterwards dedicated it, then it is con-

מְשֻׁנָּה ה
הַלּוֹקֵחַ שְׂדֵה מֵאָבִיו, מֵת אָבִיו וְאַחֵר כִּפְּרָה הַקְדִּישָׁה הִיא יְכַשְׁרָה

wished to redeem it], they say to him, 'Be thou first to make an offer', for the owner pays the [added] *fifth*,² but any other person does not pay the [added] *fifth*. It once happened that a man dedicated his field because of its poor quality.³ [The Temple treasurer] said to him, 'Be thou first to make a bid'. He replied, 'I will have it for an *issar*'. R. Jose⁴ said, He did not say this, but [what he did say was, 'I will take it] only for an egg', since aught dedicated must be redeemed with money or with aught worth money. [The treasurer said to him,⁵ '[The field] is thine [for thy *issar*]'!—thus we find⁶ that he lost an *issar* and the field remained his as before.

ראשון, שהבועלים נותנים הקומש
 וכל אדם אינו נותן קומש. מעשה
 באחד שהקדיש את-שדהו מפני
 רעתה. אמר לו, פתח אתה
 ראשון. אמר, הרי היא שלי באיסר.
 אמר רבי יוסי, לא אמר זה אלא
 בכביצה, שהקדיש נפדה בכסף
 ובשנה כסף. אמר לו, הגיעתך,
 נמצא מפסיד איסר ושדהו לפניו.

1 שאין היבל in the גמרא. See ADDENDA.* 2 (See 72, Note 2). Actually, in practice, *one-fourth*. When the law applied the price of redemption was fixed (fifty shekels for an area of a *kor*—**וְרַעִים**, Page 18f.). It is to the advantage of the Temple to let the owner redeem the field for he not only adds the 'fifth' but is likely, as a virtuous act, to offer more than an outsider would give. See ADDENDA.* 3 His outlay to keep it up exceeded his income from it. 4 His view—which is rejected—was that one may redeem with anything whatever. The accepted ruling of the Rabbis is that the redemption price must not be less than four פרוטות so that the added 'fifth' of one פרוטה (note this is actually an added 'fourth') can be given. 5 The interrupted story is now resumed, and concluded. 6 Literally *we found* [*Kal past*], or *it is found* [*Niphal participle*]. *Page 344.

Mishnah 2

If one say,¹ 'I bid² ten *selas*³ [for the field]', and another says, 'Twenty', and another says, 'Thirty', and another says 'Forty', and another says, 'Fifty', and then he that bid fifty withdrew [his offer], they take pledges from his goods⁴ up to ten [*selas*]; if he that bid forty [*selas* also] recanted, they take pledges from his goods up to ten [*selas*]; if

משנה ב

יאמר אחד, הרי היא שלי בעשר
 סלעים, ואחד אומר, בעשרים,
 ואחד אומר, בשלשים, ואחד אומר,
 בארבעים, ואחד אומר, בחמשים,
 חזר בו של חמשים, ממשכנין
 מןכסיו עד עשר; חזר בו של
 ארבעים, ממשכנין מןכסיו עד

if the owner were willing⁵ to give thirty-one [*selas*] and [an effective outbid of] one [extra] *denar*, the owner has the preference, but if not,⁶ they say [to the overbidder], '[The field is] thine'.

ליתן שלשים ואחד ודינר, הנבעלים
קודמים, ואם לאו אומרים,
הניעתהך.

1 This supplements the last part of the preceding *Mishnah*. 2 *viz.*, one *sela* more than the bid *plus* the *added fifth*; and so on, as next stated. This additional amount is compulsory. See **נרעים**, Page 18f. 3 It is evident that if the *added fifth* is calculated upon the other's total outbid the owner would have to give still more. The preceding method applies only when the field is actually worth what the owner offered; but if three advise that the field is worth more than the owner states, then the latter must pay the *added fifth* (*sc.*, *one-fourth*) upon his higher estimate. 4 This is an outbid of one *sela* more than what the owner must give. 5 Actually he is obliged to give this sum and he must acquire the field. 6 *viz.*, if the owner had offered twenty (*not* twenty-one) *selas* to begin with, he is not compelled to acquire the field. Or לאו.

Mishnah 4

A man may renounce¹ [his private use of] a portion of his flock or his herd, [or] his Canaanite bondmen and bondwomen, or the [inherited] *field of his possession** [to a priest], or if he renounced the whole² of them, they are not renounced. This is the view of R. Elazar.³ R. Elazar ben Azariah said, If even to the All-Highest a man must not renounce all his possessions, how much more so is it the duty of a man to be considerate for his possessions.⁴

משנה ד

ימחרים אדם מצאנו ומבקריו,
מעבדיו ומשפחותיו הנבוענים,
ומשדה אחוזתו, ואם החרים את-
יבולן, אינן מוחרמין. דברי רבי
יאלעזר. אומר רבי אלעזר בן
עזריה, מה אם לגבוה אין אדם
רשאי להחרים את-כל-נכסיו, על
אחת כמה וכמה שיהא אדם חייב
להיות חס על נכסיו.

1 Or *devote, dedicate for priestly or sacred use. Leviticus 27, 28.* See ADDENDA. §

2 *i.e.*, not a partition, *e.g.*, all of his flock or all of this herd, etc., leaving nothing for himself. 3 His opinion is rejected. One should not actually devote all, but if he did so it is valid. 4 He must not squander it by giving it all away to a priest or to anyone else. Anything renounced cannot be redeemed or sold again. *Compare 71. §At the end of this *Tractate*.

to the *Eternal*. But the Sages⁷ say, Whatever is renounced without any stipulations [falls] to the priests, as it is said,⁸ as a field devoted; the possession thereof⁹ shall be the priest's. If this be so, why¹⁰ is it said, every devoted thing is most holy to the *Eternal*? [This is to teach that] the injunction applies to both the most holy sacrifices and the lesser holy sacrifices.¹¹

וְיַחֲכִמִּים אוֹמְרִים, סֵתָם הַרְמִים לַכֹּהֲנִים, שֶׁנֶּאֱמַר, כִּשְׂדֵה הַחֶרֶם לַכֹּהֵן תִּהְיֶה אֲחֻזָּתוֹ, אִם בֶּן לְמָה נֶאֱמַר, כָּל-חֶרֶם קָדֵשׁ קְדוּשִׁים הוּא לָהּ? שֶׁהוּא חָל עַל קְדוּשֵׁי קְדוּשִׁים, וְעַל קְדוּשִׁים קְלִים.

1 Or devoted (see 8⁴, Note 1). Literally the renouncements (or renunciations) of the priests. 2 But what under such circumstances has been dedicated expressly to the treasury for Temple upkeep is redeemed. כְּתֻרֻמָּה is considered redundant by some (see Appendix, Note 1). 3 His view is rejected. 4 סֵתָם, popular traditional pronunciation. 5 Or repairs. 6 *Leviticus* 27, 28. 7 Their opinion is accepted. 8 *Leviticus* 27, 21. 9 אֲחֻזָּתוֹ in Scripture. 10 Or לְמָה, לְמָה. 11 Or וְיַחֲכִמִּים 51.⁶

Mishnah 7

A man may renounce¹ his animal-offerings whether they are most holy sacrifices or lesser holy sacrifices.² If he vowed [a beast for an offering, and renounced it after having set it aside], he must [redeem it and] give its worth³ [to the priest, and the beast must nevertheless be offered up]. If it were a *freewill-offering*,⁴ he gives its value [to him]. [How is this value estimated? Thus, if he said], 'Let this ox be a *burnt-offering*', they assess how much a man would be willing to give for an ox such as this in order to bring it as a *burnt-offering* for which he is not liable [but would give as a *freewill-offering* if he could buy it cheaply]. They may renounce¹ a *firstling*, whether sound or with a blemish. How do they redeem it?⁵ (The redeemers)⁶ assess how much a man would be willing

משנה ז

יִמְחֲרִים אָדָם אֶת-קְדָשָׁיו בֵּין קְדוּשֵׁי קְדוּשִׁים וּבֵין קְדוּשִׁים קְלִים. אִם נָדַר נוֹתֵן אֶת-הַדָּמִים. אִם יִגְדֹּבָה נוֹתֵן אֶת-טוֹבָתוֹ; שׁוֹר זֶה עוֹלָה, אוֹמְדִים כַּמָּה אָדָם רוֹצֶה לִיתֵן בְּשׁוֹר זֶה לְהַעֲלוֹתוֹ עוֹלָה שְׂאִינֹו רִשְׁאֵי הַבְּכוֹר בֵּין תָּמִים בֵּין בְּעַל מוֹם, מִמְּחַרְמִין אוֹתוֹ. כִּי־צַד פּוֹדִין אוֹתוֹ? (הַפּוֹדִין) אוֹמְדִים כַּמָּה אָדָם רוֹצֶה לִיתֵן בְּבָכוֹר זֶה, לִיתֵנוּ לְבֵן בְּתוֹ, אוּ לְבֵן אֲחֻזָּתוֹ. רַבִּי יִשְׁמַעְעָאל אוֹמֵר, כְּתוֹב אֶחָד אוֹמֵר, תִּקְדֵּשׁ, וְכִתּוֹב אֶחָד אוֹמֵר,

of blast or mildew,⁷ or a *Sabbatical Year*,⁸ this is not included in the number⁹ [of the two years]. If [the buyer] only turned over¹⁰ [the ground], or if he left it untilled [for a year or more, that length of time] is included in the number [of the two years]. R. Eliezer says,¹¹ If [the owner] sold it to him before the New Year, and [the field] was [already] full of produce, then this buyer has the use of¹² its three crops¹³ in two years.

1 בְּשַׁעֲתָא popular pronunciation. 2 But not in the Jubilee year itself—any such sale effected in this year is null and void and the sale money must be returned. 3 Popular pronunciation פְּחוּת. 4 Not even if the vendor and vendee are agreeable to do so. 5 Years must be at least two. 6 תְּבוּאוֹת in Scripture. 7 Or a disease of the grain. 8 See שְׁבִיעִית, INTRODUCTION. When no growing may be carried out. 9 For the Law prescribed two harvests, which were not possible under such conditions. 10 *i.e.*, he broke up the field but did not sow or plant. 11 There is no difference of opinion here. 12 Literally *eats*. 13 *viz.*, the crop already there and the two succeeding crops (in the following summers).

Mishnah 2

If one sold a field¹ to a first [buyer] for a *maneh*² and the first [buyer] sold [it] to a second [buyer] for two hundred [*denars*], [when the owner redeems the field] he deals only with the first [buyer], as it is said,³ *unto the man to whom he sold it*. If he sold it to a first [buyer] for two hundred *denars*, and the first [buyer] sold [it] to a second [buyer] for a *maneh*, he settles the account only with the latter [when he redeems the field], as it is said,³ *unto the man*, [namely], to the man who is in possession thereof. One may not sell [a] distant [field] in order to redeem [with the money of the sale] a nearby

מִשְׁנָה ב

יִמְכְרֶה לְרֵאשׁוֹן בְּמִנְהָ, וּמְכַר הָרֵאשׁוֹן לְשֵׁנִי בְּמֵאֲתָיִם, אֵינוֹ מְחַשֵּׁב אֶלָּא עִם הָרֵאשׁוֹן, שְׁנֵיאָמַר, לְאִישׁ אֲשֶׁר מְכַר לוֹ. מְכַרְה לְרֵאשׁוֹן בְּמֵאֲתָיִם, וּמְכַר הָרֵאשׁוֹן לְשֵׁנִי בְּמִנְהָ, אֵינוֹ מְחַשֵּׁב אֶלָּא עִם הָאֲחֵרוֹן. שְׁנֵיאָמַר, לְאִישׁ, לְאִישׁ אֲשֶׁר בְּתוֹכָהּ. לֹא יִמְכּוֹר בְּרֵחוֹק וְיִטְאוֹל בְּקֵרוֹב, בְּרַע וְיִטְאוֹל בְּיַפֵּה. לֹא יִלְוֶה וְיִטְאוֹל, וְלֹא יִטְאוֹל לְחֻצָּאִים.

Mishnah 4

If the [last] day of the twelve months arrived,¹ and it was not redeemed, it was his for ever,² [and] it was all one whether he bought it or it was given to him as a gift,³ as it is said,⁴ *in perpetuity*.⁵ Aforetime [the purchaser] used to go into hiding on the [final] day of the twelve months, so that [the house] should become his irredeemably for ever; [but] Hillel the Elder ordained that [the vendor] should deposit his money [for the recovery of his house] in the [Temple] treasury,⁶ and break down the door [of the house] and enter, and the other⁷ [the vendee] could

משנה ד
 אֵיךְ יוֹם שְׁנַיִם עָשָׂר חֹדֶשׁ וְלֹא
 נִגְאָל הָיָה חָלוּט לוֹ, אֶחָד הַלּוֹקֵחַ
 וְאֶחָד שֶׁנָּתַן לוֹ מִתְּנָה, אֲשֶׁר אָמַר,
 לְצִמְיֹתוֹת. בְּרֵאשׁוֹנָה הָיָה נִטְמָן
 יוֹם שְׁנַיִם עָשָׂר חֹדֶשׁ, שִׁיָּהָא חָלוּט
 לוֹ; הַתְּקִין הַלֵּל הַנֶּקֶן שִׁיָּהָא חוֹלֵשׁ
 אֶת-מְעוֹתָיו בְּלִשְׁכָּה, וַיְהִי שׁוֹבֵר
 אֶת-הַדֶּלֶת וְנִכְנַס, אִימְתִי שִׁירְצָה
 הָהֵלָה יָבֵא וַיִּטּוֹל אֶת-מְעוֹתָיו.
 come when he felt disposed to take

1 Or *passed* according to some. 2 חָלוּט, *irredeemable, sold permanently*. 3 The giver may redeem it within the year, otherwise it remains with the other for ever. 4 *Leviticus 25, 30*. 5 לְצִמְיֹתוֹת in Scripture. צִמְיֹתוֹת, *irredeemable sale; absolutely, finally*. 6 Literally *in the office*. Or *in the office [of the court]*. See ADDENDA, Page 344. 7 הָהֵלָה, *this one, that one; (as a legal term) the one concerned, the person in question*.

Mishnah 5

Whatever is inside a walled city is deemed as [one] of the [dwelling] houses of a walled city,¹ excepting only the fields. R. Meir² says, Even the fields.³ A house built into the [city] wall, R. Judah⁴ says, is not accounted as [one] of the [dwelling] houses of a walled city.⁵ R. Simon says, The exterior⁶ wall [of a house] is considered to be its [city] wall.

משנה ה
 כָּל-שֶׁהוּא לְפָנִים מִן-הַחוּמָה הֵרִי
 הוּא כְּבֵתִי יְעָרִי חוּמָה חוּץ מִן-
 הַשְּׂדוֹת. רַבִּי יְמַאִיר אָמַר, אִף
 הַשְּׂדוֹת. בֵּית הַבְּנוּי בַּחוּמָה, רַבִּי
 יְהוּדָה אָמַר, אֵינּוּ כְּבֵתִי יְעָרִי
 חוּמָה. רַבִּי שְׁמַעוֹן אָמַר, כּוֹתֵל
 הַחִצּוֹן הִיא חוּמָתוֹ.

1 *Leviticus 25, 29*. See 9^{3, 6}. 2 His view is rejected. 3 He did not refer to fields actually but to sites not suitable for cultivation but for building on or for supplying

deemed at any time during the twelve months like houses [in a walled city]; and they revert [to their original owners without repayment] in the [year of] *Jubilee*, or [before the year of *Jubilee*] by [payment of] a reduced rate³ as in the case of fields. And these [houses are also given the rights of] houses in courtyards [in unwalled cities]: [a city wherein there are] two courtyards, each having two houses, even if they have been surrounded by a wall since the period of Joshua the son of Nun; these are deemed as houses in courtyards [in non-walled cities].

בַּיּוֹבֵל, וּבִגְרָעוֹן כֶּסֶף כְּשָׂדוֹת.
וְאֵלוֹ הֵן בְּתֵי חֲצָרִים, שְׁתֵּי חֲצָרוֹת
שֶׁל שְׁנֵי שָׁנִי בָתִּים, אֶף עַל פִּי
שְׁמוֹקֶפֶין חוֹמָה מִיָּמוֹת יְהוֹשֻׁעַ בֶּן
נּוּן; הֲרִי אֵלוֹ כְּבְתֵי חֲצָרִים.

1 Some texts have נִגְאָלִין וְנִגְאָלִין, they can be redeemed and redeemed. וְנִגְאָלִין would seem to be redundant. 2 A field can be redeemed only after an interval of two years, but as in the case of a house in a walled city. 3 Compare 7: וּבִגְרָעוֹן 12. When the vendor redeems before the *Jubilee year* he pays the vendee so much less for each year of occupation, whether a house (in a non-walled city) or field; but full payment must be given for a house in a walled city. Or וּבִגְרָעוֹן כֶּסֶף, or with a deduction from the purchase price (*Leviticus 25, 27*).

Mishnah 8

If an Israelite inherited¹ [a house in a walled city] from his mother's father who was a Levite, he can not redeem it in the manner here enjoined.² And likewise, also, if a Levite inherited³ [a house in a walled city] from his mother's father who was an Israelite, he can not redeem it in accordance with the order here prescribed,² as it is said,⁴ *for the houses of the cities of the Levites*; [thus the injunction is inapplicable] unless he be a Levite and in the cities of the Levites. This is the view of Rabbi.⁵ But the Sages⁶ say, This is applicable only in the case of the cities of the Levites.⁷ They may not change a [cultivated] field [out-

מִשְׁנֵה ח

יִשְׂרָאֵל יִשְׁרַשׁ אָבִי אִמּוֹ לִוִּי, אִינוּ
גּוֹאֵל כֶּסֶדֶר הַזֶּה. וְכֵן לִוִּי יִשְׁרַשׁ
אֶת-אָבִי אִמּוֹ יִשְׂרָאֵל אִינוּ גּוֹאֵל
כֶּסֶדֶר הַזֶּה שְׁנֵאמַר, כִּי בְתֵי עָרֵי
הַלְוִיִּם; עַד שִׁיְהֵא לִוִּי וּבְעָרֵי
הַלְוִיִּם. דְּבַרֵי רַבִּי. וְחֻקֵּי
אוֹמְרִים, אֵין הַדְּבָרִים אֲמוֹרִים אֶלָּא
יְבַעְרֵי הַלְוִיִּם. אֵין עוֹשִׂים שְׂדֵה
מִגֶּרֶשׁ וְלֹא מִגֶּרֶשׁ שְׂדֵה, וְלֹא מִגֶּרֶשׁ
עִיר וְלֹא עִיר מִגֶּרֶשׁ. אָמַר רַבִּי
אֶלְעִזָּר, בְּמָה דְּבָרִים אֲמוֹרִים,

in the *Half-Tribe of Manasseh*, *Deuteronomy* 4, 43, *Joshua* 21, 27, *I Chronicles* 6, 71). Thirty-six other cities in Canaan and six more beyond the Jordan also served as places of refuge (see *מִבּוֹת* 10a). [Rambam] The six cities first mentioned had to accept and lodge the refugee gratuitously. §On Page 344.

סְלִיק מַסְכַּת עֶרְכִּין¹⁴

CONCLUSION OF TRACTATE ARACHIN.

ADDENDA

[Additional Notes to Tractate ARACHIN]

- 11, **Note 5.** טוֹמְטוֹם, *stopped up*—a person whose genitalia are covered by a skin so that the sex is uncertain. See *בְּבוֹרֵי* 41^a.
- 14, **Note 2.** As long as the 'pains of labour' have not started, the unborn child is regarded as one body with the mother. But when the child begins to prepare for birth, it is regarded as a separate entity, and must not share the fate of its mother.
- 21, **Note 8** (§). Seven days, the day on which she first saw the blood of her 'period' included.
- 21, **Note 9** (*). *Leviticus* 13 makes a distinction between leprosy on which the priest is able to declare definitely and cases which are doubtful. See *נִגְעִים* 13^a.
- 23, **Note 2.** According to Josephus, it corresponded to the Greek *nabla*—a twelve-stringed instrument manipulated by hand.
- 32, **Note 5.** The size of such a field would be about 75,000 square cubits. See *עֶרְכִּין* 23b.
- 33, **Note 1.** In such a case the owner is responsible for any damage his ox has caused.
- 52, **Note 1.** One cannot vow the valuation of a non-vital organ, like a hand or ear.
- 61, **Note 7.** Maintaining that it is hardly likely that a man would stoop so low as to defraud the Sanctuary.
- 61, **Note 9.** The word is Greek in origin, meaning 'partnership', then 'collusion'.
- 62, **Note 2.** And so the fear of conspiracy does not arise.
- 63, **Note 3.** In the case of *valuation*, his spiritual possessions, like *Tephillin*, are left to him; but when one *consecrates* his goods, *everything is appropriated*.
- 65, **Note 1.** Or when the consecrator redeems what he had consecrated.

[30] וְאִם לֹא יִצָּל עַד מְלֵאת לוֹ שָׁנָה תְּמִימָה וְקָם הַבַּיִת אֲשֶׁר בָּעִיר אֲשֶׁר לֹא חָמָה לְצִמְתָּתָהּ לִקְנָה אֹתוֹ לְדִרְתּוֹ לֹא יֵצֵא בַּיָּבֵל

And if it be not redeemed within the space of a full year, then the house that is in the walled city shall be established in perpetuity to him that bought it, throughout his generations: it shall not go out in the *jubilee*.

[31] וּבְתֵי הַחֲצֵרִים אֲשֶׁר אֵין לָהֶם חָמָה סָבִיב עַל שְׂדֵי הָאָרֶץ יִחָשֵׁב וְאֵלֶּה תִּהְיֶה לוֹ וּבַיָּבֵל יֵצֵא

But the houses of the villages that have no wall round about them shall be reckoned with the fields of the country; they may be *redeemed*, and they shall go out in the *jubilee*.

[32] וְעָרֵי הַלְוִיִּם בְּתֵי עָרֵי אֲחֻזָּתָם וְאֵלֶּת עוֹלָם תִּהְיֶה לְלִוִּים

But as for the cities of the Levites, the houses of the cities of their *possession*, the Levites shall have a perpetual right of *redemption*.

[33] וְאֲשֶׁר יִגָּאֵל מִן־הַלְוִיִּם וְיָצָא מִמִּכְּבֹּד בַּיִת וְעִיר אֲחֻזָּתוֹ בַּיָּבֵל כִּי בְתֵי עָרֵי הַלְוִיִּם הוּא אֲחֻזָּתָם בְּתוֹךְ בְּנֵי יִשְׂרָאֵל

And if one purchase of the Levites, then the house that was sold in the city of his *possession*, shall go out in the *jubilee*: for the houses of the cities of the Levites are their *possession* among the children of Israel.

[34] וְשָׂדֵי מְגֹרֶשׁ עָרֵיהֶם לֹא יִמָּכֵר כִּי אֲחֻזַּת עוֹלָם הוּא לָכֵם

But the fields of the open land about their cities may not be sold, for it is their *possession* in perpetuity.

Leviticus 27, 2-29:

[2] דַּבֵּר אֵל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵיהֶם אִישׁ כִּי יִפְלֵא נָדָר בְּעַרְכָּךָ וּנְפֹשֶׁת לֵה'

Speak unto the children of Israel and say unto them, When a man shall clearly utter a vow of persons unto the Eternal according to thy *valuation*,

[3] וְהָיָה עֲרֹכְךָ הַזָּכָר מִבֶּן עֶשְׂרִים שָׁנָה וְעַד בֶּן שְׁשִׁים שָׁנָה וְהָיָה עֲרֹכְךָ חֲמִשִּׁים שֶׁקֶל כֶּסֶף בְּשֶׁקֶל הַקֹּדֶשׁ

Then thy *valuation* shall be for the male from twenty years old even unto sixty years old, even thy *valuation* shall be fifty shekels of silver, after the shekel of the sanctuary.

[4] וְאִם נְקֵבָה הוּא וְהָיָה עֲרֹכְךָ שְׁלִשִׁים שֶׁקֶל

And if it be a female, then thy *valuation* shall be thirty shekels.

[5] וְאִם מִבֶּן חָמֵשׁ שָׁנִים וְעַד בֶּן עֶשְׂרִים שָׁנָה וְהָיָה עֲרֹכְךָ הַזָּכָר עֶשְׂרִים שֶׁקֶלִים וְלַנְּקֵבָה עֶשְׂרֵת שֶׁקֶלִים

And if it be from five years old even unto twenty years old, then thy *valuation* shall be [for] the male twenty shekels and for the female ten shekels.

[15] וְאִם הַמְקַדֵּשׁ יִגְאֹל אֶת־בֵּיתוֹ וַיִּסַּף חֲמִישִׁית כֶּסֶף עֲרֻכָּה עָלָיו וְהָיָה לוֹ

And if he that *sanctified* it will *redeem* his house, then he shall add the fifth part of the money of thy *valuation* unto it, and it shall be his.

[16] וְאִם מִשְׁדֵּי אַחֲזָתוֹ יִקְדֹּשׁ אִישׁ לֵה' וְהָיָה עֲרֻכָּה לְפִי זְרַעוֹ וְזַרַע זֶרַע חֹמֶר שְׁעָרִים בְּחֲמִשִּׁים שֶׁקֶל כֶּסֶף

And if a man shall *sanctify* unto the Eternal part of the field of his *possession*, then thy *valuation* shall be according to the sowing thereof; the sowing of a homer of barley shall be *valued* at fifty shekels of silver.

[17] וְאִם מִשְׁנַת הַיָּבֵל יִקְדֹּשׁ שָׂדֵהוּ כְּעֲרֻכָּה יָקוּם

If he *sanctify* his field from the *year of jubilee*, according to thy *valuation* it shall stand.

[18] וְאִם אַחֵר הַיָּבֵל יִקְדֹּשׁ שָׂדֵהוּ וְחָשַׁב לוֹ הַכֹּהֵן אֶת־הַכֶּסֶף עַל פִּי הַשָּׁנִים הַנּוֹתָרֹת עַד שְׁנַת הַיָּבֵל וַיִּגְרַע מִעֲרֻכָּה

But if he *sanctify* his field after the *jubilee*, then the priest shall reckon unto him the money according to the years that remain unto the *year of jubilee*, and an abatement shall be made from thy *valuation*.

[19] וְאִם גָּאֹל יִגְאֹל אֶת־הַשָּׂדֶה הַמְקַדֵּשׁ אֹתוֹ הִסֵּף חֲמִישִׁית כֶּסֶף עֲרֻכָּה עָלָיו וְקָם לוֹ

And if he that *sanctified* the field will indeed *redeem* it, then he shall add the fifth part of the money of thy *valuation* unto it, and it shall be assured to him.

[20] וְאִם לֹא יִגְאֹל אֶת־הַשָּׂדֶה וְאִם מִכֹּר אֶת־הַשָּׂדֶה לְאִישׁ אַחֵר לֹא יִגְאֹל עוֹד

And if he will not *redeem* the field, or if he have sold the field to another man, it shall not be *redeemed* any more.

[21] וְהָיָה הַשָּׂדֶה בְּצֵאתוֹ בַּיָּבֵל קֹדֶשׁ לֵה' כְּשֵׂדֵה הַחֶרֶם לִפְתָּן תִּהְיֶה אַחֲזָתוֹ

But the field, when it goeth out in the *jubilee*, shall be holy unto the Eternal, as a field *devoted*; the *possession* thereof shall be the priest's.

[22] וְאִם אֶת־שָׂדֶה מִקְנֵתוֹ אֲשֶׁר לֹא מִשָּׂדֶה אַחֲזָתוֹ יִקְדֹּשׁ לֵה'

And if one *sanctify* unto the Eternal a field that he hath bought, which is not of the field of his *possession*.

[23] וְחָשַׁב לוֹ הַכֹּהֵן אֶת מַכְסַּת הָעֲרֻכָּה עַד שְׁנַת הַיָּבֵל וַיִּתֵּן אֶת־הָעֲרֻכָּה בַּיּוֹם הַהוּא קֹדֶשׁ לֵה'

Then the priest shall reckon unto him the worth of thy *valuation* unto the *year of jubilee*; and he shall give thy *valuation* in that day, as a holy thing unto the Eternal.

[24] בְּשְׁנַת הַיָּבֵל יָשׁוּב הַשָּׂדֶה לְאִשֶּׁר קָנָהוּ מֵאִתּוֹ לְאִשֶּׁר לוֹ אַחֲזָתוֹ הָאָרֶץ

In the *year of jubilee* the field shall return unto him of whom it was bought, even to him to whom the *possession* of the land belongeth.

מִסְכֵּת

תְּמוּרָה

TRACTATE

TEMURAH

[BEING THE SIXTH TRACTATE OF THE FIFTH ORDER KODASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

PHILIP BLACKMAN, F.C.S.

INTRODUCTION

תְּמוּרָה, Temurah, is the sixth *Tractate* or *Treatise* (מִסְכָּת) of the *Fifth Order, Kodashim* (סֵדֶר קֹדָשִׁים) of the *Mishnah* (מִשְׁנָה).

It is accompanied with *Gemara* (גְּמָרָא) in the *Babylonian Talmud* (תְּלַמוּד) (בְּבִלְי) but is absent in the *Palestinian* (or *Jerusalem*) *Talmud* (תְּלַמוּד) (יְרוּשָׁלַיִם).

The *substantive* תְּמוּרָה (1) *price, value, worth*, (2) *recompense, wages*, (3) *barter, exchange, substitution*, is a derivative of the *verb* מוּר [obsolete *Kal*, akin to the *verbs* מָהַר and יָמַר], used in the *Hiphil* forms הָמַר and הִמַּיר (also in the *Niphal* נִמַּר and *Hophal* הוּמַר), (1) *barter, change, exchange*, (2) *convert*, (3) **substitute a consecrated (or dedicated) sacrifice**.

The *Tractate* deals chiefly with the laws and regulations regarding the **exchange of dedicated (or consecrated) things**, as set out in *Leviticus* 27, 10-27, 33 :

See the preceding *Tractate Arachin* (מִסְכָּת עֲרָכִין), *ADDENDA*, Page 344f. for [10] to [27].

[33] לֹא יִבְקַר בֵּין טוֹב לְרַע וְלֹא יִמְרֹנֵנּוּ וְאִם הִמַּר יִמְרֹנֵנּוּ וְהִיא הוּא וְיִתְמוּרָתָהּ יִהְיֶה קֹדֶשׁ לֹא יִגָּאֵל

He shall not enquire whether it be good or bad, neither shall he *exchange* it; and if he *exchange* it at all, then both it and that for which it is *exchanged* shall be holy: it shall not be *redeemed*.

The *Tractate* contains seven Chapters whose titles are:

CHAPTER 1	הַכֹּל מִמֵּירִין	פָּרֵק א
CHAPTER 2	יֵשׁ בְּקִרְבָּנוֹת	פָּרֵק ב
CHAPTER 3	אֵלֹהֵי קֹדָשִׁים	פָּרֵק ג
CHAPTER 4	וְלֵד חֲטָאת	פָּרֵק ד
CHAPTER 5	פִּיצוּד מְעֲרִימִין	פָּרֵק ה
CHAPTER 6	כֹּל-הָאֲסוּרִין	פָּרֵק ו
CHAPTER 7	יֵשׁ בְּקֹדְשֵׁי מִזְבֵּחַ	פָּרֵק ז

* Or יֵשׁ.

§ Or קֹדָשִׁים.

תְּמוּרָה

TRACTATE
TEMURAH

CHAPTER 1

פֶּרֶק א

Mishnah 1

All may substitute,¹ whether they are men or women; not that anyone has the right to substitute, but if he have substituted, it is [validly] substituted, and he suffers the *forty stripes*.² Priests may substitute [with non-dedicated beasts only] what [offerings] belong to themselves, and Israelites³ [likewise] may substitute [only] what belongs to themselves. Priests may not substitute a *sin-offering*⁴ or a *guilt-offering*⁴ or a *firstling*.⁴ R. Jochanan⁵ ben Nuri said, (And) why may not [a priest] substitute a *firstling* [which is entirely the priest's]? R. Akiba⁶ said to him, The *sin-offering* and the *guilt-offering* are the due of the priest and the *firstling* is also the due of the priest, and just as he may not substitute a *sin-offering* or a *guilt-offering* [equally so] he may not substitute a *firstling*. R. Jochanan ben Nuri made reply to him, The reason why [a priest] may not substitute a *sin-offering* or a *guilt-offering* is because he has no claim to them while they are yet

מִשְׁנָה א

יִהְיֶה לְמַמְרִים, אֶחָד אֲנָשִׁים וְאֶחָד נָשִׁים; לֹא שְׂאֵדָם רִשְׁאֵי לְהַמִּיר אֶלָּא שְׂאֵם הַמִּיר מִמֶּנּוּ וְסוּפְגֵי אֶת-הָאֲרֻבָּעִים. הַכֹּהֲנִים מְמִירִים אֶת-שְׁלֵהֶם וְיִשְׂרָאֵל מְמִירִים אֶת-שְׁלֵהֶם. אֵין הַכֹּהֲנִין מְמִירִים לֹא בְחֻטָּאת וְלֹא בְאֶשֶׁם וְלֹא בְּבִכּוֹר. אָמַר רַבִּי יוֹחָנָן בֶּן נוּרִי, וְכִי מִפְּנֵי מָה אֵין מְמִירִים בְּבִכּוֹר? אָמַר לוֹ רַבִּי עֲקִיבָא, חֻטָּאת וְאֶשֶׁם מִתְּנָה לַכֹּהֵן, וְהַבְּכוֹר מִתְּנָה לַכֹּהֵן, מָה חֻטָּאת וְאֶשֶׁם אֵין מְמִירִים בּוֹ, אִף הַבְּכוֹר לֹא יִמְרָנוּ בּוֹ. אָמַר לוֹ רַבִּי יוֹחָנָן בֶּן נוּרִי, מַה-לִּי אֵינוּ מְמִיר בְּחֻטָּאת וּבְאֶשֶׁם, שְׂאֵין זְכִין בָּהֶן בְּחֵייהֶם, תֵּאמַר בְּבִכּוֹר שְׂזָכִין

then both it and that for which it is changed: like as it [namely, the offering] designates but one even so its substitute should [likewise] mean but one.

אֶחָד בְּאֶחָד, וְהָיָה הוּא
וְתִמּוּרָתוֹ, מָה הוּא מִיּוֹחַד אֶף
תִּמּוּרָתוֹ מִיּוֹחַד־תּ.

1* Literally *They may substitute from the herd for the flock* [sheep or goats] or *from the flock for the herd, from . . .* 2 *Leviticus 27, 10* (see the preceding *Mishnah*). 3 אִתּוֹ in the Scripture. 4 Both the blemished beast and the substitute are holy. (But if the beast had a blemish before consecration, then after its consecration the substitute does not become holy and is not a valid substitute.) 5 His view is rejected. 6 Compare the preceding *Mishnah*. *One text (Cambridge) reads אֵין מִמֵּירִין *They may not substitute*.

Mishnah 3

מִשְׁנֵה ג

They may not substitute members [of non-consecrated beasts] for embryos¹ [of offerings], or embryos [of non-consecrated beasts] for members [of offerings], or members of embryos [of non-consecrated beasts] for whole [consecrated] beasts, or whole [non-consecrated] beasts for them [namely, the members or embryos of consecrated beasts]. R. Jose² says, They may substitute the members [of unconsecrated beasts] for whole [consecrated] beasts,³ but not whole [unconsecrated] beasts for limbs⁴ [of consecrated beasts]. R. Jose said, Is it not the case with [animal] offerings that if one say, 'Let the leg of this⁵ [beast] be a burnt-offering', the whole [beast] is a burnt-offering? Even so, if one say, 'Let the leg of this [beast] be in stead of that [beast]', the whole [beast] shall be a substitute in its place.⁶

אֵין מִמֵּירִים אֲבָרִים יְבֻעוּבָרִים, וְלֹא
עוּבָרִים בְּאֲבָרִים, וְלֹא אֲבָרִים
וְעוּבָרִים בְּשִׁלְמִים, וְלֹא שְׁלָמִים
בְּהֵן רַבִּי יוֹסִי אֹמֵר, מִמֵּירִים
אֲבָרִין בְּשִׁלְמִים, וְלֹא שְׁלָמִים
בְּאֲבָרִין. אָמַר רַבִּי יוֹסִי, וְהִלָּא
בְּמוֹקֵדֶשֶׁן, הָאֹמֵר, רַגְלָהּ שֶׁל זֶה
עוֹלָה, כּוֹלָה עוֹלָה? אֶף כִּשְׂיֵאמַר,
רַגְלָהּ שֶׁל זֶה תַּחַת זֶה, תִּהְיֶה כּוֹלָה
תִּמּוּרָה תַּחֲתֶיהָ.

1 Or *fetuses* (*fetuses*), i.e., the young still in the wombs of the dams. 2 His opinion is rejected. 3 So that the whole unconsecrated beasts acquire holiness and can be offered up. 4 A limb of a consecrated beast cannot render holy a whole unconsecrated beast. 5 Or זֶה, feminine singular; זֶה, masculine and feminine, and singular and plural]. See מוֹצֵד, Page 12. 6 But R. Jose's argument is not accepted.

poured in.¹ An [unclean] *grave area*² does not render [another field] into a *grave area*. (And) *priest's-due* is not separated [a second time] after [the separation of] *priest's-due*.³ (And) a *substitute* [beast] for a *substitute* [beast] is not a [valid] *substitute*.⁴ (And) a *substitute* for the offspring [born of an *animal-offering*] is not a [valid] *substitute*.⁵ R. Judah⁶ says, A *substitute* for the offspring [born of an *animal-offering*] is a [valid] *substitute*. [The Sages] said to him, [Only a beast that was itself] consecrated can render [another beast a valid] *substitute*; [but] neither the young [born of an *animal-offering*] (nor a *substitute*)⁷ can make [another beast a valid] *substitute*.

עושה בית הפרס. ולא תרומה
אחר תרומה. ולא תמורה עושה
תמורה. ולא הילד עושה תמורה.
רפי יהודה אומר, הילד עושה
תמורה. אמרו לו, הקדש עושה
תמורה; לא הילד (ולא תמורה)
עושין תמורה.

1 But it is not valid if the water is poured over the ashes. Based on *Numbers* 19, 17. Compare פרה 61f. מתן, literally *giving*. **2** פרס, *half the length of a furrow*. See אהלות 171, 2. בית הפרס, an area (field) of a square פרס declared unclean because of crushed bones carried over it from a ploughed up grave. (Compare מועד קטן 5b; אהלות 182). **3** If one separated *priest's-due* [Appendix, Note 1] in the correct proportion, the second person's separation from the same produce is not valid; but if the first person's quantity separated is less than the prescribed amount it is invalid, and the separation then from the same produce by another is valid. **4** The second animal does not acquire any sanctity from the first *substitute* and is therefore not a *substitute*. **5** Though the young is holy and must be offered, it nevertheless cannot communicate its sanctity to a beast to make it a valid *substitute*. **6** His view is not accepted. **7** Some consider the phrase in parenthesis redundant.

Mishnah 6

Bird-offerings and meal-offerings can not have [valid] *substitutes*,¹ for [the law of the *substitute*] was said only of cattle. Neither the congregation nor (the) jointholders can bring [valid] *substitutes*, as it is said,² *he shall not change it*: only a single person may offer a *substitute*, but neither the congregation nor (the) jointholders can bring a [valid]

משנה ו
העופות והמנחות אינן עושין
תמורה, שלא נאמר אלא בבהמה.
הצבור והשותפים אינן עושין
תמורה, שנאמר, לא ימיר אותו,
יחיד עושה תמורה, לא הצבור
ולא השותפים עושים תמורה.

replace them if they are lost or delayed] and he is [also] responsible for their *libations* [namely, both the *libation wine* and *meal-offerings*]; but for the *offerings of the congregation*: they are not³ responsible for them [and do not have to replace them if they are lost or delayed] and they are [also] not responsible for their *libations* [consisting of both the *libation wine* and *meal-offerings*], but they are responsible for their *libations*⁴ once the *offerings* have been offered up [in their prescribed time]. There are¹ conditions which apply to the *offerings of the congregation* but do not pertain to the *offerings of the individual*. Thus: the *offerings of the congregation* supersede the Sabbath [law] and [the laws of] *uncleaness*,⁵ but the *offerings of the individual* do not supersede either [the law of] the Sabbath or [the laws of] *uncleaness*. R. Meir⁶ said, (And) are not the *cakes*⁷ of the High Priest and the bullock [offered] on the Day of Atonement *offerings*⁸ of the individual? And nevertheless they set aside the Sabbath [law] and [the laws of] *uncleaness*! But [the reason for this is that] their time [for offering] is fixed.⁹

1 Or יֵשׁ. 2 Or יֵשׁ. 3 לא is considered redundant by some as אֵין is already a sufficient *negative*. 4 At any time within ten days. 5 *i.e.*, they override the prohibitory laws§ and must be offered on the Sabbath§ and even if the priests are unclean. 6 His opinion is accepted. 7 *Leviticus* 6, 13, 21; *מִנְחֹת* 4⁵, 11³. These cakes were the *daily meal-offering* of the High Priest. 8 Literally *an offering*. 9 But any *offering* that has no prescribed fixed time for being offered does not overrule the Sabbath law§ or the laws of *uncleaness*. *Only male animals can serve as *congregational offerings*. §See ADDENDA, at the end of this *Tractate*.

Mishnah 2

If the *sin-offering of an individual* [were lost], and its owner made atonement [by offering another beast in its stead, and it was then found] it must die,¹ but [the *sin-offering*] of the

חַיִּיבִים (לֹא) בְּאַחֲרֵיהֶן וְלֹא
בְּאַחֲרֵי־הֵן. אֲבָל חַיִּיבִין
בְּאַחֲרֵי־הֵן וְנִסְכֵיהֶן מִשְׁקָרֵב הַזֶּבֶח.
יֵשׁ בְּקָרְבָּנוֹת הַצִּבּוֹר מֵה־שְּׂאִין
בְּקָרְבָּנוֹת הַיְחִיד. שְׁקָרְבָּנוֹת הַצִּבּוֹר
דּוֹחִין אֶת־הַשֶּׁבֶת וְאֶת־הַטּוֹמְאָה,
וְקָרְבָּנוֹת הַיְחִיד אֵינָן דּוֹחִים לֹא
אֶת־הַשֶּׁבֶת וְלֹא אֶת־הַטּוֹמְאָה.
אָמַר רַבִּי מֵאִיר, וְהֵלֵא יְחִבִּיתִי
כִּהְיֶה גְדוֹל וּפְרַיִם יוֹם הַכַּפּוּרִים קָרְבַּן
יְחִיד? וְדוֹחִין אֶת־הַשֶּׁבֶת וְאֶת־
הַטּוֹמְאָה! אֵלֶּא שְׂזֵמָן קָבִיעַ.

משנה ב

חטאת היחיד שִׁכְפְּרוּ בְּעֵלְיוֹ
יִמְתּוֹת, וְשֶׁל צִבּוֹר אֵינָן מִתּוֹת. רַבִּי
יְהוּדָה אָמַר, יִמּוֹתוּ. אָמַר רַבִּי

with a permanent blemish⁵ and it can not revert⁶ to [its former] undedicated status, or be shorn or be used for labour. R. Jose⁷ ben R. Judah says, If one dedicated [a beast as a *substitute*] unintentionally or deliberately, it is a [valid] *substitute*,⁸ but if one dedicated [a beast as an *offering*] unintentionally or deliberately, it is not a [valid] *offering*.⁹ R. Eliezer¹⁰ says, [An animal which is] cross-bred,¹¹ or *terefah*,¹² or [as a foetus] extracted [from the womb of the dam] by means of the caesarean operation, or of indeterminate sex or an hermaphrodite,¹³ can not become sanctified or render [a *substitute*] sanctified.

וְלֹא עֲשָׂה שׁוּגָה כְּמִזְדִּיר בְּמוֹקְדָשִׁים.
 רַבִּי אֱלִיעֶזֶר אוֹמֵר, הַכְּלָאִים¹¹
 וְהַטְרֵפָה וְיוֹצֵא דוֹפָן,¹² טוֹמְטוֹם
 וְאֶנְדְרוֹנִינוֹס, לֹא קָדָשִׁים וְלֹא
 מְקַדָּשִׁים.

1 קָדָשִׁים and קָדָשִׁים. 2 See 15. 3 הַשְׁוֹתֵפִין in some texts. 4 Or *foetuses*, i.e., unborn young. 5 Compare 12. 6 In some texts יוֹצֵאָה. 7 His view is accepted. 8 e.g., if one intended a black ox to be a *substitute* for an *offering* and unintentionally named a white one, then the white one is valid. 9 e.g., if one intended a black ox to be an *offering* and indeliberately designated a white one, the latter is not valid. 10 His opinion is accepted. 11 See כְּלָאִים, INTRODUCTION. 12 See Appendix, Note 15. 13 See בְּכוֹרִים 41f.

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

These are the *animal-offerings* whose young and whose substituted beasts [may be offered] as the like kind¹ [of *offering*]: the young of a *peace-offering* and its *substitute*,² their young and the young of their young for all time, (these) [may be offered] as *peace-offerings*,³ and they need the *laying on of hands*,⁴ (and) *libations*, and *waving*, and the breast and thigh [fall to the priests]. R. Eliezer⁵ says, The young of a *peace-offering* may not be offered⁶ as a *peace-offering* [and must be left to die of starvation]. But the Sages say,⁷ The [young] must be offered [as *peace-offerings*].

אֵלוּ קָדָשִׁים שְׂוֵדוֹתֵיהֶן
 וְתַמּוּרוֹתֵיהֶן כְּיוֹצֵא יִבְהֶן וְלֹד
 שְׁלָמִים, וְתַמּוּרָתָן, וּוְלָדָן וְלֹד
 וְלָדָן עַד סוֹף הָעוֹלָם, הֵרִי אֵלוּ
 כְּשֵׁלָמִים, וְטַעוּנִים, סְמִיכָה וְנִסְכִּים
 וְתַגּוּפָה וְחִזָּה וְשׁוֹקֵי. רַבִּי אֱלִיעֶזֶר
 אוֹמֵר, וְלֹד שְׁלָמִים לֹא יִקְרַב
 שְׁלָמִים. וְיַחְכְּמִים אוֹמְרִים, יִקְרַב.
 אָמַר רַבִּי שְׁמַעוֹן, לֹא נֶחְלְקוּ עַל
 וְלֹד וְלֹד שְׁלָמִים, וְעַל וְלֹד וְלֹד

1 *Leviticus 7, 12 et seq.* If a dedicated beast or a *substitute* beast bore young, the young is as holy as the *thank-offering*. 2 The fat is burned upon the Altar, and the flesh is eaten the same day and the night. וְיָלַד תְּמוּרַת ה' 57. See ADDENDA, at the end of this *Tractate*. 3 In some texts וְיָלַד תְּמוּרַת ה' וְיָלַד, 4 כָּלִיל, a *sacrifice burned entirely*; אִישָׁה, *burnt-offering*; כָּלִיל אִישָׁה, *wholly (or altogether) to be burned (upon the Altar)*. *Literally *burnt-offering*.

Mishnah 3

If one set apart a female [beast] for a *burnt-offering*, and it bore a male, [the young] must be left to pasture until it acquires a blemish when it is sold¹ and a *burnt-offering* is brought with the money obtained for it. R. Eliezer² says, [The offspring] itself may be offered as a *burnt-offering*. If one set apart a female [beast] for a *guilt-offering*,³ it must be put to pasture until it contracts a blemish when it is sold and a [male] *guilt-offering* is brought with the money realised therefor; [but] if he had already offered his *guilt-offering*, the money therefor shall be deposited [in the Temple treasury chest] for a *freewill-offering*.⁴ R. Simon⁵ says, [The female beast] may be sold [straightway even if it have] not a blemish. The *substitute* of a *guilt-offering*, the young of its *substitute*, its young and the young of its young for all time, must be put to pasture until they contract a blemish when they are sold⁶ and the money therefor is placed [in the Temple treasury chest] for a *freewill-offering*. R. Eliezer⁷ says, [They are shut away and left] to die [of starvation]. But R. Elazar says, [They are left to suffer a blemish when they are sold and] with the money [thus acquired their owner] brings

מִשְׁנָה ג

הַמְּפָרִישׁ נִקְבָּה לְעוֹלָה וְיָלַדָּה זָכָר,
 יִרְעָה עַד שְׂסֻתָּאב וְיִמְכַר וְיָבִיא
 בְּדָמָיו עוֹלָה רַבִּי אֱלִיעֶזֶר אוֹמֵר,
 הוּא עֲצָמוּ יִקְרַב עוֹלָה. הַמְּפָרִישׁ
 נִקְבָּה לְאֵשׁ, תִּרְעָה עַד שְׂסֻתָּאב,
 וְתִמְכַר וְיָבִיא בְּדָמֶיהָ אֵשׁ; אִם
 קָרַב אֲשָׁמוּ יִפְלוּ דָּמֶיהָ לְנִדְבָה.
 רַבִּי שְׁמַעוֹן אוֹמֵר, תִּמְכַר שְׁלֵא
 בְּמוֹם. תְּמוּרַת אֵשׁ, וְלַד תְּמוּרָתָהּ,
 וְיָלַד וְיָלַד וְיָלַד עַד סוֹף הָעוֹלָם,
 יִרְעוּ עַד שְׂסֻתָּאבוּ וְיִמְכְּרוּ וְיִפְלוּ
 דָּמֶיהֶן לְנִדְבָה. רַבִּי אֱלִיעֶזֶר
 אוֹמֵר, יָמוּתוּ וְרַבִּי אֱלִיעֶזֶר אוֹמֵר,
 יָבִיא בְּדָמֶיהֶן עוֹלוֹת. אֵשׁ שְׁמַתוֹ
 בְּעָלָיו, וְשִׁכְפְּרוּ בְּעָלָיו, יִרְעָה עַד
 שְׂסֻתָּאב, וְיִמְכַר וְיִפְלוּ דָּמָיו
 לְנִדְבָה. רַבִּי אֱלִיעֶזֶר אוֹמֵר,
 יָמוּתוּ וְרַבִּי אֱלִיעֶזֶר אוֹמֵר, יָבִיא
 בְּדָמֶיהֶן עוֹלוֹת.

of the congregation,⁵ [and] even if [the offerer] be a priest, the offering thereof and its hide belong to [the priests of] the [week's] course.⁶

1 As upheld by R. Elazar. 2 Who offered another beast in place of one he first designated, the displaced beast must be left to pasture until it suffers a blemish when it is sold, and with the proceeds a beast for a *burnt-offering* is bought which he offers up, even if it is not his weekly turn to officiate. Compare סִדְקָה 56, 7. 3 Although he was not in that week's priestly course. 4 According to the Sages, the price of the *guilt-offering* is placed in the Temple treasury chest, and from its moneys* they buy a *burnt-offering* which now pertains to the congregation. And even if the original offerer was a priest the service and hide do not appertain to him. The ruling accepted is that of the Sages. See ADDENDA. 5 *i.e.*, from the funds in the Temple treasury chest. 6 *I Chronicles* 24, 1-19; סִדְקָה 56, 7, 8; יוֹמָא 39; תַּעֲרִית 26, 7. *See ADDENDA, at the end of this *Tractate*.

Mishnah 5

משנה ה

The *substitute* for a *firstling* or for [a beast of] the *tithe* [of cattle], their young and the young of their young for all time, are as [holy as and can be offered as] *firstlings* or as *tithe* [of cattle], and if they suffer a blemish, they¹ may be consumed by the owners. What distinction is there between *firstlings* and *tithe* [of cattle on the one hand] and all other *animal-offerings* [on the other hand]? [They differ in that] all other *animal-offerings*² may be sold in the shop,³ and may be slaughtered in the market, and may be weighed out by the *litra*,⁴ excepting the *firstling* and *tithe* [of cattle];⁵ and they may be redeemed⁶ and their *substitutes*⁷ may be redeemed with the exception of the *firstling* and *tithe* [of cattle]; and they may be brought from outside the Land [of Israel] to the Land [of Israel], save the *firstling* and the *tithe* [of cattle].⁸ If they were brought [from outside

תמורת הבכור והמעשר, וילדן וילד וילדן, עד סוף העולם, הרי אלו בכבור וכמעשר, ויאכלו במומם לבצלים. מה בין הבכור והמעשר לבין פל-הקדשים? שכל הקדשים ומפרים באטלים, ונשקטין באטלים, ונשקלין בליטרא, חוץ מן הבכור ומן המעשר; ויש להן פדיון וילתמורו תיהן פדיון, חוץ מן הבכור ומן המעשר; ובאים מחוץ לארץ, חוץ מן הבכור ומן המעשר. אם באו תמימים יקרבו; ואם בצלי מומין יאכלו במומן לבצלים. אומר רבי

die; (and) it can not have³ a *substitute*, and no use may be made of it, but *the transgression of the law of the misappropriation of sacred property*⁴ does not apply to it. If the owner [did not wish to offer a *substitute*], and [thus] had not yet made atone-

ment, it⁵ must be left to pasture till it incurs a blemish, then it is sold, and another [beast] is brought with its [sale] price; a *substitute* may be brought⁶ for it, and *the transgression of the law of the misappropriation of sacred property* applies to it.

1 It is then invalid as a *sin-offering*.* 2 By offering another *sin-offering* after the find.* 3 Literally, *make*. If one said, 'Let this beast be a *substitute*', it is of no effect and the beast does not acquire sanctity.* 4 Or *the law of sacrilege*. *Leviticus 5, 15ff.** 5 If it is found blemished it is sold and with the proceeds a *substitute* is bought. 6 *ועושה* (*feminine*), compare *עושה ואינה עושה* above. *See ADDENDA at the end of this *Tractate*.

Mishnah 2

If one set apart his *sin-offering* and it was lost, and he offered up another¹ in its place, and the first was afterwards found, it [is shut up and starved until it] dies. If one put aside money for a *sin-offering*, and [the money] was lost, and he offered up [another] *sin-offering*¹ in its stead, and then the money was found, [the money] must be cast² into the Salt Sea.³

1 *i.e.*, a *substitute*. Even if it is found later to be unblemished. 2 Literally *let the money go*. 3 Or *the Dead Sea*. Compare *נזיר* 4^{4, 6}, *זרה* 3^{3, 9}. See ADDENDA at the end of this *Tractate*.

Mishnah 3

If one set aside money for a *sin-offering*, and [the money] was lost, and he set apart other [money] in

ולא ימועלין. אם עד שלא כפרו
הבעלים, תרעה עד שתסתאב,
ותמכר ויביא בדמיה אחרת;
ועושה תמורה, ומועלין בה.

משנה ב
המפריש חטאתו ואבדה והקריב
אחרת תחתיה, ואחר כך נמצאת
הראשונה, תמות. המפריש מעות
לחטאת, ואבדו והקריב לחטאת
תחתיהן, ואחר כך נמצאו המעות
ילכו לים המלח.

משנה ג
המפריש מעות לחטאתו ואבדו,
והפריש מעות אחרים תחתיהן,

was found, and both were sound, one (of them) must be offered as a *sin-offering* and the other [must be put away to starve until it] dies. This is the view of Rabbi.⁵ But the Sages⁶ say, A *sin-offering* must not [be abandoned to] die [of starvation], except [in the case where] it was found after the owner had made atonement [otherwise]; and [if the money set apart to purchase a *sin-offering* were lost, and after he had separated a beast for a *sin-offering* this money was found], the money may not be cast into the Salt Sea, save only if it were found after the owner [had already offered the *sin-offering* and thus] had made atonement.

1 *i.e.*, the money first put aside and the *substitute* money. 2 שְׁקָלִים 61, 71. 3 *sc.*, the money first set apart and the money from the sale. 4 *i.e.*, the money set apart and the money from the sale. 5 His view is rejected. 6 Their opinion is the accepted ruling. If the owner offered the found beast, the *substitute* is left to pasture until it incurs a blemish; but if he offered the *substitute* and not the recovered beast, this must be left to die.

Mishnah 4

If one set aside his *sin-offering*, and it [was found to] have a blemish,¹ he must sell it and bring with the money [realised] for it another in its place. R. Elazar ben R.* Simon² says, If the second were offered before the first was slaughtered, [the first] must [be shut away to starve and] die, since the owner [by offering the other] had already made atonement.

1 Contracted after its dedication. Perhaps while it was being slaughtered. 2 His opinion is rejected. *See אֶהְלוֹת 35; בָּבָא מִצִּיעָא 73.

CHAPTER 5

Mishnah 1

By what means can one evade¹ the law of the *firstling*?² If a beast that had never yet given birth to offspring

תָּמוֹת. דְּבָרֵי רַבִּי. וְנַחֲכָמִים
אוֹמְרִים, אֵין חֲטָאת מִתָּה, אֶלֶּא
שְׁנִמְצָאת מֵאַחַר שְׁכַפְרוּ הַבְּעָלִים;
וְאֵין הַמְּעוֹת הוֹלְכוֹת לָם הַמְּלַח,
אֶלֶּא שְׁנִמְצָאוּ מֵאַחַר שְׁכַפְרוּ
הַבְּעָלִים.

מִשְׁנֵה ד
הַמִּפְרִישׁ חֲטָאתוֹ נִהְרִי הִיא בְּעֵלֶת
מוֹם, מוֹכְרָה וַיָּבִיא בְדַמְיָה אַחֲרֶת.
רַבִּי אֶלְעָזָר בְּרַבִּי שִׁמְעוֹן אוֹמֵר,
אִם קָרְבָּה הַשְּׁנִיָּה עַד שֶׁלֹּא נִשְׁחַטָּה
הִיא שׁוֹנֵה, תָּמוֹת שְׁכָבֵר כִּפְרוּ
הַבְּעָלִים.

פֶּרֶק ה

מִשְׁנֵה א

כִּיצַד יִמְעָרִימִים עַל הַבְּכוֹר?
מִבְּפֶרֶת שֶׁהִיָּתָה מֵעוֹבְרֶת, אוֹמֵר,

offering and the money [thus realised] for it may be put to any common use. If it bore young of indeterminate sex or an hermaphrodite,³ Rabban Simon⁴ ben Gamaliel says, Sanctity does not befall them.

1 That had already given birth, and when pregnant its owner dedicated the coming young if male for *burnt-offering*. See ADDENDA, at the end of this *Tractate*. 2 See Note 5 of the preceding *Mishnah*. 3 בְּבוֹרִים 41^a. 4 His opinion is rejected.

Mishnah 3

משנה ג

If one said, 'The young of this* [undedicated pregnant beast] shall be a *burnt-offering* and [the dam] itself shall be a *peace-offering*', his words hold good.¹ [If in like case he said], 'This [beast] shall be a *peace-offering* and her young shall be a *burnt-offering*', it is deemed the offspring of a *peace-offering*. This is the view of R. Meir.² R. Jose³ said, If his intention at the outset was to this effect,⁴ his words hold good, seeing that it is impossible to make two pronouncements at the same time; but if after he had said, 'This [beast] shall be a *peace-offering*', he reconsidered and said, 'Its offspring shall be a *burnt-offering*', then this must remain as the young of a *peace-offering*.⁵ *Or ו'; see Volume II, Page 12.

הָאוֹמֵר, וְלָדָהּ שֶׁל זֶה עֹלָה וְהִיא שְׁלָמִים, דְּבָרָיו קַיָּיִמִים. הִיא שְׁלָמִים וְוּלָדָהּ עֹלָה, הָרִי זֶה וְלֹד שְׁלָמִים. דְּבָרֵי רַבִּי מְאִיר. אָמַר רַבִּי יוֹסֵי, אִם יֶלְכֵן נִתְפָּוֵן מִתְחִלָּה, הוֹאִיל וְאִי אֶפְשָׁר לְקָרוֹת שְׁנֵי שְׁמוֹת כְּאַחַת דְּבָרָיו קַיָּיִמִים; וְאִם מִשְׁאֵמֵר, הָרִי זֶה שְׁלָמִים, נִמְלָךְ וְאָמַר, וְלָדָהּ עֹלָה, הָרִי זֶה וְלֹד שְׁלָמִים.⁵

1 Since the dedication of the beast followed that of the foetus (or embryo). 2 His view is only accepted if this dedication of the embryo was his intention before he dedicated the dam, as R. Jose now goes on to state. 3 His opinion is accepted. 4 Although he had not uttered it before the other. 5 Once the young had been included with the dam as a *peace-offering* its sanctity as such cannot be altered. There is no retraction possible in the case of dedications.

Mishnah 4

משנה ד

[If one said], 'Let this [beast] be a substitute for a *burnt-offering* and [also] a substitute for a *peace-offering*, then

הָרִי זֶה תְּמוּרַת עֹלָה וְתְמוּרַת שְׁלָמִים, הָרִי זֶה תְּמוּרַת עֹלָה.

has said naught; [but if he said, 'Let this be] *instead of*¹ *this*³ *sin-offering*', or [if he said, 'Let this be] *in place of*¹ *this*³ *burnt-offering*', [or if he said, 'Let this be instead of¹] a *sin-offering* [which I have in my house],⁵ or [if he said, 'Let this be] *instead of*¹ a *burnt-offering* that I have⁴ in the house',⁵ and he [actually] did have such, his words hold good [and the beasts become consecrated]. If one said of an unclean beast⁶ or [of a beast] with a blemish, 'Let this⁷ be "a" *burnt-offering*', he has said naught; [but if he said], 'Let this⁷ be "for" a *burnt-offering*', it⁸ must be sold and he brings a *burnt-offering* with the money [thus realised] for it.⁹

וְתַחַת עוֹלָה יִזוּ, וְתַחַת חֲטָאת,
וְתַחַת עוֹלָה יִשְׁלַשׁ לִי בְתוֹךְ הַבָּיִת,
הִיא לּוֹ, וְדָבְרֵי קִיּוּמִין אִם אָמַר
עַל בְּהֵמָה טְמֵאָה וְעַל בְּעֵלֶת מוֹם,
הָרִי אֵלָיו עוֹלָה, לֹא אָמַר כָּלוּם;
הָרִי אֵלָיו לְעוֹלָה, יִמְכְּרוּ וַיָּבִיא
בְּדַמְיָהּ עוֹלָה.

1 See Note 1 in the preceding Mishnah. Since he does not say '... instead of this ...' 2 a—this makes the expression indefinite. 3 this—the statement is definite. Or וְ (see Volume I—מוֹעֵד—Page 12). 4 Or יִשְׁלַשׁ לִי. 5 in the house—this makes it definite. 6 One whose flesh is forbidden to be eaten by Jews. 7 Literally these. Implying that his intention was to offer their values, not the animals themselves. 8 Literally they must be sold. 9 Literally with their money.

CHAPTER 6

פֶּרֶק ו'

Mishnah I.

All [beasts] that are forbidden [to be offered] on the Altar render others [among which they are inextricably confused] prohibited [to be offered on the Altar] whatever their number may be,¹ [and these are], the animal that copulated with a woman,² and the animal that a man copulated with, and [the animal] which had been reserved] for idolatrous purpose but had not yet been used for idolatry], and [the animal] that had been worshipped, and [the animal] which was a [harlot's] hire,³ and [an animal] exchanged [for a dog],⁴ and

מִשְׁנָה א

כָּל-הָאֲסוּרִין עַל גְּבֵי הַמִּזְבֵּחַ,
אֲסוּרִים בְּכֹל שֶׁהֵן, הָרוֹבֵעַ
וְהַנִּרְבֵּעַ וְהַמִּקְצָה וְהַנֶּעֱבָד וְאֲתוֹן
וּמִחִיר וְהַכִּלְאִים וְהַטְּרֵפָה יוֹצֵא
דוֹפֵן. אֵיזָה הוּא מוֹקְצָה? הַמִּקְצָה
לְעִבּוֹדַת כּוֹכָבִים הוּא אֲסוּר וְיִמָּה-
שְׁעָלָיו מוֹתֵר. אֵיזָהוּ נֶעֱבָד? כָּל-
שְׁעוֹבְדֵין אוֹתוֹ הוּא וְיִמָּה-שְׁעָלָיו
אֲסוּר. וְזֶה נִזְהָר מוֹתֵרִין בְּאֲכִילָהּ.

view is rejected. 5 Their ruling is accepted. A Hebrew bondman may only cohabit with a Canaanitish slave if he has already a wife. A Hebrew owner must not give his non-Hebrew bondwoman to his fellow's Hebrew slave (who has no wife) in order to bring forth bondchildren.

Mishnah 3

What is understood by *exchanged for a dog*?¹ [Thus], if one said to his fellow, 'Here is for thee² this lamb for this dog';³ and similarly, also, if two partners⁴ divided [their goods], and one took ten [lambs] and the other took nine [lambs] and a dog, those [ten lambs of the first partner set over] against [the nine lambs and] the dog are prohibited, [but] those [nine lambs] that are [together] with the dog are permitted. The price for [copulating with] a dog and a harlot's hire⁵ are permitted, as it is said,⁶ both these,⁷ but not four. Their young are permitted, as it is said, these —[they themselves are prohibited], but not their young.⁷

משנה ג

איזהו ימחיר כלב? האומר לחבירו, (הא לך) טלה זה, תחת כלב זה; וכן שני שותפין שחלקו, אחד נטל עשרה ואחד נטל תשעה וכלב, שכנגד הכלב אסורים שעם הכלב מותרים. אתון כלב ומחיר זונה הרי אלו מותרים, שנאמר, 'שנים ולא ארבעה. ולדותיהן מותרים, שנאמר, הן, ולא יולדותיהן.'

1 See 61. Literally *price of a dog*. 2 Some consider *הא לך* redundant. 3 *i.e.*, If one said to his fellow, 'Take this lamb and suffer me to commit sodomy with thy dog'. 4 Or *jointholders*. 5 *i.e.*, If one said to his fellow, 'Give me the lamb and use this harlot'. 6 *Deuteronomy 23, 19*. 7 The Scripture gives *שניהם*. The *גמרא* divides the term *שניהם* into *הן שני*, only 'these two', but not the young of each, *sc.*, making 'four'.

Mishnah 4

If one gave money to her [namely, a harlot], this [money] is permitted [for the purchase of *animal-offerings* and *meal-offerings*], but [if he gave to her wine, oil, or meal,¹ or aught the like of which is brought upon the Altar, [these are]

משנה ד

נתן לה כספים הרי אלו מותרין, יינות שמנים יוסלתות, וכל דבר שפיוצא בו קרב על גבי מזבח אסור. נתן לה מוקדשין, הרי אלו

not be offered. 2 See *Appendix, Note 15*. 3 His view is rejected. 4 יקרב [Niphal]; or יקרב [Kal], one may offer. 5 Their opinion is accepted. 6 His opinion is not accepted. 7 Because of some defect from which it will die. 8 For this would be disrespect to holy things.

CHAPTER 7

פרק ז

Mishnah 1

משנה א

There are conditions¹ that apply to *animal-offerings*² for the Altar but do not apply to [beasts] consecrated [to the treasury for sale] for the purpose of the Temple upkeep, and there are conditions which apply to [beasts] consecrated [to the treasury for sale] for the purpose of the Temple upkeep but do not apply to *animal offerings* for the Altar. Thus: the animals that are consecrated for the Altar may be replaced by *substitutes*, and one may be liable [to stripes] by reason of them through [transgressing the laws of] *rejection*,³ *remnant*,³ and *uncleaness*;⁴ their young⁵ and their milk are prohibited after their redemption, and one who slaughters them outside [the Temple Court] is liable [to excision],⁶ and they may not pay with them the craftsmen [in the Temple] their wages. But it is not so with what is dedicated [to the treasury] for the Temple upkeep.⁷

יש בקדשי מזבח מה שאין בקדשי
בדק הבית. יש בקדשי בדק הבית
מה שאין בקדשי מזבח. שקדשי
מזבח עושים תמורה וחיבין עליהם
משום פגול, נותר וטמא; וקדון
וחלבן אסור לאמר פדיונם,
והשוחטם בחוץ חייב, ואין נותנים
מהם לאומנין בשכרן. מה שאין
בן בקדשי בדק הבית.

1 i.e., laws. 2 viz., not to *bird-offerings* and not to *meal-offerings*. Or יש בקדשי.
3 *Appendix, Note 18*. ובהים 22, 34. 4 A priest who ate in uncleanness of the
flesh of an offering is liable to מלקות, the forty stripes (see מפות, INTRODUCTION).
5 Conceived before redemption and born after redemption. 6 *Appendix, Note 2*.
See ADDENDA, at the end of this *Tractate*. 7 שקלים 45.

Mishnah 2

משנה ב

There are conditions¹ that apply to [animals] consecrated [to the treasury for sale] for the purpose of

יש בקדשי בדק הבית מה שאין
בקדשי מזבח. ששטמם הקדשות

Mishnah 4

And these must be buried: abortions¹ of [animal-] offerings must be buried; if [a beast] cast a placenta,² it must be buried; the ox that is to be [or has been] put to death by stoning³ [having killed a human being], and the heifer whose neck is to be broken,⁴ and [the slaughtered one of] the bird-offerings⁵ of the leper, and the hair of the nazirite,⁶ and the firstling of an ass,⁷ flesh [seethed] in milk,⁸ and unconsecrated animals that have been slaughtered in the [Temple] Court. R. Simon⁹ says, Unconsecrated animals that are slaughtered in the [Temple] Court must be burned, and likewise, also, a wild beast slaughtered in the [Temple] Court.

1 The products of miscarriages or untimely births, as they must not be used at all. 2 Or *afterbirth*. 3 *Exodus* 21, 28. 4 *Deuteronomy* 21, 4ff. Compare סוטה 72. 5 *Leviticus* 14, 6. The other pigeon is set free, and may even be eaten. 6 When the unclean nazirite cuts off his hair it must be buried. *Numbers* 6, 9. See ADDENDA, at the end of this *Tractate*. 7 If not redeemed with a lamb it has its neck broken and the whole carcass is buried. 8 חילין 81^a. 9 His opinion is not accepted, lest it should be exchanged for a consecrated animal.

Mishnah 5

(And) these must be burned: whatever unleavened [found] during Passover must be burned,¹ and unclean priest's-s-due,² and the fruit of trees of the first three years,³ and the forbidden junction⁴ of the vineyard. What it is possible to burn⁵ must be burned, and what can only be buried⁶ must be buried. (And) bread [of unclean priest's-s-due] and oil of [unclean] priest's-s-due may be used for kindling.⁷

1 This is the view of R. Judah, but it is not accepted. Compare יבחים 21. 2 See *Appendix, Note 1*. 3 See *Appendix, Note 10*; ערלה INTRODUCTION; *Leviticus*

משנה ד

ואלו הן הנקברים, קדשים ששהפילו וקברו; הפילה שליא תקבר; שור הנסקל, ועולה ערופה, וצפורי מצורע, ושער נזיר, ופטר חמור, בשר בהלב, וחילין שנשחטו בעורה. רבי שמעון אומר, חילין שנשחטו בעורה ישרפו; וכן היה שנשחטה בעורה.

משנה ה

ואלו הן הנשרפים, חמץ בפסח ישראל, ותרומה טמאה והערלה וכלאי הקרבן. את שדרכו לשרף ישראל, ומה שדרכו לקבר יקבר. וימדליקו בפת ובשמן של תרומה.

of the ashes. 11 Their view is accepted. 12 וְשִׁלְמָהּ מִסֵּכֶת תְּמוּרָה, TRACTATE TEMURAH CONCLUDED, in some editions. *See ADDENDA below.

סֵלִיק מִסֵּכֶת תְּמוּרָה¹²

CONCLUSION OF TRACTATE TEMURAH.

ADDENDA

[Additional Notes to Tractate TEMURAH]

- 2¹, **Note 5.** Since the word תְּמִיךְ occurs in reference to them.
- 2¹, **Note 9.** Whether the Sabbath law or ritual is suspended depends solely on whether there exists a set time for the particular sacrifice.
- 3², **Note 2.** Only the actual Torah requires the 'bread offering', not its substitutes.
- 3³, **Note 1.** It is left to pasture because its holiness starts from its mother which cannot be brought as a sacrifice.
- 3³, **Note 4.** For congregational offerings.
- 3³, **Note 5.** His view is that since the animal is not fit for anything, what greater blemish than this can there be?
- 3³, **Note 7.** Some prefer *Hyrkanos*.
- 3⁴, **Note 4.** In a congregational freewill-offering no סְמִיכָה takes place.
- 3⁴, **Note 4.*** The plural 'monies' refers to 'the total of sums of money'.
- 3⁵, **Note 3.** A better price is ensured there, with the result that a better sacrifice will be offered with the money obtained.
- 3⁵, **Note 5.** Since another offering is not brought in this case, the higher price will accrue to private benefit.
- 3⁵, **Note 15.** Since a blemished animal must be replaced, the money obtained from its sale must also be spent in Jerusalem.
- 4¹, **Note 1.** This happened before the owner had expiated his sin by another offering.
- 4¹, **Note 2.** Thus making it obvious that the owner had no further intention to use the animal lost.

מסכת

כריתות

TRACTATE
KERITHOTH

[BEING THE SEVENTH TRACTATE OF THE FIFTH ORDER KODASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

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INTRODUCTION

בְּרִיתוֹת, **Kerithoth**, is the seventh *Tractate* or *Treatise* (מִסְכָּת) of the fifth Order *Kodashim* (סֵדֶר קֹדָשִׁים) of the *Mishnah* (מִשְׁנָה).

It is presented with *Gemara* (גְּמָרָא) in the *Babylonian Talmud* (תַּלְמוּד בַּבְּלִי), but is not given in the *Jerusalem* (or *Palestinian*) *Talmud* (תַּלְמוּד יְרוּשָׁלַמִי).

The term **בְּרִיתוֹת**—the plural form of the substantive **בְּרִית**, *excommunication, excision, extermination, extinction, extirpation*—is actually the plural form of **בְּרִיתָה**, (1) *mutilation, cutting of the genitals*, (2) *divorce by deed*, (3) *making a covenant*, (4) *decision*, (5) *excommunication*, (6) **excision, extermination, extinction, extirpation**. Both **בְּרִית** and **בְּרִיתָה** are noun derivatives of the verb **בָּרַת**, (1) *cut, cut off, cut down, fell, hew down*, (2) *mutilate, cut the genitals*, (3) *covenant, make a pact*, (4) *divorce, separate*, (5) *make definite, make final*, (6) *excommunicate*, (7) **extirpate, exterminate, excise, extinguish**.

This *Tractate* deals with the transgressions subject to the penalty of **excision** and their atonement or expiation by *sacrifices* or *offerings*.

The *Tractate* contains six Chapters whose titles are:

CHAPTER 1	שְׁלֵשִׁים וָשֵׁשׁ	פָּרָק א
CHAPTER 2	אַרְבָּעָה מְחוּסְרֵי יִבְרָה	פָּרָק ב
CHAPTER 3	אֲמָרוּ לוֹ	פָּרָק ג
CHAPTER 4	סָסַק אָכַל חֶלֶב	פָּרָק ד
CHAPTER 5	דָּם שְׁחִיטָה	פָּרָק ה
CHAPTER 6	הַמְבִיא אֲשָׁם	פָּרָק ו

* **כִּפְרָה** is the term in the **גְּמָרָא** though **כְּפוּרִים** is given in the *Mishnah*.

The main subjects treated in these Chapters are:

1. List of transgressions punishable by **excision**; *offerings* of women after childbirth, or abortion, or afterbirth, or after a flux. 2. Incomplete atonement (or expiation) and *offering*; *sin-offerings* for various transgressions; *offerings* after miscarriage (or abortion); sexual connexion with a bondswoman and other forbidden sexual connexions, and liability to the infliction of *stripes*. 3. *Guilt-offerings* and *sin-offerings* in connection with eating, sexual intercourse, and forbidden acts of work on the Sabbath. 4. Continuation of the subjects 'eating' and 'cohabitation' in the preceding Chapter. 5. Conclusion of the subject 'eating' in the foregoing Chapter; *sacrilege*. 6. Various regulations concerning these *offerings*.

מִסְכָּה

כְּרִיתוֹת

TRACTATE

KERITHOTH

CHAPTER 1

פֶּרֶק א

Mishnah 1

Thirty-six transgressions entail the penalty of *excision* as enjoined in the Law: if one copulate with [his] mother, or with the wife of his father,¹ or with [his] daughter-in-law, if one have sexual intercourse with a male, or with a beast,² (and) the woman that causes a beast to have sexual connection with her, if one have sexual connection with a woman and her daughter,³ or with a married woman,⁴ one who has sexual intercourse with his sister, or with his father's sister,⁵ or with his mother's sister,⁶ or with his wife's sister,⁷ or with his brother's wife,⁷ or with the wife of his father's brother,⁸ or with a menstruous woman,⁹ if one blaspheme,¹⁰ or if one practise idolatry,¹¹ or if one offer of his seed to *Molech*,¹² or if one be a necromancer,¹³ one who profanes the Sabbath,¹⁴ or if one be unclean and eats of what is consecrated,¹⁵ or if one who is unclean enter the Temple,¹⁶ or if one eat of [the] fat or [the] blood [or] *remnant*¹⁷ or

מִשְׁנָה א

שְׁלֹשִׁים וְשֵׁשׁ כְּרִיתוֹת בְּתוֹרָה, הַבָּא
עַל הָאִם וְעַל יְאֻשַׁת הָאָב וְעַל הַכֶּלֶה,
הַבָּא עַל הַזָּכָר וְעַל הַבְּהֵמָה וְהָאִשָּׁה
הַמְּבִיאָה אֶת הַבְּהֵמָה עִלְיָהּ, הַבָּא
עַל יְאֻשָּׁה וּבִתָּהּ, וְעַל יְאֻשַׁת אִישׁ,
הַבָּא עַל אַחֻתוֹ, וְעַל יְאֻחֻת אָבִיו,
וְעַל יְאֻחֻת אִמּוֹ, וְעַל יְאֻחֻת אִשְׁתּוֹ,
וְעַל יְאֻשַׁת אָחִיו, וְעַל יְאֻשַׁת אָחִי
אָבִיו וְעַל הַגֵּדָה,¹⁰ הַמְּגִדֵף¹¹ וְהַעוֹבֵד
גְּלוּלִים וְהַנּוֹתֵן מִזְרָעוֹ¹² לַמּוֹלָךְ,
¹³ וְיָבֵעַל אוֹב, הַמְּחַלֵּל¹⁴ אֶת־הַשַּׁבָּת,
וְטָמֵא שְׂאֵכַל¹⁵ אֶת־הַקֹּדֶשׁ וְהַבָּא
¹⁶ לַמְּקוֹדֶשׁ טָמֵא. וְהָאוֹכֵל חֵלֶב וְדָם
¹⁷ נֹתֵר¹⁸ וּפְגוּל.¹⁹ הַשּׁוֹחֵט²⁰ וְהַמְעִלָּה
בַּחוּץ, הָאוֹכֵל חֶמֶץ²¹ בַּפֶּסַח,
²² וְהָאוֹכֵל וְהַעוֹשֶׂה מְלֶאכָה בְּיוֹם

a *suspensive guilt-offering*], he brings an offering according to his means.² This is the view of R. Meir.³ And the Sages⁴ say, Even the blasphemer, as it is said,⁵ *ye shall have one law for him that doeth aught⁶ in error*—the blasphemer is [thereby] excluded⁷ since he has performed no act.⁸ *Or

תורה אחת יהיה לכם לעושה בשיגגה, יצא מגדף שאינו עושה מעשה.
 *Or [קדשים].

1 If he subsequently becomes aware that he had definitely committed a transgression he must bring a *sin-offering*. A *suspensive guilt-offering* is brought only where there is a doubt whether he transgressed wantonly [penalty excision] or in error [penalty a *sin-offering*].* 2 *Leviticus* 5, 6, 7, 11; שבועות 12. Literally a rising and descending *sin-offering*.* 3 His opinion is accepted. 4 Their ruling is accepted that the blasphemer does not bring a *sin-offering* for an unintentional transgression or a *suspensive guilt-offering* where there is a doubt. 5 *Numbers* 15, 29. 6 לעשה in Scripture. 7 If he blasphemes unwittingly he does not bring a *sin-offering*. 8 Blaspheming is 'talking' and not an 'action'. *See ADDENDA.

Mishnah 3

משנה ג

There are [cases where] women¹ [after childbirth] bring² an offering which is consumed [by the priests], and there are* [cases where] they bring an offering that is not consumed [by the priests],³ and there are* cases [where] they do not bring [an offering].⁴ These are the women who bring an offering that is consumed: one that bears an abortion that resembles a beast or a wild animal or a bird. This is the opinion of R. Meir;⁵ but the Sages⁶ say, [The offering may be eaten] only if [the abortion] has some resemblance to a human being,⁷ or an abortion [that looks like] a slipper⁸ or a placenta⁹ or a foetus with an articulated shape,¹⁰ or [young that was extracted from the womb] cut up.¹¹ And likewise, also, if a [Canaanitish] bondwoman have a miscarriage, she brings an offering which is consumed [by the priests]. *Or

יש ימביאות קרבן ונאכל, *יש מביאות ואינו נאכל, *יש שאינן מביאות. אלו מביאות קרבן ונאכל, המפלות כמין בהמה חיה ועוף. דברי רבי מאיר; ונחמם אומרים, עד שיהא בו מצורת האדם, המפלות סנדל או שליא, *ושפיר מרוקם, ותוצא מחותך. וכן שפחה שהפילה, מביאה קרבן ונאכל.

1 Continuing 13, 4. 2 Or *amnion, annios, fatal sac*. 3 Or *full of a many-coloured substance*: the rendering *full of lumps of a fleshy substance* seems unsatisfactory. Some think it means *worms*. 4 Literally *abomination, abominable creature*. See ADDENDA at the end of this *Tractate*. 5 and 6 See ADDENDA.

Mishnah 6

If a woman miscarried in the night following the eighty-first day,¹ the School of Shammai exempt [her] from an *offering*,² but the School of Hillel declare her liable. The School of Hillel said to the School of Shammai, Wherein does the night preceding the eighty-first day differ from the eighty-first day:³ if there be equality regarding *uncleanness*,⁴ should there not be equality concerning the *offering*? The School of Shammai made answer to them, No! If you argue of the woman that aborts on the eighty-first day [that she is liable to an *offering* for the second also], seeing that she was thus delivered at a time⁵ when she was eligible to bring an *offering* [for the first one, and having aborted* even that same day, before having brought the first *offerings*, she should be liable to an *offering* for this second one too], would you likewise contend of her who aborts on the night [that pertains to] the eighty-first day [seeing that she is still in the spell belonging to the first birth], and she was therefore delivered not at a time when she was fitted to bring an *offering* [and you would still insist that she should bring one *offering* for, as it were, for the two]? The School of Hillel replied, (And) she who aborts on the eighty-first

משנה ו

המפלת אור י לשמנים ואחד, בית שמאי פוטרין מן הקרבן, ובית הלל מחייבים. אמרו בית הלל לבית שמאי, מאי שנא אור לשמונים ואחד, מיאם שמנים ואחד, אם שנה לו י לטומאה לא שנה לו לקרבן? אמרו להם בית שמאי, לא! אם אמרתם המפלת יום שמונים ואחד שכן יצאה בשעה שהיא ראויה להביא בה קרבן, תאמרו בה המפלת אור לשמנים ואחד שלא יצאה בשעה שהיא ראויה להביא בה קרבן? אמרו להן בית הלל, והרי המפלת יום שמנים ואחד שחל להיות בשבת, תוכיח, שלא יצאה בשעה שהיא ראויה להביא בה קרבן, ומיבת בקרבן. אמרו להם בית שמאי, לא! אם אמרתם במפלת יום שמונים ואחד שחל להיות בשבת, שאף על פי שאינו ראוי לקרבן יחיד, ראוי לקרבן

[pigeon as a *sin-*] offering and she may then eat of the *sacrifices*, and there is no obligation on her [to bring] the other³ [offerings]. [If a woman suffered] five definite abortions⁴ or five definite fluxes, she brings one [pigeon for a *sin-*] offering and she may then eat of the *sacrifices*, and there is the liability upon her [to bring] the other [offerings]. It once happened in Jerusalem that [a pair of] pigeons cost a *golden denar*.⁵ Rabban Simon ben Gamaliel said, 'By this Temple!⁶ I will not rest this night before [a pair of pigeons] are [sold at a *silver*] denar!⁷ He went into the Court and taught, If a woman underwent¹ five undoubted abortions or five undoubted issues, she brings [one pigeon as a *sin-*] offering and she may then eat of the *sacrifices*, and no obligation devolves on her [to bring] the other³ [offerings] for the four other cases]. And that very day [the price of a pair of] pigeons stood at *two quarters* [of a *silver denar*].⁸

קָרְבָּן אֶחָד וְאוֹכֵלֶת בְּזִבְחִים, וְאֵין
הַשָּׂאָר עָלֶיהָ חוֹבָה. חֶמֶשׁ זִבּוֹת וְדָאוֹת, מְבִיאָה
וְדָאוֹת, חֶמֶשׁ זִבּוֹת וְדָאוֹת, מְבִיאָה
קָרְבָּן אֶחָד, וְאוֹכֵלֶת בְּזִבְחִים,
וְהַשָּׂאָר עָלֶיהָ חוֹבָה. מַעֲשֵׂה שְׁעָמְדוֹ
קָנִים בִּירוּשָׁלַיִם בְּדִינֵי זֶהָב. אָמַר
רַבִּין שִׁמְעוֹן בֶּן גַּמְלִיאֵל, הַמְּעוֹן
הַזֶּה! לֹא אָלֵין הַלְלִיגָה, עַד שִׁיְהוּ
'בְּדִינֵי זֶהָב! נִכְנס לְבֵית דִּין וְלִימַד,
הָאִשָּׁה יֹשֵׁשׁ עָלֶיהָ חֶמֶשׁ לִידוֹת
וְדָאוֹת, חֶמֶשׁ זִבּוֹת וְדָאוֹת, מְבִיאָה
קָרְבָּן אֶחָד, וְאוֹכֵלֶת בְּזִבְחִים, וְאֵין
הַשָּׂאָר עָלֶיהָ חוֹבָה. וְעַמְדוֹ קָנִים
בּוֹ בַיּוֹם בְּרַבְעָתַיִם.

pigeons stood at *two quarters* [of a

1 Or שִׁישׁ-עָלֶיהָ. 2 Or *discharges, issues, menstruations*. There was uncertainty whether they occurred during menstrual separation period of seven days or during the seven days when they are deemed as discharges. *Leviticus 15, 25*. סִפֵּק חֶמֶשָּׁה וְסִפֵּק חֶמֶשָּׁה זִבּוֹת וְסִפֵּק חֶמֶשָּׁה זִבּוֹת in the גִּמְרָא. 3 Popular pronunciation הַשָּׂאָר. 4 Compare 14. 5 Literally *denars*. Equal to 25 *silver denars* (Volume I, וְרַעֲיִים, Page 18). 6 Literally *this residence*. A form of oath. 7 Literally *denars*. 8 i.e., each bird cost a *quarter* of a *silver denar* (רַבְעָתַיִם is dual plural of רַבַּע).

CHAPTER 2

פָּרָק ב

Mishnah 1

מִשְׁנָה א

There are four who have not completed [their] atonement,¹ and there are four that must bring [offerings]

אַרְבָּעָה מְחוּסְרֵי כְּפוּרִים, וְאַרְבָּעָה
מְבִיאִין עַל הַנְּדוֹן כְּשֶׁנֶּגְהָ. אֵלוֹ הֵן.

an offering according to their means.¹ These bring [but] one offering for many transgressions: one that has sexual intercourse with a [betrothed] bondswoman many times,* and a nazirite who contracts uncleanness many times,² and he that suspects his wife [of adultery, having warned her] through many men,³ and the leper who is attacked by many [successive] leprosy signs. If [the cured leper] brought his bird-offerings⁴ and was again afflicted [by more leprosy signs], they are not accounted to⁵ his credit unless he had brought his sin-offering.⁶ R. Judah⁷ says, Unless he had brought his guilt-offering.

קָרְבַּן עוֹלָה וַיִּוָּרֵד. אֵלּוּ מִבְּיֹאֵן
קָרְבַּן אֶחָד עַל עֲבִירוֹת הַרְבֵּה,
הִבָּא עַל הַשִּׁפְחָה *בְּיָאוֹת הַרְבֵּה,
וְנָזִיר שֶׁנִּטְמָא *טוֹמְאוֹת הַרְבֵּה,
וְהַמְקַנָּא לְאִשְׁתּוֹ עַל יְדֵי *אֲנָשִׁים
הַרְבֵּה, וְהַמְצוּרֵעַ שֶׁנִּתְחַנְּעַ נְגָעִים
הַרְבֵּה. הִבְיָא *צְפוּרָיו וְנִתְחַנְּעַ לֹא
עָלוּ *לוֹ, עַד שֶׁיָּבִיא *אֶת-הַטָּאָתוֹ.
רַבִּי יְהוּדָה אוֹמֵר, עַד שֶׁיָּבִיא
אֶת-אֲשָׁמוֹ.

1 Compare 12. 2 Literally *many uncleannesses*. e.g., he suffers uncleanness by contact with the dead and on the seventh day following he again comes in contact with a dead body. 3 Some render this *he that suspects his wife [of having committed adultery] with many men*. Numbers 5, 14, 15. 4 Leviticus 14, 4. 5 *מְרָא* in the *מְרָא* לוֹ given in the *מְרָא* is considered redundant by some in the Mishnah. 6 Leviticus 14, 19. 7 His view is rejected. *Literally *many copulations*.

Mishnah 4

If a woman suffered many abortions, [for instance, she aborted a female child and] within the eighty [days]¹ she [again] aborted a female child and within [the next] eighty [days] she aborted yet another female child;² or if she aborted twins,³ R. Judah⁴ says, She brings [an offering] for the first but she does not bring one for the second; [and] she brings one for the third and does not bring one for the fourth. These⁵ bring an offering according to one's means:⁶ [one who is guilty] for a [false] oath of evidence,⁷ or for uttering a rash

מִשְׁנֵה ד
הָאִשָּׁה שֶׁיִּלְדָה וְלָדוֹת הַרְבֵּה,
הַפְּיִלָה בְּתוֹךְ שְׁמֹנִים נְקֵבָה וְחִזְרָה
וְהַפְּיִלָה בְּתוֹךְ שְׁמֹנִים נְקֵבָה
וְהַמְפַלֵּת יְתוּמוֹת, רַבִּי יְהוּדָה
אוֹמֵר, מִבְּיָאָה עַל הָרֵאשׁוֹן וְאֵינָה
מִבְּיָאָה עַל הַשֵּׁנִי; מִבְּיָאָה עַל
הַשְּׁלִישִׁי וְאֵינָה מִבְּיָאָה עַל הָרְבִיעִי.
*אֵלּוּ מִבְּיֹאֵן קָרְבַּן עוֹלָה וַיִּוָּרֵד,
עַל יְשְׁמִיעַת הַקּוֹל, וְעַל בִּישׁוֹ

become pregnant there was a miscarriage at the end of the fortieth day (that is, fifty-four days after the first miscarriage); then she again had the ritual bath after a spell of fourteen days, became pregnant once more, miscarried on the fortieth day (thus there was an interval of fifty-four days between this miscarriage and the preceding one); and this sequence of miscarriages occurred again and again. **3** If a woman became pregnant with three male embryos and she suffered a miscarriage with the first on the fortieth day, and the second was aborted forty days later, and forty days later the third was aborted, she brings only one *offering* for the three miscarriages. **4** In his view, she brings an *offering* for the first because when the second was aborted the time for offering the first had not yet arrived, and so this is as if both had been born (aborted) at the same time; and she brings an *offering* for the third, for before its abortion the time for offering for the first had now arrived and the second is not included with the third, and for the fourth no *offering* is required since at its abortion the time was not yet arrived for the *offering* for the third, and so this is as if the third and fourth were born (aborted) together. But this opinion is rejected. **5** אָלוּ given in the נִמְרָא is considered by some to be redundant in the *Mishnah*. **6** Compare 12. **7** *Leviticus* 5, 1. If A put B under oath to testify on his behalf before the court, and B then falsely declared on oath that he knew of no testimony to support A's case. **8** *i.e.*, an erroneous statement without any legal consequences. Compare שְׁבוּעוֹת 39, 49b; בָּבֵא מְצִיעָא 36a. *e.g.*, if one took an oath or made a vow to refrain from certain action and unwittingly transgressed. *Leviticus* 5, 4. **9** Compare שְׁבוּעוֹת 21. If one who is unclean enters the Temple in forgetfulness. **10** If one that is unclean unintentionally eats of hallowed things. **11** If she is well-to-do she brings a lamb for a *burnt-offering* and a dove for a *sin-offering*; a poor woman brings a dove for a *burnt-offering* and another dove for a *sin-offering*. **12** On recovery he brings two lambs; if poor he brings two doves. **13** The phrase in parenthesis is given in the נִמְרָא but is considered by some to be redundant in the *Mishnah*. **14** Or in all illicit connexions the text makes one that passes through the first stage as culpable as one who finishes. הִצְרָה [*Hiphil* of the *Kal* עָרָה], excite the sexual organ by contact. **15** In the parallel case of a betrothed bondswoman, the man is liable only once to the *forty stripes* or to one *offering* if the act of connexion was complete (and however many times he did so). **16** If he acted deliberately, or if he did so in error, but she received him wantonly, he must bring a *guilt-offering* and she suffers the *forty stripes*; but if both acted unawares, or she indeliberately and he wantonly, they are both exempt.

Mishnah 5

מִשְׁנֵה ה

What¹ is [here understood by] a כָּל־שֶׁחֲצִיָּה ? אֵיזוֹ הִיא שֶׁפָּקְהָ ?
 '[betrothed] bondswoman'? Any that
 is half bondswoman and half freed- שֶׁפָּקְהָ וְחֲצִיָּה בֵּת הוֹרְרִין, שֶׁשְּׁנֵאמַר,

CHAPTER 3

פֶּרֶק ג

Mishnah 1

If they said [or even if only one person said] to a man, 'Thou hast eaten fat,¹ [and he says naught to deny this], he must bring a *sin-offering*.² If one witness say, 'He has eaten [fat]', and [another] witness says, 'He did not eat', [or if one] woman say, 'He has eaten', but [another] woman says, 'He did not eat', he must bring a *suspensive guilt-offering*.³ If one witness say, 'He did eat', but he says, 'I did not eat', he is exempt [from a *sin-offering*]. If two say, 'He did eat', but he says, 'I did not eat', R. Meir⁴ declares him liable [to a *sin-offering*]. R. Meir said, If two [witnesses] can bring upon one the graver penalty of death, [despite his refutations of their testimony and his own protestations of innocence], should they not be able to bring upon him the lighter penalty of [having to bring] *an offering*? [The Sages] replied to him, What [would have been the position] if he were minded to say, 'I acted deliberately', (and he would then have been exempt)?⁵

מִשְׁנָה א
אָמְרוּ לוֹ, אָכַלְתָּ יֶחֱלֵב, מִבֵּיא
יִחְטָאתָ. עַד אוֹמֵר, אָכַל, וְעַד
אוֹמֵר, לֹא אָכַל, אֵשֶׁה אוֹמֵרְתָּ,
אָכַל, וְאֵשֶׁה אוֹמֵרְתָּ, לֹא אָכַל,
מִבֵּיא יֵאָשֶׁם תְּלוּי. עַד אוֹמֵר, אָכַל,
וְהוּא אוֹמֵר, לֹא אָכַלְתִּי, פְּטוּר.
שְׁנַיִם אוֹמְרִים, אָכַל, וְהוּא אוֹמֵר,
לֹא אָכַלְתִּי, רַבִּי מֵאִיר מְחַיֵּב.
אָמַר רַבִּי מֵאִיר, אִם הִבִּיאוּהוּ
שְׁנַיִם לְמִיתָה חֲמוּרָה, לֹא יִבִּיאוּהוּ
לְקַרְבָּן הַקָּל? אָמְרוּ לוֹ, מָה אִם
יִרְצֶה לֹאמֵר, מִזִּיד הִיָּיתִי (וּפְטוּר)?

1 *i.e.*, forbidden fat. *Leviticus* 3, 17, 7, 23. Compare 4¹. 2 *Leviticus* 4, 28. His silence is tantamount to an admission of guilt. 3 *Leviticus* 5, 17 *et seq.* Because of the uncertainty. 4 His opinion is rejected. 5 וּפְטוּר is omitted in many texts; it is given in the גִּמְרָא. The Sages rightly maintain that the accused spoke the truth, for if he wanted to utter a falsehood to escape the penalty of an *offering* he would not need to refute the evidence of the witnesses but he merely had to declare that he had acted wantonly.

Mishnah 2

If one ate [forbidden] fat and [again ate] fat in one *state of forgetfulness*,¹ he is liable to one *sin-offering* only;

מִשְׁנָה ב
אָכַל חֵלֶב וְחֵלֶב יִבְהַעֲלֵם אֶחָד
אֵינוֹ חַיִּיב אֶלָּא חֲטָאת אֶחַת; אָכַל

food, or drank [a *quarter-log* of] unclean liquids,⁷ [or] if he drank a *quarter-log* of wine and entered the Temple [he is liable to the penalty of *excision*],⁸ [in all these cases he becomes culpable only if the duration of the spell] is no longer than the time needed for eating a piece⁹ [equal to half a loaf of bread of which three make a *kab*]. R. Eliezer¹⁰ says, If he paused [while drinking for some time and then drank the rest], or if he added thereto any quantity whatsoever of water [and drank it all in one gulp], he is exempt [from the penalty of *excision* if he entered the Temple].

1 See the preceding *Mishnah*. 2 His view is rejected. 3 Their opinion is accepted. 4 Of bulk equal to four medium-sized eggs (three according to the Rambam). 5 וְרַעִים, Page 18f. Compare עִירֻבֵינָן 82, 83a; נְעָעִים 139. 6 One and a half eggs' bulk according to the Rambam. 7 He becomes unclean and must have the ritual bath before he may eat of *priest's-due* (*Appendix, Note 1*). 8 *Appendix, Note 2*. 9 The גְּמָרָא add חַיִּיב after פָּרַם. 10 His view is accepted. He agrees with the ruling that if one drank more than a *quarter-log* he is culpable whether he did so with an interruption or in one gulp.

Mishnah 4

מִשְׁנָה ד

There is¹ a case where by one act of eating one becomes liable to four *sin-offerings* and one *guilt-offering*, [thus] if one that was unclean ate [forbidden] fat that was *remnant*² from [animal-] offerings and [this transgression of eating occurred] on the Day of Atonement.³ R. Meir says, If [the Day of Atonement] were⁴ on the Sabbath and he carried it [namely, the fat] out (in his mouth),⁵ he is liable [to yet another two *sin-offerings*]. But [the Sages] said to him, This consideration does not fall within the same category.⁶

יֵשׁ אוֹכֵל אֲכִילָה אַחַת וְחַיִּיב עָלֶיהָ אַרְבַּע חַטָּאוֹת וְאַשָׁם אֶחָד, טָמֵא שְׂאֵכֵל אֶת-הַחֵלֶב וְהָיָה נוֹתֵר, מִן-מוֹקְדָשִׁים וּבַיּוֹם הַכַּפּוּרִים. רַבִּי מֵאִיר אוֹמֵר, אִם יִהְיֶה שֶׁבֶת וְהוֹצִיאוֹ (בְּפִיו) חַיִּיב. אָמְרוּ לוֹ, אִינוּ מִן-הַשָּׁם.

1 Or יֵשׁ-אוֹכֵל. 2 *Appendix, Note 18*. 3 One *sin-offering* for eating the fat, one for eating of the unclean sacrificial flesh, one for eating of the *remainder*, and another for eating on the Day of Atonement; and the *guilt-offering* is for the offence of the enjoyment of holy things. 4 הָיָה in the גְּמָרָא. 5 בְּפִיו is not given in the גְּמָרָא. 6 *i.e.*, these two *sin-offerings* for *carrying* are not classed with the preceding ones for *eating* to make up the case where by one act one becomes liable to six *sin-offerings* and one *guilt-offering*, for the sin is not due to eating. Compare מִכּוֹחַ 39 *et seq.*

Mishnah 6

One who has sexual intercourse with his mother-in-law may thereby become liable [to seven *sin-offerings*] by virtue of [the laws that forbid sexual connexion with] his mother-in-law, and his daughter-in-law, and his wife's sister, and his brother's wife, and the wife of his father's brother, and a married woman, and a menstruant.¹ And so, too, one [is liable to seven *sin-offerings*] who has sexual connexion with his mother-in-law's mother² and his father-in-law's mother.³ R. Jochanan⁴ ben Nuri says, One who has sexual connexion with his mother-in-law may

become thereby liable [to three *sin-offerings*] by virtue of [the laws that prohibit sexual intercourse with] his mother-in-law, and his mother-in-law's mother, and his father-in-law's mother.⁵ [The Sages]⁶ said to him, The three of them⁷ are under but one category [and need only a single *sin-offering*].

1 A committed incest with his daughter B and in consequence bore a daughter C; a stranger D wedded C (thus B is his mother-in-law and C's sister); B was married to D's son E (thus B is D's daughter-in-law); E died and B was wed to D's brother F; F died, and B was wedded to H brother of D's father G; H died, and a stranger married B and she was a menstruant when D copulated with her; then D is liable to seven *sin-offerings*. 2 A had a daughter B who had a daughter C; A copulated with C who as a result bore a daughter D; a stranger F wed D (thus B is forbidden to E for she is his mother-in-law's mother and also because she is his wife's sister); if B was wedded to E's son she becomes forbidden to E because she is his daughter-in-law; when E's son died and B was married to E's brother, another prohibition is established, and when E's brother died and B was wed to E's father's brother another prohibition arises; and if E copulates with B when she was married and a menstruant, he is culpable and must bring seven *sin-offerings*. 3 Thus A copulated with B's wife C whose daughter D was his (A's) mother and she bore therefrom a daughter D; a stranger E wed D (thus D is forbidden to E because she is his father-in-law's mother and also his wife's sister); D was wed to E's son who died and she became the wife of E's brother, she is forbidden to E; if E's brother died and D was now married to the brother of E's father, we have here another prohibition; and if E has sexual connexion with C while she was still married and a

מִשְׁנָה ו

הָבָא עַל תְּמוּתוֹ חֵיִב עָלֶיהָ מִשּׁוֹם תְּמוּתוֹ, וְכִלְתּוֹ, וְאַחֹת אִשְׁתּוֹ, וְאִשְׁת אָחִיו, וְאִשְׁת אָחִי אָבִיו, וְאִשְׁת אִישׁ, וְיִגְדָהּ. וְכֵן הָבָא עַל אִם תְּמוּתוֹ, וְעַל אִם חֵמִיו. רַבִּי יוֹחָנָן בֶּן נִוְרִי אוֹמֵר, הָבָא עַל תְּמוּתוֹ, חֵיִב עָלֶיהָ מִשּׁוֹם תְּמוּתוֹ, וְאִם תְּמוּתוֹ, וְאִם חֵמִיו. אָמְרוּ לוֹ, שְׁלֹשֶׁתָּן שֵׁם אֶחָד הֵן.

Mishnah 8

And R. Akiba asked them further, [namely, Rabban Gamaliel and R. Joshua] If a member of a beast hang loose, what is the position?¹ They said to him, We have not heard [any tradition concerning this], but we have heard [a tradition] regarding a loosely hanging member of a human being that it [is deemed] clean; for thus those afflicted with boils² in Jerusalem used to do: on the eve of Passover [a patient, out of shyness because of the unsightliness, before he offered the *Passover offering*] would go to the physician who would cut it, [namely, the affection] and leave³ of it but a barleycorn's size,⁴ and [the sufferer] thrust it upon a thorn and [swiftly] withdrew from it [and nevertheless remained clean],⁵ and thus he⁶ could bring his *Passover offering* and the physician was able to bring his *Passover offering*, and we conclude by *inference from minor to major* that this applies still more so [in the former case, that the loosely hanging limb of a living beast is clean].

1 *i.e.*, 'Does a semi-detached limb (or member) communicate uncleanness as if it were completely severed?' Compare חז"ל 97: אהלות 21. Popular pronunciation מהו. 2 Causing the limbs to be loosely attached. 3 In some texts כשצרה, as a hair's breadth. 4 If it were severed completely it would become unclean and communicate *corpse uncleanness* both to the physician and the sufferer. הרופא, 'the' doctor (and not רופא, 'a' doctor) might indicate that a special expert—or experts—carried out this operation. 5 Although the severed part immediately became unclean yet it did not convey uncleanness to the afflicted person since he did not touch it. 6 הַזֶּה, *this one, that one, the one concerned*, is mostly used in a legal sense.

Mishnah 9

And R. Akiba asked them further, If one slaughtered five *sacrifices* outside [the Temple Court] during one

משנה ח

ועוד שאלן רבי עקיבא, אבר המדולדל בבהמה ימהו? אמרו לו, לא שמענו, אבל שמענו באבר המדולדל באדם, שהוא טהור; שפך היו מוכי שחין בירושלים עושין, הולך לו ערב פסח אצל הרופא וחותכו עד שהוא מניח בו כשצורה, ותוחב בסירה, והוא נמשך ממנו, והלה עושה פסחו, והרופא עושה פסחו, ורואין אנו שהדברים קל וחומר.

משנה ט

ועוד שאלן רבי עקיבא, השוחט חמשה ובהים בחוץ בהעלם אחר,

Joshua] said to him, 'Refute it'. [R. Akiba] replied, 'No! As thou dost argue of *the misappropriation of sacred property* [whereby both are equally liable],⁶ whether one gives another to eat and he that eats, or one gives it for another's use and the other makes use of it, even if what is required to constitute [the prohibited amount of] sacrilege [be eaten or used] only after a prolonged interval,⁷ wouldst thou [also in like manner] argue of *remainder* to which not one of these things⁸ applies?'

1 מהו popular pronunciation. 2 Some consider אָתָּה redundant. 3 Or *sacrilege*. *Leviticus* 5, 15. מְעִילָה INTRODUCTION. 4 *i.e.*, the question was in a different form or referred to another problem. 5 *Appendix, Note 18. Leviticus* 7, 15; 19, 6. 6 To an *offering* for having committed sacrilege, and thus causing loss to Temple property. 7 Compare מְעִילָה 54, 5. 8 If A gives B some flesh of *remainder* to eat, B brings an *offering* if he ate it; if one does not eat of *remainder* but makes some other use of it, he does not bring an *offering*; if one ate less than an olive's bulk of *remainder* and again the next day less than an olive's bulk, no *offering* has to be brought.

Mishnah 10

R. Akiba said, 'I asked R. Eliezer, If one do many acts of work, of the like kind, on many Sabbaths,¹ during *one period of forgetfulness*, what is the case? Is he liable to one [*sin-offering*] for them all, or to one [*sin-offering*] for each [separately]? He replied to me, By a deduction from *minor to major* he is liable [to a *sin-offering*] for each [separately],² [thus], if [by reason of sexual intercourse with] a menstruant—to whom many classes [of work] and many transgressions do not apply—one is [nevertheless] liable [to a *sin-offering*] for each act [separately], then in the case of the Sabbath³ whereto many classes [of work] and many transgressions do apply—how much more must one be liable [to an *offering*] for every one [separately]! I said to him, No! As thou dost argue of a

מְשֻׁנָּה י
אָמַר רַבִּי עֲקִיבָא, שְׂאֵלְתִי אֶת-
רַבִּי אֱלִיעֶזֶר, הָעוֹשֶׂה מְלָאכֹת
הַרְבֵּה, יְבַשְׁבְּתוֹת הַרְבֵּה מֵעֵין
מְלָאכָה אַחַת בְּהָעֶלֶם אַחַת, מָה
הוּא? חַיִּיב אַחַת עַל כָּלֵן, אוֹ אַחַת
עַל כָּל-אַחַת וְאַחַת? אָמַר לִי,
חַיִּיב עַל כָּל-אַחַת וְאַחַת מִקֵּל
וְחֹמֶר, וּמָה אִם הַנְּדָה שְׂאֵין בָּהּ
תּוֹצְאוֹת הַרְבֵּה וְנִטְאוֹת הַרְבֵּה,
חַיִּיב עַל כָּל-אַחַת וְאַחַת, שֶׁשֶּׁבֶת
שִׁישׁ בָּהּ תּוֹצְאוֹת הַרְבֵּה וְנִטְאוֹת
הַרְבֵּה, אֵינּוּ דִין שְׂיָהָא חַיִּיב עַל
כָּל-אַחַת וְאַחַת! אָמַרְתִּי לוֹ, לֹא,

crated and for every act of work, or the liability is only one *sin-offering* for all the profaned Sabbaths and one *sin-offering* for all the acts of work, so was he in doubt in the case of copulation with beasts whether one *sin-offering* is required for all the acts or a separate *sin-offering* for each act. *At the end of this *Tractate*.

CHAPTER 4

פָּרָק ד

Mishnah 1

מִשְׁנָה א

If¹ there were a doubt whether one had eaten [forbidden] fat or² had not eaten [it], or (even) having eaten [it] there was³ a doubt whether there was of it the [prohibited] quantity [of an olive's bulk] or not,⁴ or if [prohibited] fat and [permitted] fat⁵ were before him, and he ate one of them but it was not known which one of them he ate, [he must bring a *suspensive guilt-offering*,⁶ or] if his wife and his sister were with him in the house, and he in unwittingness [had sexual intercourse] with one of them but it is not known with which* one of them he unwittingly [had sexual intercourse, or] if [in the case of] a Sabbath or a week-day he did an act of work on either of them, but it is not known on which one of them he did so, he must bring a *suspensive guilt-offering*.⁷ *Or בְּאִיזוֹ; see Volume II, Page 12.

סֶפֶק אָכַל חֵלֶב, סֶפֶק לֹא אָכַל,
וְאִפְּיֵלוֹ אָכַל, סֶפֶק יֵשׁ בּוֹ כְּשִׁיעוּר,
סֶפֶק שְׂאִין בּוֹ, חֵלֶב וְשׁוּמָן לְפָנָיו,
אָכַל אֶת־אֶחָד מֵהֶן, וְאֵין יָדוּעַ אִיזוֹ
מֵהֶן אָכַל, אֲשֶׁתוֹ וְאֶחָתוֹ עִמּוֹ
בְּבֵית, שָׁנַג בְּאַחַת מֵהֶן, וְאֵין יָדוּעַ
בְּאִיזוֹ מֵהֶן שָׁנַג, שְׁבַת יוֹם חוּל, וְעֻשָׂה
מְלָאכָה בְּאַחַת מֵהֶן, וְאֵין יָדוּעַ
בְּאִיזוֹ מֵהֶן עֻשָׂה, מִכֵּיָא אֲשֶׁם תְּלוּי.

1 Compare 3^{1,2}. 2 Literally or if there were a doubt whether he had not eaten it. 3 Or לֹא־בּוֹ. See ADDENDA. § 4 Literally there was a doubt whether it did not contain. 5 שׁוּמָן וְחֵלֶב, [permitted] fat and [forbidden] fat in the זְמֵרָא. 6 Leviticus 5, 17 et seq. But if the doubt arose in his mind during the eating and he yet went on eating now deliberately, this wanton act exempts him. 7 So called because his atonement is 'in suspense' until he becomes aware of his transgression and brings a *sin-offering*. §At the end of this *Tractate*.

Mishnah 2

מִשְׁנָה ב

Just as one who ate [forbidden] fat and [again] ate [forbidden] fat in one *period of forgetfulness*¹ is liable to

כְּשֶׁם שָׂאֵם אָכַל חֵלֶב וְחֵלֶב
בְּהֻעָלָם אַחַת אִיזוֹ חַיִּיב אֶלֶּא חֲטָאֵת

the morrow. But what they did dispute about was regarding one who performed an act of work on the day itself and it is not known whether he did so on the Sabbath or whether he did so on the Day of Atonement, or regarding one who did an act of work but it is not known what¹⁰ manner of work he performed, [and] R. Eliezer declares [him] liable to a *sin-offering* but R. Joshua declares [him] exempt. R. Judah said, R. Joshua declares him exempt even from a *suspensive guilt-offering*.¹¹

יָדוּעַ מֵעֵין¹⁰ אֵיזוֹ מְלֹאכָה עָשָׂה, רַבִּי
אֶלְעִזָּר מְחַיֵּיב חֲטָאת, וְרַבִּי יְהוֹשֻׁעַ
פּוֹטְרוֹ. אָמַר רַבִּי יְהוּדָה, פּוֹטְרוֹ
הֵיאָה רַבִּי יְהוֹשֻׁעַ אִף¹¹ מֵאֲשֶׁם תְּלוּי.

1 Compare 31. 2, 3. 2 Or הוֹדַע; *Hophal past*. 3 Thus: he ate an olive's bulk of forbidden fat (תִּלְבָּב), thinking it was permitted fat (שֶׁמֶן), and again did so, after which a doubt arose whether they were forbidden pieces of fat. Popular pronunciation בִּינְתִימִים. 4 Thus: he ate unwittingly an olive's bulk of forbidden fat and it became known it was forbidden fat, then he again in error ate forbidden fat and it became known then that this too was forbidden fat. 5 Thus: he ate an olive's bulk of fat in error and then arose a doubt if it was forbidden fat and then this happened again soon after. 6 *Appendix, Note 18*. 7 Thinking unwittingly that the weekday had not yet ended or had already begun as the case may be. Some render it as if the Sabbath and the Day of Atonement (or vice versa) followed each other and the sundown referred to was between them. 8 His view is rejected. 9 His opinion is not accepted. 10 Or אֵיזוֹ. See Volume II, מוֹעֵד, Page 12. 11 The accepted ruling in the cases here cited is that a *suspensive guilt-offering* must be brought.

Mishnah 3

R. Simon of Shezur and R. Simon say, [R. Eliezer and R. Joshua] did not dispute¹ whether one is liable for [transgressions in doubt] coming within one category,² but what they did dispute about was regarding [a transgression in doubt] falling within two categories,³ for which R. Eliezer declares [one] is liable to a *sin-offering* but R. Joshua declares [him] exempt. R. Judah said, Even if one intended to gather⁴ [on the Sabbath] figs but gathered⁵ grapes, or [to

מִשְׁנָה ג
רַבִּי שִׁמְעוֹן שְׂזוּרִי וְרַבִּי שִׁמְעוֹן
אוֹמְרִים, יֵלֵא נִחְלְקוּ עַל דְּבַר
שֶׁהוּא מְשוּם יֵשֶׁם אֶחָד, שֶׁהוּא חַיִּיב
וְעַל מַה־נִּחְלְקוּ. עַל דְּבַר שֶׁהוּא
מְשוּם יֵשֶׁנּוּ שְׁמוֹת, שֶׁרַבִּי אֶלְעִזָּר
מְחַיֵּיב חֲטָאת, וְרַבִּי יְהוֹשֻׁעַ פּוֹטְרוֹ.
אָמַר רַבִּי יְהוּדָה, אֶפִּילוּ נִתְפָּנִין
לְלֶקֶט תְּאֵנִים וְלֶקֶט עֲנָבִים, עֲנָבִים

a cut artery or vein] with which the life departs, he becomes liable thereby [to the penalty of *excision*];⁵ [but] one does not become liable [to the penalty of *excision* for the consumption of] the blood of the milt [or spleen], [or] the blood from the heart, [or] the blood of eggs,⁶ [or] the blood of [clean] fishes, [or] the blood of locusts, [or] the last blood that oozes⁷ [from a cut artery or vein]. But R. Judah declares one liable [to the penalty of *excision* for the consumption] of the [last] blood that oozes [from a cut artery or vein].⁸

1 *Leviticus* 3, 17, 7, 26, 17, 10, 14, 19, 28; *Deuteronomy* 12, 16, 23, 15, 23. The *מִקְרָא* has *אֶכְלֵ דָם*. 2 Literally *wild animal*. 3 Piercing through the nostril to the heart, i.e., from a slaughtering not legal. 4 Literally *the blood of splashing* (or *spurting*). Compare *קְרִיתוֹת* 22a. 5 *Appendix, Note 2*. 6 According to some authorities: *the blood of the testicles* (or *stones*) of the ox, sheep, goat. 7 Or, *is expressed from the cut in the throat*. 8 The final accepted ruling is that the consumption of blood from the spleen (or milt), the heart, the kidneys, and oozing veins or arteries, entails the *forty stripes* and not *excision*. The Soferim* (Sages of the ante-Tannaic period beginning with Ezra) forbade the consumption of the blood of eggs or testes. If one consumed an olive's bulk of the blood of creeping things (*שְׂרָצִים*) he is liable to *forty stripes* not for consuming the blood but for eating of the forbidden creature. The swallowing of human blood (as by sucking a cut or wound) is also prohibited by the Soferim, but no penalty is attached to it. *See Volume I, Page 13.

Mishnah 2

R. Akiba¹ declares one liable to a *suspensive guilt-offering* for the *misappropriation of sacred property*² that is in doubt, but the Sages³ declare [him] exempt. But R. Akiba concurs that he does not have to make restitution for his *act of sacrilegious misuse* [which is in doubt] until it is made known to him [that he had committed the offence beyond doubt], and he must bring therewith [namely, with the *suspensive guilt-offering*] also a *guilt-offering for an undoubted transgression*. R. Tarfon said, Why should this man have to bring two *guilt-offerings*? But, rather,

מִשְׁנֵה ב
 רַבִּי יַעֲקֹבָא מְחַיֵּב עַל סֶפֶק
 מְעִילוֹת אָשֶׁם תְּלוּי, וְנִחְכָּמִים
 פּוֹטְרִים. וּמוֹדָה רַבִּי יַעֲקֹבָא שְׂאִין
 מְבִיא מְעִילָתוֹ, עַד שֶׁתִּתְּנֶדַע לוֹ,
 וְיָבִיא עִמָּהּ אָשֶׁם וְדָאֵי. אָמַר רַבִּי
 טַרְפוֹן, מַה לָּזֶה מְבִיא שְׁתֵּי אֲשָׁמוֹת?
 אֲלָא יָבִיא מְעִילָה יְחֻמֶּשֶׁה, וְיָבִיא
 אָשֶׁם בְּשֵׁנֵי סֵלְעִים, וְיֹאמַר, אִם
 נְדָאֵי מְעִילָתִי, וְזוֹ מְעִילָתִי וְזֶה אֲשָׁמִי,

was pinched off it became known to her that she had⁴ borne a real [child], she offers it [as a *sin-offering*] for an undoubted [birth, and it may be eaten], for the same kind [of *sin-offering*] she brings for an uncertain [birth] she also brings for an undoubted [birth].⁵

1 Literally *whether there befell at his hand*. The גִּמְרָא has לְיָדוֹ instead of יָדוֹ. See Volume I, וְרַעִיָּה, Page 18, for *maneh, sela*. 2 See the preceding *Mishnah*. 3 *Leviticus* 12, 6; compare 1⁴. If she miscarried with a child she brings the *bird offerings*. If she aborts matter—not a formed child—she brings a lamb for a *burnt-offering* and makes a conditional declaration to the effect that if the abortion was a child the lamb is a valid *burnt-offering*, and if not the lamb is a *freewill-offering*; and the pigeon is offered as a *sin-offering* (but none of it may be eaten). 4 Compare 1³. 5 *i.e.*, the *sin-offering* she made ready for the doubtful case she uses when the doubt has disappeared, and it may be eaten. *Or הוֹדֵעַ [*Hophal*].

Mishnah 4

If there were a piece of non-holy [flesh] and a piece of holy [flesh], and one ate one of them but it is not known which¹ of them he ate, he is exempt [from an offering because of the uncertainty]. R. Akiba declares him liable to a *suspensive guilt-offering* [because of the doubt]. If he ate the second [piece also], he must bring an *unconditional guilt-offering*.² If one ate one³ [piece] and another ate the other [piece], the former brings a *suspensive guilt-offering* and the latter [also] brings a *suspensive guilt-offering* [because of the doubt in each case]. This is the view of R. Akiba. R. Simon says, Both of them together bring one *guilt-offering*. R. Jose⁴ says, Two can not together bring one *guilt-offering*.

מִשְׁנֵה ד
חֲתִיכָה שֶׁל חוּלִין, וְחֲתִיכָה שֶׁל
קֹדֶשׁ, אָכַל אַחַת מֵהֶן וְאֵין יָדוּעַ
יֵאֵיזוֹ מֵהֶן אָכַל פְּטוּר. רַבִּי עֲקִיבָא
מְחַיֵּב בְּאֶשֶׁם תְּלוּי. אָכַל אֶת-
הַשְּׁנֵיָה, מְבִיא אֶשֶׁם וְדָאֵי. אָכַל
אֶחָד אֶת-הָרֵאשׁוֹנָה וּבָא אַחֵר
וְאָכַל אֶת-הַשְּׁנֵיָה, זֶה מְבִיא אֶשֶׁם
תְּלוּי, וְזֶה מְבִיא אֶשֶׁם תְּלוּי. דְּבַרִּי
רַבִּי עֲקִיבָא. רַבִּי שְׁמַעוֹן אוֹמֵר,
שְׁנֵיהֶם מְבִיאִים אֶשֶׁם אֶחָד. רַבִּי
יֹוֹסִי אוֹמֵר, אֵין שְׁנַיִם מְבִיאִים אֶשֶׁם
אֶחָד.

1 Or יֵאֵיזוֹ; see Volume II, מוֹעֵד, Page 12. 2 *Leviticus* 5, 15. There can be no uncertainty here if he ate both pieces. 3 Literally *the first*. 4 His opinion is accepted. The accepted ruling of the Sages is that a *suspensive sin-offering* is not brought for sacrilege where there is a doubt.

[one] *guilt-offering*. R. Jose⁴ says, **אִין שְׁנַיִם מְבִיאִים חֲטָאת**
Two together cannot bring [one]
sin-offering and [one] *guilt-offering*. **וְאֶשֶׁם**.

1 Or **אִיזו**; see Volume II, **מוֹעֵד**, Page 12. 2 The *sin-offering* for the prohibited fat and the *unconditional guilt-offering* for the consecrated fat. 3 Literally *the first*. 4 His ruling is accepted. Compare the foregoing *Mishnah*.

Mishnah 7

If there were a piece of [forbidden] fat and a piece of holy fat, and one ate one of them but it is not known which one¹ of them he ate, he must bring a *sin-offering*. R. Akiba² says, He³ must bring a *suspensive guilt-offering*. If he ate the second [piece also], he must bring two *sin-offerings* and an *unconditional guilt-offering*. If one ate one⁴ [piece] and another came and ate the other [piece], the former must bring a *sin-offering* and the latter must [also] bring a *sin-offering*. R. Akiba says, The first must bring a *suspensive guilt-offering* and the other must [also] bring a *suspensive guilt-offering*. R. Simon says, The former [must bring] a *sin-offering* and the second [must bring] a *sin-offering*, and both of them [together must also bring] one *guilt-offering*. R. Jose⁵ says, Two [together] can not⁶ bring one *guilt-offering*.

מִשְׁנֵה ז'
חֲתִיכָה שֶׁל חֶלֶב, וְחֲתִיכָה שֶׁל חֶלֶב
קָדֵשׁ, אָכַל אֶת-אַחַת מֵהֶן וְאִין
יָדוּעַ יֵאִיזוּ מֵהֶן אָכַל, מְבִיא חֲטָאת.
רַבִּי עֲקִיבָא אוֹמֵר, מְבִיא אֶשֶׁם
תְּלוּי. אָכַל אֶת-הַשְּׁנֵי, מְבִיא שְׁתֵּי
חֲטָאוֹת וְאֶשֶׁם וְדָאֵי. אָכַל אֶחָד
יֵאֶת-הַקְּרָאוֹנוֹת, וּבָא אַחֵר וְאָכַל
אֶת-הַשְּׁנֵי, זֶה מְבִיא חֲטָאת, וְזֶה
מְבִיא חֲטָאת. רַבִּי עֲקִיבָא אוֹמֵר,
זֶה מְבִיא אֶשֶׁם תְּלוּי, וְזֶה מְבִיא אֶשֶׁם
תְּלוּי. רַבִּי שִׁמְעוֹן אוֹמֵר, זֶה חֲטָאת,
וְזֶה חֲטָאת, וְשְׁנֵיהֶם מְבִיאִים אֶשֶׁם
אֶחָד. רַבִּי יוֹסֵי אוֹמֵר, אִין שְׁנַיִם
מְבִיאִים אֶשֶׁם אֶחָד.

1 Or **אִיזו**; see Volume II, **מוֹעֵד**, Page 12. 2 His view is rejected. 3 In some texts **אִין (מְבִיא)** also. 4 Literally *the first*. 5 His opinion is accepted. Compare the preceding *Mishnah*. 6 The **וְגַמְרָא** has **אִין שְׁנֵיהֶם**, *The two of them [together] can not*.

This is the view of R. Meir.¹ But the Sages² say, It must be put to pasture until it incurs a blemish, when it is sold and the money [thus realised] thereof falls [to the Temple treasury chest] for a *freewill-offering*.³ R. Eliezer⁴ says, It should be offered [for a *guilt-offering*], since if it be not offered for this sin it shall be offered for some other sin.⁵ But if it became known to him only after it was slaughtered [that he had not sinned], the blood must be poured away⁶ and the flesh goes forth to the *place of burning*.⁷ If the blood had already been sprinkled⁸ [against the Altar] the flesh may be eaten [by the priests]. R. Jose⁹ says, Even if the blood were still in the basin [when it became known that he had not sinned], it should be tossed [against the Altar] and the flesh may be eaten [by the priests].

- 1 His opinion is rejected. 2 Their ruling is accepted. 3 *viz.*, a *burnt-offering*. 4 His view is not accepted. 5 *i.e.*, he argues that no man is free from sins, and there must be one at least for which he has made no atonement by an offering. 6 Into the gutter in the Temple Court. 7 Compare פִּסְחִים 82, 99. 8 Or *tossed*. 9 His opinion is rejected.

Mishnah 2

[But the law] is not so¹ [in the case of] an *unconditional guilt-offering*. If [it became known to one that he had not sinned] *before* [the beast] was slaughtered, it goes forth and pastures among the flock* [and remains undedicated]; if [one became aware that he had not sinned] *after* it had been slaughtered, then this must be buried; if [one found that he did not sin *after*] the blood was sprinkled² [against the Altar], the flesh must go forth to the *place of burning*.³ [And also] it is not so¹ [in the case

וַיִּפְּלוּ דָמָיו לַנְּדֻבָּהּ. רַבִּי אֱלִיעֶזֶר
אָמַר, יִקָּרֵב, שָׂאֵם אֵינוֹ כָּא עַל
חֲטָא זֶה, הָרִי הוּא כָּא עַל חֲטָא
אַחֵר. אִם מִשְׁנֹשְׁחֵט נוֹדַע לוֹ, הַדָּם
יִשְׁפָּךְ, וְהַבֶּשֶׂר יֵצֵא לְבֵית הַשְּׂרֵפָה.
וְנִזְרַק הַדָּם, הַבֶּשֶׂר יֵאָכֵל. רַבִּי
יִוָּסֵי אָמַר, אֲפִילוֹ הַדָּם בְּכוֹס
יִזְרַק, וְהַבֶּשֶׂר יֵאָכֵל.

מִשְׁנָה ב
אֲשָׁם וְדָאֵי יֵאִינוּ כֵּן. אִם עַד שְׁלֵא
נִשְׁחַט יֵצֵא וְיִרְעָה בְּעֵדָר; מִשְׁנֹשְׁחֵט,
הָרִי זֶה יִקָּבֵר; וְנִזְרַק הַדָּם, הַבֶּשֶׂר
יֵצֵא לְבֵית הַשְּׂרֵפָה. יִשׁוּר הַנִּסְקָל
יֵאִינוּ כֵּן, אִם עַד שְׁלֵא נִסְקָל, יֵצֵא
וְיִרְעָה בְּעֵדָר; מִשְׁנֹסְקָל מוֹתֵר
בְּהִנְאָה. יְעוּלָה עֲרוּפָה יֵאִינָה כֵּן,
אִם עַד שְׁלֵא יְעַרְפָּה תֵּצֵא וְתִרְעָה

1 Or . . . *now as a freewill-offering*. 2 Instead of **וְהָיָה וְקָרָאת** the **וְקָרָא** has **וְהָיָה וְקָרָא**, *it was called*. 3 More correct **בּוּטָא**, *Buta*; he was a disciple of Shammai; he was blinded by Herod. 4 Because the Day of Atonement effects expiation up to the conclusion of that day. 5 Literally [*I swear by*] *the residence!* 6 Their ruling is accepted. 7 *Appendix, Note 2.* *Or **אֵלָיו**.

Mishnah 4

משנה ד

Those who are liable to *sin-offerings* and to *unconditional guilt-offerings*, and the Day of Atonement had passed,¹ must bring [them] after the Day of Atonement;² [but] they that are liable to *suspensive guilt-offerings* are exempt. If there befell a man³ a doubt [whether he was guilty] of a transgression⁴ on the Day of Atonement, even if it were at dusk, he is exempt [from a *suspensive guilt-offering*], since the whole Day of Atonement [right up to the conclusion at nightfall] effects atonement.⁵

חַיִּיבֵי חֲטָאוֹת וְאֲשָׁמוֹת וְדָאִין, ¹שְׁעֵבֵר
עֲלֵיהֶן יוֹם הַכַּפּוּרִים, חַיִּיבֵין לְהֵבִיא
לְאַחַר יוֹם הַכַּפּוּרִים; חַיִּיבֵי
אֲשָׁמוֹת תְּלוּיִין, פְּטוּרִים. מִי שֶׁבָּא
עַל יָדוֹ סֶפֶק ⁴עֲבָרָה בְּיוֹם
הַכַּפּוּרִים, אֲפִילוֹ עִם חֲשֶׁכָה פְּטוּר,
שֶׁכֵּל הַיּוֹם ⁵מִכֶּפֶר.

1 Literally *passed by them*. 2 Based on *Leviticus 16, 30*. 3 Literally *If there came to one's hand*. 4 In some texts **עֲבִירָה**. 5 But it does not grant expiation for an established sin.

Mishnah 5

משנה ה

If a woman were liable to¹ [bring] a bird as a *sin-offering* because of a matter of doubt,² and the Day of Atonement had passed,³ she must bring [it] after the Day of Atonement, because [this offering] qualifies her to eat of the *sacrifices*. If the *sin-offering* of a bird were brought for a matter of doubt, and after [its head] had been nipped off⁴ it became known to her [that she had expelled some matter and not a fetus] then it⁵ must be buried.

הָאִשָּׁה ¹שִׁישׁ עָלֶיהָ חֲטָאת הָעוֹף
²סֶפֶק שְׁעֵבֵר עָלֶיהָ יוֹם הַכַּפּוּרִים,
חַיִּיבַת לְהֵבִיא לְאַחַר יוֹם הַכַּפּוּרִים,
מִפְּנֵי שֶׁמְכַשְׂרֶתָּהּ לְאֹכֹל בְּזִבְחִים.
חֲטָאת הָעוֹף הִבָּא עַל סֶפֶק, אִם
מִשֵּׁנִי מְלֻקָּה גּוֹדֵעַ לָהּ, הֲרִי זֶה
תִּקְבָּר.

8 Which is a sacrilegious act. 9 As restitution for the *sela* which he sacrilegiously misused for his private purpose. Some prefer the pointing וְחִוּשׁוֹ.

Mishnah 7

If one set apart his *sin-offering*, and he died, his son after him may not offer it [as a *sin-offering* on his own behalf if he became liable]. One may not offer it [namely, a *sin-offering*] for [one] transgression [when it was set apart] for [another] transgression,¹ even [if he set apart a *sin-offering*] for [forbidden] fat that he ate yesterday, he may not bring it for the [forbidden] fat that he ate to-day, as it is said,² *his offering . . . for his sin*: his offering must be for his [particular] sin for which it was specified.

1 Thus: if one ate blood and forbidden fat (and thereby becomes liable to two *sin-offerings*), and he put aside a beast for a *sin-offering* for the fat, he may not bring it, for the blood (and vice versa). See ADDENDA, at the end of this *Tractate*.
2 *Leviticus* 4, 28.

Mishnah 8

[If one] dedicated [money to buy] a (she-) lamb¹ [as a *sin-offering*], he may purchase² [therewith] a (she-) goat³ [for the *sin-offering*]; [or if he] dedicated [money for] a (she-) goat [as a *sin-offering*, he may buy therewith] a (she-) lamb [for the *sin-offering*]; [if one] dedicated [money to purchase] a (she-) lamb or a (she-) goat [for a *sin-offering*], [he may buy therewith] turtle-doves or young pigeons⁴ [for the *sin-offering*]; [if one] dedicated [money for buying] turtle-doves or young pigeons [for a *sin-offering*], [he may buy therewith] the tenth of an *ephah*⁵ [of flour for a *meal-offering*]. How so?⁶

מִשְׁנָה ז

הַמְּפָרִישׁ חֲטָאתוֹ וּמָת, לֹא יִבְיָאָנָה בְּנוֹ אַחֲרָיו. לֹא יִבְיָאָנָה מִחֲטָא עַל חֲטָא, אֲפִילוּ עַל חֶלֶב שְׂאֵכֶל אָמַשׁ, לֹא יִבְיָאָנָה מִחֲטָא עַל חֶלֶב שְׂאֵכֶל הַיּוֹם, שֶׁנֶּאֱמַר, קָרְבָּנוֹ עַל חֲטָאתוֹ, שִׁיְהָא קָרְבָּנוֹ לְשֵׁם חֲטָאוֹ.

מִשְׁנָה ח

מִבְיָאִין מִהֶקְדֵּשׁ כְּשֶׁבָה, שְׁעִירָה; מִהֶקְדֵּשׁ שְׁעִירָה, כְּשֶׁבָה; מִהֶקְדֵּשׁ כְּשֶׁבָה וְשְׁעִירָה, תּוֹרִין וּבְגֵי יוֹנָה; מִהֶקְדֵּשׁ תּוֹרִין וּבְגֵי יוֹנָה, עֲשִׂירִית הָאֵיפָה. כִּיצַד? הַפָּרִישׁ לְכֶשֶׁבָה אוֹ לְשְׁעִירָה, הָעֵזִי, יָבִיא עוֹף; הָעֵזִי, יָבִיא עֲשִׂירִית הָאֵיפָה. הַפָּרִישׁ לְעֲשִׂירִית הָאֵיפָה, הָעֵשִׂיר, יָבִיא עוֹף; הָעֵשִׂיר, יָבִיא כְּשֶׁבָה וְשְׁעִירָה: (הַפָּרִישׁ כְּשֶׁבָה אוֹ

both equal.⁵ In most cases¹ [in the Pentateuch] turtle-doves [are spoken of] before young pigeons. Is this² because [the former] are choicer than the others? Scripture teaches,⁶ *and a young pigeon, or a turtle-dove,*⁷ for a *sin-offering*, that the two of them are equal. The father [is spoken of] before the mother mostly¹ [in the Pentateuch]. Is this³ because the honour due to the father transcends the honour due to the mother? Scripture teaches,⁸ *ye shall fear every man his mother, and his father*, that they are both equal. But the Sages said, The father [is quoted] before the mother⁹ almost everywhere [in the Pentateuch], since a man¹⁰ and his mother are both in duty bound to honour the father. And likewise, also, in the study of the Law, if the son were privileged [to acquire much knowledge and wisdom] from his teacher, [the teacher] in many cases¹¹ precedes the father, because he and his father are in duty bound [to give] honour to his teacher.¹²

מִלְמַד שְׁשֻׁנֵיהֶם שְׁקוּלֵין. תּוֹרִין,
 קוֹדֵמִין לְבָנֵי יוֹנָה יְבָכָל מְקוּם.
 יִכּוֹל מִפְּנֵי שֶׁהֵן מוּבָחָרִים מֵהֵן?
 תְּלַמּוּד לּוֹמֵר, וּבֵן יוֹנָה אִזְּ תוֹר
 לְחֻטָּאת, מִלְמַד שְׁשֻׁנֵיהֶן שְׁקוּלֵין.
 הָאָב קוֹדֵם לָאֵם יְבָכָל מְקוּם.
 יִכּוֹל שֶׁכְּבוֹד הָאָב עוֹדֵף עַל כְּבוֹד
 הָאֵם? תְּלַמּוּד לּוֹמֵר, אִישׁ אִמּוֹ
 וְאָבִיו תִּירָאוּ, מִלְמַד שְׁשֻׁנֵיהֶם
 שְׁקוּלִים. אָבֵל אָמְרוּ חֲכָמִים, הָאָב
 קוֹדֵם לָאֵם יְבָכָל מְקוּם, מִפְּנֵי
 יִשְׁהוּא וְאִמּוֹ חַיִּיבִין בְּכְבוֹד אָבִיו.
 וְכֵן בְּתַלְמוּד תּוֹרָה, אִם זָכָה הֵבֵן
 לְפָנֵי הָרַב, קוֹדֵם אֶת-הָאָב יְבָכָל
 מְקוּם, מִפְּנֵי שֶׁהוּא וְאָבִיו תִּיבִין
 בְּכְבוֹד¹² רַבּוֹ.

1 Or *In most cases*. Literally *everywhere*. 2 Compare *Exodus 12, 6*; *Numbers 15, 11*.

3 Literally *Can it be that it is . . .* 4 *Leviticus 4, 32*. 5 In *Leviticus 4, 28*, the phrase וְהֵבִיא קָרְבָּנוֹ שְׁעִירַת עִזִּים, then he shall bring for his offering a (she-) goat, shows that the lamb is an alternative. 6 *Leviticus 12, 6*. 7 Scripture has תֹּר. 8 *Leviticus 19, 3*.

9 Compare *Exodus 20, 2*. 10 Literally *he*. 11 Literally *always, ever, everywhere*.

12 Literally *his teacher*. In such matters as restoring, redemption from captivity. But if the father is a learned man he takes precedence (even if the teacher is the greater scholar). 13 In some editions וְשִׁלְמָה מִסִּכְתַּת כְּרִיתוֹת, TRACTATE KERITHOTH CONCLUDED.

סִלִּיק מִסִּכְתַּת כְּרִיתוֹת¹³

CONCLUSION OF TRACTATE KERITHOTH.

מסכת

מעילה

TRACTATE
MEILAH

[BEING THE EIGHTH TRACTATE OF THE FIFTH ORDER KODASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

PHILIP BLACKMAN, F.C.S.

INTRODUCTION

מַעֲלָה, **Meilah**, is the eighth *Tractate* or *Treatise* (מַסְפֵּכֶת) of the fifth *Order Kodashim* (סֵדֶר *קֹדָשִׁים) of the *Mishnah* (מִשְׁנָה).

The *Babylonian Talmud* (תַּלְמוּד בַּבְּלִי) has **גְּמָרָא** with it. The *Tractate* is not given in the *Jerusalem* (or *Palestinian*) *Talmud* (תַּלְמוּד יְרוּשָׁלַיִמִי).

The term **מַעֲלָה**, (1) *bad faith*, (2) *false dealing*, and especially (3), **sacrilege, the law concerning the misappropriation§ of sacred property**, is a *noun* derivative of the *verb מעל*, (1) *transgress*, (2) *act covertly, behave treacherously, plot*, (3) *circumvent, defraud*, and particularly (4) **commit sacrilege, misappropriate sacred property, be liable to the law regarding the unlawful use of consecrated property**.

The *Tractate* deals principally with the transgression of profaning or violating sacred (or consecrated or dedicated) things, according to *Leviticus 5, 15, 16,†* and the general principles of this law are briefly as follows. (a) Anyone who unintentionally makes use of a *perutah's* worth of sacred property wherever it may be must make full restitution for any benefit derived or for any deterioration caused, together with the *added fifth* (in practice *fourth*), and he must bring the *guilt-offering* enjoined in atonement or expiation. (b) If one makes wanton use of sacred property, full compensation must be paid for any advantage derived or for deterioration caused, and if the transgressor had been forewarned, he is liable to suffer the *forty stripes* (but he is not liable to the *added fifth* or to a *guilt-offering*). (c) The law applies to the *most holy sacrifices* from the moment they are consecrated to their consumption by the priests. (d) The law applies to the sacrificial portions of the *lesser holy sacrifices* from the moment of the tossing (or sprinkling) of the blood against the Altar to their burning. (e) The law applies to consecrated money and holy equipment.

The titles of the six Chapters are:

CHAPTER 1	קֹדֶשׁ יְקֻדָּשִׁים	פָּרָק א
CHAPTER 2	חֲטָאת הָעוֹף	פָּרָק ב
CHAPTER 3	וְלֵד חֲטָאת	פָּרָק ג
CHAPTER 4	קֹדֶשׁ מִזְבֵּחַ	פָּרָק ד
CHAPTER 5	הַנֶּהֱנָה מִן־הַקֹּדָשִׁים	פָּרָק ה
CHAPTER 6	הַשְּׁלִיחַ שְׁעֵשָׂה	פָּרָק ו

מִסְכֵּת

מַעֲיָלָה

TRACTATE MEILAH

CHAPTER

פָּרָק א

Mishnah 1

If the *most holy sacrifices* were slaughtered on the southern side² [of the Altar] *the law of sacrilege applies to them*.³ If they were slaughtered on the southern side [of the Altar] and their blood was received on the north side, [or if they were slaughtered] on the northern side and their blood was received on the south side, [or] if they were slaughtered during the day and [their blood] was sprinkled⁴ [against the Altar] by night, [or if they were slaughtered] by night and [their blood] was sprinkled by day, or if they were slaughtered [with a wrongful intention to eat of them] outside their [prescribed] time or outside their [enjoined] place, *the law of sacrilege applies to them*.³ R. Joshua stated a general principle:⁵ whatsoever⁶ had at some period⁷ been permitted to the priests is not affected by *the law of sacrilege*, but *the law of sacrilege applies to whatever*³ had not at any time been permitted to the priests. What* is it that had at some time been

מִשְׁנָה א

יְקַדְּשֵׁי קַדְּשִׁים שֶׁשְּׁחָטָן בְּדָרוֹם, מוֹעֲלִין בָּהֶן. שֶׁשְּׁחָטָן בְּדָרוֹם וְקָבַל דָּמָן בְּצָפוֹן, בְּצָפוֹן וְקָבַל דָּמָן בְּדָרוֹם, שֶׁשְּׁחָטָן בַּיּוֹם, וְנָרַק בְּלַיְלָה, בְּלַיְלָה, וְנָרַק בַּיּוֹם, אוֹ שֶׁשְּׁחָטָן חוּץ לְזִמְנָן וְחוּץ לְמְקוֹמוֹ, מוֹעֲלִין בָּהֶן. כָּל־שֶׁהָיָה לָהּ שְׁעֵת הֵיטֵר לַכֹּהֲנִים אֵין מוֹעֲלִים בָּהּ, וְשֵׁלָא הָיָה לָהּ שְׁעֵת הֵיטֵר לַכֹּהֲנִים מוֹעֲלִין בָּהּ. *אִיזוּ הִיא שֶׁהָיָה לָהּ שְׁעֵת הֵיטֵר לַכֹּהֲנִים? שֶׁלְנָה וְשֶׁנִּטְמְאָה, וְשֶׁצָּאָה. *אִיזוּ הִיא שֵׁלָא הָיָה לָהּ שְׁעֵת הֵיטֵר לַכֹּהֲנִים? שֶׁשְּׁחָטָהּ חוּץ לְזִמְנָהּ וְחוּץ לְמְקוֹמָהּ וְשֶׁקָבְלוּ פְּסוּלִין¹⁰ וְנָרְקוּ אֶת־דָּמָהּ.

the law of sacrilege, how much more so must it also exempt its own flesh [that had become invalid and was taken out of the Temple Court, from the law of sacrilege]!

1 Which was then brought back and tossed against the Altar. 2 His view is rejected. 3 And an offering must be brought. See ADDENDA.* 4 Appendix, Note 18. 5 Compare זְבָחִים 35; Exodus 29, 34; Leviticus 7, 17, 20, 22, 3. See ADDENDA.* 6 His opinion is accepted. 7 Literally and the two of them were standing [to be slaughtered together]. Their blood was received separately in two basins but the tossing (or sprinkling) was from one only. According to some authorities the reading should be לֹא כִשֵּׁם, then not as in the case where [the sprinkling of] its blood . . .
* At the end of this Tractate.

Mishnah 3

If those portions of the lesser holy sacrifices¹ that had to be offered [on the Altar] were taken out [from the Temple Court] before the sprinkling² of the blood, R. Eliezer says, the law of sacrilege does not apply to them,³ and none becomes liable therefor through [transgressing the laws of] rejection, remainder,⁴ or uncleanness. R. Akiba says, They are culpable under the law of sacrilege therefor⁵ because of [the transgression of the laws of] rejection, remainder, or uncleanness.

1 זְבָחִים 56-8. Or אֵימורֵי. 2 Or tossing. 3 i.e., a קָרְבַּן מְעִילָה is not brought. 4 Appendix, Note 18. 5 Because the sprinkling is valid. Some consider זְעִילָה redundant.

Mishnah 4

The sprinkling¹ of the blood of the most holy sacrifices may entail either a lenient result or a stringent result, but in the case of the lesser holy sacrifices they have all a strict phase.² How so? In the case of the most holy sacrifices, before the sprinkling of the blood, the law of sacrilege

משנה א

אמורי יקדשים קלים שיצאו לפני זריקת דמים, רבי אליעזר אומר, אין מועילין בהן, ואין חייבין עליהן משום פיגול, גותר, וטמא. רבי עקיבא אומר, מועילין בהן וחייבין עליהן משום פיגול גותר וטמא.

thereby, and they do become liable [of the laws of] rejection,

משנה ד

מעשה דמים בקדשי קדשים להקל ולהחמיר, ובקדשים קלים כולן להחמיר. כיצד? קדשי קדשים לפני זריקת דמים מועילין באימורין ובבשר, לאחר זריקת

[through contact] with one who had immersed himself [in the ritual bath] the selfsame day² [because of uncleanness], or [through contact] with one whose atonement was still incomplete,³ or by [the flesh of the bird] remaining overnight. After its blood has been tossed⁴ [against the Altar] they may become liable thereby through [transgressing the laws of] *rejection, remainder*,⁵ or *uncleanness*, but the law of *sacrilege* does not [now] apply thereto.

כפורים, ובלינה. יהונה דמה, חייבין עליה משום פיגול, ינותר, וטמא, ואין בה מעילה.

1 See the next *Mishnah*. Compare זבחים 61^a. It belongs to the class of the most holy sacrifices. 2 Compare זבחים 44; *Leviticus* 4, 1-21, 16, 5, 6; *Numbers* 15, 24. One who immerses himself in the ritual bath after his uncleanness is termed טבול יום until after sunset. 3 Compare כריתות 21. One whose term of uncleanness has expired but may not yet eat of the hallowed flesh or enter the Temple until he has brought as atonement the prescribed *sin-offering*. 4 Or *sprinkled*. 5 Since it now belongs to the priests. See *Appendix, Note 18*.

Mishnah 2

משנה ב

The¹ *sin-offering* of a bird that has been consecrated comes under the law of *sacrilege*. After its head had been nipped off it becomes susceptible to invalidation [by contact] with one who had immersed himself [in the ritual bath] the selfsame day [because of uncleanness], or [through contact] with one whose atonement was not yet complete, or through [the flesh of the bird] being left overnight. When its blood had been squeezed out² they may become liable thereby because of [the transgression of the laws of] *rejection, remainder*,³ or *uncleanness*, and the law of *sacrilege* applies thereto until it is taken forth⁴ to the place of ashes.⁵

יעולת העוף מועלין בה משהוקדשה. נמלקה, הוכשרה להפסל בטבול יום, ובמחוטר כפורים, ובלינה. מיצה דמה, חייבין עליה משום פיגול, ינותר, וטמא. ומועלין בה, עד שתיצא לביית הדשן.

1 Compare the preceding *Mishnah*. 2 Compare זבחים 65, 6, 7. See *ADDENDA*. 3 *Appendix, Note 18*. 4 Literally *it goes forth*. 5 Outside Jerusalem. See *Leviticus* 6, 11; זבחים 52.

[through contact] with one who had immersed himself [in the ritual bath] the selfsame day² [because of uncleanness], or [through contact] with one whose atonement was still incomplete,³ or by [the flesh of the bird] remaining overnight. After its blood has been tossed⁴ [against the Altar] they may become liable thereby through [transgressing the laws of] *rejection, remainder*,⁵ or *uncleanness*, but *the law of sacrilege* does not [now] apply thereto.

1 See the next *Mishnah*. Compare **זְבָחִים** 61ⁿ. It belongs to the class of the *most holy sacrifices*. 2 Compare **זְבָחִים** 44; *Leviticus* 4, 1-21, 16, 5, 6; *Numbers* 15, 24. One who immerses himself in the ritual bath after his uncleanness is termed **טָבּוּל יוֹם** until after sunset. 3 Compare **פְּרִיטוֹת** 21. One whose term of uncleanness has expired but may not yet eat of the hallowed flesh or enter the Temple until he has brought as atonement the prescribed *sin-offering*. 4 Or *sprinkled*. 5 Since it now belongs to the priests. See *Appendix, Note 18*.

Mishnah 2

The¹ *sin-offering* of a bird that has been consecrated comes under *the law of sacrilege*. After its head had been nipped off it becomes susceptible to invalidation [by contact] with one who had immersed himself [in the ritual bath] the selfsame day [because of uncleanness], or [through contact] with one whose atonement was not yet complete, or through [the flesh of the bird] being left overnight. When its blood had been squeezed out² they may become liable thereby because of [the transgression of the laws of] *rejection, remainder*,³ or *uncleanness*, and *the law of sacrilege* applies thereto until it is taken forth⁴ to the place of ashes.⁵

מִשְׁנָה ב
 יְעוֹלֵת הָעוֹף מוֹעֵלִין בָּהּ
 מִשְׁהוּקֶדְשָׁהּ. נִמְלָקָה, הַיְכָשְׁרָה
 לְהַפְסֵל בְּטָבוּל יוֹם, וּבְמַחוּסָר
 כְּפוּרִים, וּבְלִינָה. מִיֵּצָה דָמָה
 חֲיִיבִין עָלֶיהָ מִשּׁוּם פִּיגוּל, גּוֹתֵר,
 וְטָמֵא. וּמוֹעֵלִין בָּהּ, עַד שֶׁתִּצָּא
 לְבֵית הַדָּשָׁן.

1 Compare the preceding *Mishnah*. 2 Compare **זְבָחִים** 65, 6, 7. See *ADDENDA*. 3 *Appendix, Note 18*. 4 Literally *it goes forth*. 5 Outside Jerusalem. See *Leviticus* 6, 11; **זְבָחִים** 52.

lege does not apply to its hide,⁴ but *the law of sacrilege* does apply to the flesh⁵ until it is taken forth⁶ to the place of ashes.⁷

1 Referring to the blood which should have been tossed, according to some authorities. 2 In accordance with the prescribed law. 3 *Appendix, Note 18.* The penalty is *excision* (*Appendix, Note 2*). 4 A קָרְבַּן מְעִילָה* is not brought. The hide belongs to the priest. Some consider בְּעוֹרָה redundant. 5 A קָרְבַּן מְעִילָה must be brought. 6 שְׂתַצֵּא in the גִּמְרָא. 7 The flesh must be reduced to ashes on the Altar. The ashes must be removed to the place of ashes, but no liability is incurred if use is made of the ashes. * קָרְבַּן מְעִילָה, an offering for the malappropriation (or misappropriation) of sacred property, an offering for the transgression of the law of sacrilege.

Mishnah 5

מִשְׁנֵה הַ

The¹ *sin-offering*, (and) the¹ *guilt-offering*, and the¹ *peace-offerings of the congregation*,² when they have been consecrated, come under *the law of sacrilege*. After they have been slaughtered they become susceptible to be invalidated by reason of [contact with] one who had immersed himself the selfsame day [in the ritual bath because of uncleanness], or [through contact] with one whose atonement was not yet complete, or by being left overnight.³ When their blood has been sprinkled⁴ [against the Altar] they become liable⁵ thereby through [transgressing the laws of] *rejection*, (or) *remainder*,⁶ or *uncleanness*; *the law of sacrilege* does not apply to the flesh, but *the law of sacrilege* does apply to the sacrificial portions⁷ until [their ashes] are taken forth to the place of ashes.⁸

יִחַטָּאת, וְאֲשָׁם, וְזִבְחֵי שְׁלָמֵי צִבּוֹר, מוֹעֲלִין בָּהֶן מִשְׁהוּקֵדְשׁוֹ. וְשִׁחַטוֹ, הוֹכְשָׁרוֹ לְהַפְסֵל בְּטָבוֹל יוֹם, וּבְמַחוּסָר פְּפוּרִים, וּבְלִינָה. יְנוּרֵק דָּמָן, חִיִּיבִין עֲלֵיהֶם מִשּׁוּם פִּיגוּל, וְנוֹתֵר, וְטָמֵא; אֵין מוֹעֲלִין בְּבָשָׂר, אֲבָל מוֹעֲלִין בְּבְאִימוּרִים עַד שֵׂיִצְאוּ לְבֵית הַדִּשָּׁן.

1 Literally a. 2 וְזִבְחֵים 53, 5. 3 Referring to the blood that had not been tossed, according to some authorities. 4 According to the enjoined law. And there was a wrongful intention to eat of the flesh not in the proper prescribed time. 5 To excision. *Appendix, Note 2.* 6 *Appendix, Note 18.* 7 The parts offered on the Altar and completely incinerated there. 8 The ashes may be used for any purpose without any liability.

through [the transgression of the laws of] *rejection, remainder*,⁴ or *uncleanness*. But *the law of sacrilege* does not apply thereto.⁵

1 *Leviticus* 24, 5ff.; פְּסָחִים 74; שְׁקָלִים 14, 41, 51, 64; יוֹמָא 25, 311; סִיפָה 57; אָבוֹת 56; וְבָחִים 95, 143; מְנַחוֹת 44; 53, 6; 62, 6, 7, 111f; תְּמִיד 33; מִדּוֹת 16. 2 And there was a wrongful intent to eat of the *shewbread* not in the proper time. See ADDENDA. 3 *Appendix, Note 2.* 4 *Appendix, Note 18.* 5 Literally *them*. Because having performed the ritual function the priests may eat it. בּוֹ is more correct as given in the גְּמָרָא. *At the end of this *Tractate*.

Mishnah 8

מִשְׁנֵה ח

The *meal-offerings*, when they have been dedicated,¹ come under *the law of sacrilege*. After they have become sanctified² in a vessel³ [of ministry], they become susceptible to be invalidated by [contact with] one who had immersed himself the selfsame day [in the ritual bath by reason of uncleanness], or [through contact] with one whose atonement was still incomplete, or through remaining overnight. If the *handful*

הַמְּנַחוֹת מוֹעֲלִים בָּהֶן מִשְׁהוּקְדָּשׁוֹ.
קָדְּשׁוֹ בְּכֶלִי, הוֹכְשָׁרוּ לְהַפְסֵל
בְּטָבִיל יוֹם, וּבְמַחוֹסֵר כְּפוּרִים,
וּבְלִינָה קָרַב הַקּוֹמֵץ, יִחְיִיבֵן עָלָיו
מִשׁוֹם פִּיגוּל יְנוּתָר וְטָמֵא; וְאִין
מוֹעֲלִין בְּשָׂרִים; אֲבָל מוֹעֲלִים
בְּקוֹמֵץ, עַד שֶׁיֵּצֵא לְבֵית הַדָּשָׁן.

has been offered, they are liable [to excision]⁴ thereby through [eating thereof and thus transgressing the laws of] *rejection, remainder*,⁵ or *uncleanness*; *the law of sacrilege* does not apply to their *residue*,⁶ but *the law of sacrilege* does apply to the *handful* until [its ashes on the Altar] are taken forth to the place of ashes.⁷

1 By verbal formula. Compare מְנַחוֹת, INTRODUCTION, 11f *et seq.* 2 קָדְּשׁוֹ [Pual]; or קָדְּשֵׁי [Piel], *After they sanctified [them]*. 3 Or בְּכֶלִי. 4 *Appendix, Note 2.* 5 *Appendix, Note 18.* 6 If a layman ate of the meal after the removal of the *handful*, he does not bring a מַעֲיָלָה קָרְבַּן מַעֲיָלָה. The popular pronunciation בְּשָׂרִים (dual plural) is here incorrect. From the meal-offering, a handful was taken and burned on the Altar. 7 The meal must be left on the Altar fire until it is completely incinerated. It may be taken afterwards from the place of ashes and used for any purpose.

Mishnah 9

מִשְׁנֵה ט

The *handful* [from the *meal-offering*],¹ (and) the *frankincense*,² (and) the *incense*,³ (and) the *meal-offering of the*

הַקּוֹמֵץ, וְהַלְבוֹנָה, וְהַקְטוֹרֶת,
וְיִמְנַחַת כֹּהֲנִים, וְיִמְנַחַת כֹּהֵן מִשִּׁיחַ.

meal-offerings (save those totally burned) permissible to be eaten by the priests. 14 שְׁקָרֵשׁ [Pual]; or שְׁקָרֵשׁ [Piel], one hallowed [it]. 15 Wanton transgression entails the penalty of excision; an offering is brought for unwitting transgression.

CHAPTER 3

פָּרֵק ג

Mishnah 1

The young of a *sin-offering*¹ and the *substitute* of a *sin-offering*, and a *sin-offering* whose owner² has died must [be left to] die. If it passed the age of a year, and³ it was lost and [afterward] found⁴ with a blemish, if the owner had already made atonement⁵ [otherwise], it must [be left to] die;⁶ and a *substitute* [therefor] is not brought,⁷ nor may any use of it be made nor does *the law of sacrilege* apply.⁸ If the owner had not yet made atonement, it must be put to pasture until it incurs a blemish when it is sold, and with the money [thus acquired] therefor another [*sin-offering*] must be brought; and a *substitute* [for it] may be brought and *the law of sacrilege* applies thereto.⁹

מִשְׁנֵה א
וְלֹד יִחָטְאָת, וְתַמּוּרַת חָטְאָת,
וְחָטְאָת שְׁמַתּוֹ בְּעֵלְיָהּ, יָמוּתוּ-
שְׁעָבְרָה שְׁנֵתָהּ, וְשִׂאֲבָדָה,
וְשִׁנְמָצָאָת בְּעֵלֶת מוֹם, אִם
מִשְׁכִּיפְרוּ הַבְּעָלִים תָּמוּת; וְאִינָה
עוֹשֶׂה תַמּוּרָה, וְלֹא נִהְיִים וְלֹא
מוֹעֲלִין. וְאִם עַד שְׁלֹא כִיפְרוּ
הַבְּעָלִים תִּרְעָה עַד שֶׁתִּסְתָּאֵב
וְתִמְכַר, וְיָבִיא בְדַמְיָה אֲחֵרֶת;
וְעוֹשֶׂה תַמּוּרָה וּמוֹעֲלִים בָּהּ.

brought and *the law of sacrilege*

1 See תַּמּוּרָה 41. 2 בְּעֵלְיָהּ, popular—but ungrammatical—pronunciation. 3 Or or. 4 After the owner has set apart a *substitute* for it. See ADDENDA.* 5 With the *substitute* beast. 6 Since it now has two disqualifications, viz., over-age and a blemish. 7 If one did bring a *substitute* it is not hallowed. 8 If use was made of it. 9 If use is made of the recovered *sin-offering*. *At the end of this *Tractate*.

Mishnah 2

If one put aside money for his *nazirite offerings*,¹ no use may be made [thereof], but *the law of sacrilege* does not apply [thereto] since it may all be used to bring [only] *peace-offerings* [which may be made use of]. If he died, [and the money]

מִשְׁנֵה ב
הַמִּפְרִישׁ מַעוֹת יִלְגְּזוּרְתּוֹ לֹא נִהְיִין,
וְלֹא מוֹעֲלִין, מִפְּנֵי שֶׁהֵן רְאוּיִן לְבֹא
כּוֹלֵן שְׁלָמִים. מֵת, הֵיוּ סְתוּמִים,
יִפְּלוּ לְגִדְבָה; הֵיוּ מִפּוֹרְשִׁים,

6 A stream near Jerusalem. See יומא 56; מדרות 32. After the sprinkling the residue of the blood is poured away into the gutter in the Forecourt and it runs into the Brook of Kidron. Anyone desiring to use this blood as fertiliser must pay for it into the Temple Treasury. 7 There were two pits alongside the Altar, one for the water on the Festival of Tabernacles (סוכות) and the other for the wine of the libations to drain away. See מעילה 11a; מדרות 33.

Mishnah 4

No use may be made of the ashes [of the incense] from the *Inner Altar* or [of the wicks that remained] from the *Candlestick*,¹ but they do not come under the law of sacrilege. If one dedicated the ashes in the beginning² [before their removal], the law of sacrilege applies thereto. No use may be made of turtle-doves [that have been dedicated] but have not yet reached their prescribed age or of young pigeons [which have been consecrated] but are past their enjoined age,³ but the law of sacrilege does not apply to them. R. Simon⁴ says, The law of sacrilege does apply to [consecrated] turtle-doves that have not yet arrived at their enjoined age; and no use may be made of [dedicated] young pigeons which have passed their prescribed age, but they do not come within the law of sacrilege.

1 The ashes and wicks were removed alongside the *Outer Altar*.* 2 By vowing their value to the Temple before their removal.* 3 Compare חולין 15; זבחים 75. 4 His view is rejected.* *See ADDENDA at the end of this *Tractate*.

Mishnah 5

No use may be made¹ of the milk of consecrated beasts nor of the eggs of [dedicated] turtle-doves, but they do not come under the law of sacrilege. When is this the case? In the case of what is consecrated for the *Altar* and not to [money sub-

משנה ד

דשון מוֹבַח הפְּנִימִי, וְהַמְנוּרָה, לֹא נֶהְנִין, וְלֹא מוֹעֲלִין. הַמְקַדֵּשׁ דִּשְׁוֹן בְּתַחֲלָה, מוֹעֲלִים בוֹ. תוֹרֵין שְׁלֹא הִגִּיעַ זְמַנּוֹ וּבְגֵי יוֹנָה שְׁעֵבֶר יִזְמְנוּ, לֹא נֶהְנִין וְלֹא מוֹעֲלִין. רַבִּי שְׁמַעוֹן אוֹמֵר, תוֹרֵין שְׁלֹא הִגִּיעַ זְמַנּוֹ, מוֹעֲלִין בָּהֶן; וּבְגֵי יוֹנָה שְׁעֵבֶר זְמַנּוֹ לֹא נֶהְנִין, וְלֹא מוֹעֲלִין.

משנה ה

חֵלֶב הַמְּקוֹדָשִׁים, וּבִיצֵי תוֹרֵין, יֵלֵא נֶהְנִין וְלֹא מוֹעֲלִים. בְּמָה דְבָרִים אֲמוּרִים? בְּקֹדְשֵׁי מוֹבַח אֶקַּל בְּקֹדְשֵׁי בְּדֻק הַבַּיִת, הַקֹּדֵשׁ

the dedication]. (This is the opinion of R. Judah.)⁸ But R. Simon⁹ says, If one dedicated a field or a tree, *the law of sacrilege* applies both to them and to whatsoever grows on them, because their growth is produce belonging to the Temple. The young of the *tithe*¹⁰ [of cattle] may not be suckled by [those that have been separated as] *tithe*¹¹ [of cattle]; but there were others that donated [their animals] on this condition.¹² The young¹³ of consecrated beasts may not draw suck from consecrated beasts; but there were others that donated [their beasts] on this condition. Workmen¹⁴ may not eat of dried figs that have been consecrated to the Temple; and likewise, also, a cow¹⁵ may not eat of vetches¹⁶ that have been dedicated.

רבי יהודה. ורבי שמעון אומר, המקדיש שדה ואילן, מועלין בהם ובגדולייהם, מפני שהן גדולי הקדש. וילד המעושרת לא יינק מן המעושרת; ואחרים מתנדבים בן. וילד מוקדשים לא יינק מן המוקדשין; ואחרים מתנדבין בן. הפועלים לא יאכלו מגרוגרות של הקדש; וכן פרה לא תאכל מפריי הקדש.

1 Which can be used or sold for Temple upkeep.* 2 Which can be sold to buy offerings or for Temple upkeep.* 3 The birds can be used as offerings and the cote or its materials can be sold for Temple upkeep. 4 Literally full of, filled with. Particularly a vine with its clusters of grapes. Wine is used for libations. Fruit is used as first ripe fruits or sold and the money dedicated. 5 Which can be sold to purchase offerings or for Temple upkeep. 6 Literally filled. 7 The phrase in parentheses is given in the גמרא. 8 This bracketed phrase is not given in the גמרא. 9 יוסי in the גמרא.* 10 Leviticus 27, 32; מעשר שני 12; 99 בכורח. 11 For the calves are חילין, non-holy, and the dams are holy. 12 viz., they stipulated before the tithing that if a female beast was tithe, its milk was not to be hallowed and was to be permitted for its young. The Rambam renders this to mean that others could donate milk to feed the young of tithe of cattle or of other consecrated beasts. 13 Born before the consecration took place.* 14 Literally the workmen. Compare בבא מציעא 72. They may not eat of any dedicated fruits even if their feed was agreed upon, but the Temple treasurer allows them money from the treasury to buy their food in the market place. 15 Compare Deuteronomy 25, 4. When it is used in assisting in the threshing of consecrated herbage it must be muzzled to prevent it eating of the produce.* 16 Or tares, darnel, horse-beans, rye-grass (see Volume I, זרעים, SUPPLEMENT, and Volume II, מועד, SUPPLEMENT). *See ADDENDA at the end of this Tractate.

Mishnah 8

משנה ח

A nest at the top of a dedicated tree may not be made use of, but the law of sacrilege does not apply to it; but one may flick off with a reed [a nest or aught else] that is on an *asherah*.¹ If one consecrated a wood,² [naught of it whatsoever may be used and] the law of sacrilege applies to the whole thereof. If the [Temple] treasurers have bought the timber [cut down in a wood

קן שבראש האילן של הקדש, לא נהנין ולא מועלין; ישפאשרה יתיו בקנה. הפקדיש את-החורש, מועלין בכולו. הנזברים שלקחו את-העצים, מועלין בעצים, ואין מועלין לא בכשפוי; ולא יבנויה.

for making into planks], the law of sacrilege applies to the wood [and logs] but not to the shavings³ or to its foliage.⁴

1 A tree (or grove) devoted to idolatry. 2 Compare עבודה זרה 31, 2, 3, טיפה 35, 7, 9, 10. To climb up on it is forbidden for that would be making use of an idolatrous object. 3 Or chips. 4 Or leaves. גוי, literally adornment, beauty, ornament. See ADDENDA at the end of this Tractate.

CHAPTER 4

פרק ד

Mishnah 1

משנה א

Hallowed things that appertain to the Altar can be included together one with another¹ [to constitute the quantity prohibited] by the law of sacrilege, or to render one liable because of [transgressing the laws of] rejection,² remainder,³ or uncleanness. Consecrated things [dedicated for] the upkeep of the Temple are included together with one another⁴

קדשי המזבח מצטרפין יזה אם זה, למעילה ולחייב עליהן משום פגול ינותר וטמא. קדשי בדק הבית מצטרפין יזה אם זה. קדשי המזבח וקדשי בדק הבית מצטרפין יזה אם זה, למעילה.

[to make up the quantity forbidden by the law of sacrilege]. The hallowed things that appertain to the Altar and the dedicated things for the upkeep of the Temple may be included together with one another⁵ [to make up the amount forbidden] within the law of sacrilege.

1 e.g., one derived benefit from half of a *perutah*'s worth [Volume I, ורעים, Page 18f.] of a burnt-offering and half of a *perutah*'s worth of a sin-offering. 2 The penalty is excision (Appendix, Note 2). 3 Appendix, Note 18. Also if the separate portions

ate an olive's bulk of it in error he must repay its value plus a *fifth* [in practice a *fourth*].* *Leviticus* 22, 14; כָּבֹא מְצִיעָא 4⁸. *See ADDENDA at the end of this *Tractate*.

Mishnah 3

משנה ג

Any rejection¹ [of a burnt-offering, sin-offering, guilt-offering and peace-offering] may be included together with one another [to make up the prohibited olive's bulk to render the eater of it liable to the penalty of excision].² Any remainders¹ [of a burnt-offering, sin-offering, guilt-offering and peace-offering] may be combined together one with another [to constitute the prohibited olive's bulk to render the consumer thereof liable to the penalty of excision]. All kinds of carrion may be included together one with another³ [to render one unclean that touches an olive's bulk thereof].⁴ [The flesh of] all creeping things⁵ may be combined with one another [to make up the prohibited olive's bulk

כל-הַפְּגוּלִים מְצַטְרְפִין זֶה עִם זֶה. כָּל-הַנוֹתְרִין מְצַטְרְפִין זֶה עִם זֶה. כָּל-הַנְּבֵלוֹת מְצַטְרְפוֹת זֶה עִם זֶה. כָּל-הַשְּׂרָצִים מְצַטְרְפִין זֶה עִם זֶה. דָּם הַשְּׂרָץ וּבִשְׂרוֹ מְצַטְרְפִין. כָּל-שְׂטוּמְאָתוֹ וְשַׁעֲרוֹ שָׂוִין, מְצַטְרְפִין זֶה עִם זֶה; טוּמְאָתוֹ וְלֹא יִשְׁעוּרוּ, שַׁעֲרוֹ וְלֹא טוּמְאָתוֹ וְלֹא מְצַטְרְפִין זֶה עִם זֶה. אֵין מְצַטְרְפִין זֶה אִם זֶה.

to render the eater thereof liable to the penalty of *forty stripes*]. The blood of a *creeping thing* and its flesh may be included together [to constitute the forbidden lentil's bulk to render its eater liable to the penalty of *forty stripes*]. R. Joshua stated a general principle:⁶ all things, that in [the duration of]⁷ their uncleanness and in their quantity⁸ [required to impart uncleanness] are alike,⁹ may be included together one with another; [but if they are alike in the duration of] their uncleanness but not in their quantity¹⁰ [necessary to communicate uncleanness], [or if they are alike in] their quantity [needful to convey uncleanness] but not [in the duration of] their uncleanness,¹¹ [or if they are not alike in the duration of] their uncleanness or in their quantity¹² [needed to impart uncleanness], they are not included together with one another.¹³

1 *Appendix, Note 18.* 2 *Appendix, Note 2.** 3 Or זֶה אִם זֶה (see Volume II, מוֹעֵד, Page 12). 4 *Leviticus* 11, 39. Even carrion of an *unclean beast* (i.e., whose flesh is forbidden for consumption) with that of a *clean animal* (i.e., whose flesh is permitted

will not effect this disqualification; again, half an olive's bulk of carrion added to half an olive's bulk of corpse will not produce uncleanness even until that evening. 5 עֲדֵרוֹת 21. 6 e.g., a creeping thing, a primary source of uncleanness rendered unclean a piece of bread which is now a first derivative of uncleanness; this bread then rendered unclean another piece of bread which becomes a secondary derivative of uncleanness; if now a half egg's bulk of each of these breads came in contact with a third piece of bread, this last becomes a tertiary (and not a secondary) derivative of uncleanness.

Mishnah 5

משנה ה

All [unclean] foodstuffs¹ may be combined together to make up the quantity of *half-a-loaf*² to render the eater³ [thereof] disqualified⁴ [to eat of *priest's-due*], [or to constitute the bulk of] food for two meals required for the *Erub*⁵ [of Sabbath limits]; [or to make up] the egg's bulk [of food] that imparts *food-uncleanness*; [or to compose the fig's bulk [of food forbidden] to be carried forth on the Sabbath;⁶ [or to constitute] the date's bulk [of food prohibited to be eaten] on the Day of Atonement.⁷

כָּל-הָאוֹכֵלִין מִצְטָרְפִין לְפָסוֹל אֶת-הַגְּנוּיָה יִבְכַּחֲצִי פָרֶס, בְּמִזוֹן שְׁתֵּי סְעוּדוֹת לְעָרוֹב; בְּכִבְיָהָ לְטֶמְאָה טוֹמְאָת אוֹכְלִין, בְּכִגְרוּגְתָּהּ לְהוֹצֵאת שֶׁשֶׁבֶת; בְּכֹחַתְבַּת בְּיוֹם הַכַּפּוּרִים. כָּל-הַמְשָׁקִין מִצְטָרְפִין לְפָסוֹל אֶת-הַגְּנוּיָה בְּרִבְעֵיתָהּ. וְגַבְמֵלָא לְגַמְוִי 11 בְּיוֹם הַכַּפּוּרִים.

All [unclean] liquids may be included together [to constitute the quantity of] the *quarter-log*⁸ to invalidate the drinker [thereof to eat of *priest's-due*],⁹ or [to make up] the mouthful¹⁰ thereof [forbidden to be drunk] on the Day of Atonement.¹¹

1 Compare מִקְנָאוֹת 107. 2 Compare טְהוֹרוֹת 13, עֲרוּבִין 82. A whole פָּרֶס is equal to 4—3 according to Maimonides—medium-sized eggs' bulk. 3 Literally inner (body) creature. 4 And also invalidates *priest's-due*. The unclean individual's disqualification is disannulled after the ritual bath. 5 See עֲרוּבִין 81^a, INTRODUCTION; Appendix, Note 4. 6 שֶׁשֶׁבֶת 74. 7 יוֹמָא 82. 8 Volume I, וְרָעִים, Page 18f. 9 And he also renders *priest's-due* [Appendix, Note 1] unclean by contact. 10 וְכַמְלָא in the זְמָרָא. 11 The penalty incurred is excision (Appendix, Note 2).

Mishnah 6

משנה ו

*Orlah fruit*¹ and *diverse kinds of the vineyard*² may be included together [to make up the forbidden olive's

יְהַעֲרֵלָה וְכִלְאֵי הַכַּרְם מִצְטָרְפִין זֶה עִם זֶה. רַבִּי יִשְׁמְעוֹן אוֹמֵר, אֵינָן

wore an undershirt,^{6, 9} [or] covered himself with a mantle,^{6, 10} [or] split [wood] with an axe,^{6, 11} he is guilty of *sacrilege* only if it have been impaired. If one plucked [wool] from a *sin-offering* [that had incurred a blemish and was to be redeemed] while it was yet alive, he is not guilty of *sacrilege* unless it suffered impairment; but if [he did so] after it was dead, he has committed *sacrilege* as soon as he has enjoyed some benefit therefrom.

1 וְרַעִים (Volume I), Page 18f. 2 And the offering for the misappropriation of sacred property (קָרְבַּן מְעִילָה) must be brought. 3 Or שֵׁשׁ-בוּ. In some texts בוּ שְׁאִין in error. 4 i.e., 'For example.' 5 Or chain. 6 Belonging to the Temple. 7 Or, also, finger. 8 She must bring an offering for the malappropriation of sacred property, and she also pays as a fine into the Temple treasury a sum (plus the added fifth) equal to that which she would have had to pay to borrow such an article for use at some function. Or pausal קַעֲלָה. 9 Or shirt. Literally a plain, smooth, soft garment. 10 Or cloak, cover, sheet. 11 Or hatchet, chopper.

Mishnah 2

מִשְׁנֵה ב

If one enjoyed half a *perutah*'s¹ worth [of aught pertaining to the Temple] and caused half a *perutah*'s worth of deterioration, or if he derived half a *perutah*'s value of use of one thing and caused half a *perutah*'s value of deterioration in something else,² then he has not committed *sacrilege*, [but he is guilty of *sacrilege*] only when he has derived a *perutah*'s value of benefit from and caused a *perutah*'s worth of impairment to the same thing.

זֶה־נֶהְנֶה בְּכַחֲצֵי פְרוּטָה, וּפְנִים בְּכַחֲצֵי פְרוּטָה, אוֹ שֶׁנֶּהְנֶה בְּשׂוּה פְרוּטָה בְּדָבָר אֶחָד וּפְנִים בְּשׂוּה פְרוּטָה בְּדָבָר אַחֵר הֲרֵה זֶה לֹא מַעַל, עַד עַד שֶׁנֶּהְנֶה בְּשׂוּה פְרוּטָה וַיִּפְגֹּם בְּשׂוּה פְרוּטָה בְּדָבָר אֶחָד.

1 See Volume I, וְרַעִים, Page 18f. 2 But enjoyed no advantage therefrom, e.g., he spilt some liquid.

Mishnah 3

מִשְׁנֵה ג

If *sacrilege* be committed with *consecrated things*, then *sacrilege* cannot be committed [again] with the

אֵין מוֹעֵל אַחֵר יְמוֹעֵל בְּמוֹקְדָשִׁין, אֲלֵא בְהֶמְה, וּכְלֵי שֶׁרֶת. כִּיצַד?

it to a bathing-attendant,⁴ even though he did not bathe, he has committed *sacrilege*, for [the bath-attendant, as it were] says to him, 'The bath is open,⁵ enter and wash.'⁶

1 The Temple treasurer, according to the *גמרא*. 2 Or *post, rafter, beam*. 3 *viz.*, not actually as a permanent fixture but as a temporary expedient; for instance, to keep out the rain from dripping on to fruit stacked inside by a window. 4 Who receives a small coin as a fee. *גלן* also means *bathing master, bath-house keeper*. 5 The *גמרא* has *לפניך*, before thee. 6 Or *bathe*.

Mishnah 5

מְשֻׁנָּה ה

Whatsoever¹ [of what constitutes the disqualifying quantity] of what one has eaten and what [namely, the rest of this quantity] his fellow has eaten, [or] what² [similarly] he has used and what his fellow has made use of, [or] what [likewise] he has eaten and what his fellow has used, [or] what [in like manner] he has made use of and what his fellow has eaten, these [in each case] can be included together [to constitute the value of the prohibited amount] even if there were a long interval³ [between the two acts].

יֹאכִילָתוֹ וְאָכִילַת חֲבִירוֹ, הַנְּיִיתוֹ וְהַנְּיִית חֲבִירוֹ, אֹכִילָתוֹ וְהַנְּיִית חֲבִירוֹ, הַנְּיִיתוֹ וְאֹכִילַת חֲבִירוֹ, מְצַטְרֵפִין זֶה עִם זֶה, וְאִפִּילוֹ לְזָמַן מְרוּבָּה.

1 A *perutah's* worth (Volume I, *ורעים*, Page 18f.). In each case here quoted the first gave to the other to eat or use half of a *perutah's* worth. 2 *e.g.*, each used half a *perutah's* worth of consecrated oil for anointing himself. 3 Even if a day or more intervened between the two acts. But this applies only when the whole period was 'one of forgetfulness' (*Leviticus* 4, 13ff., 5, 2ff.) and a *suspensive guilt-offering* (*אשם תלוי*) must be brought.

CHAPTER 6

פֶּרֶק ו

Mishnah 1

מְשֻׁנָּה א

If an agent¹ carried out his commission² [exactly as bidden and thus committed *sacrilege*], the owner³ is guilty of transgressing the law of *sacrilege*; [but if] the agent did not

הִשְׁלִיחַ שְׁעֵשָׂה שְׁלִיחוֹתוֹ, בְּעַל הַבַּיִת מְעַל; לֹא עָשָׂה שְׁלִיחוֹתוֹ הִשְׁלִיחַ יְמַעַל. בִּיצֵד? אָמַר לוֹ,

the Temple], and they carried out his errand, [then] the owner has committed *sacrilege*; [if] they did not perform his errand, [then] the vendor² has committed *sacrilege*.³ If he sent [holy money] by one of normal sense,⁴ and he reminded himself [that he had unwittingly used Temple money] before [the agent] reached the vendor, [then] the vendor has committed *sacrilege* when he expended [the money he received for his own purpose].⁵ What is [the vendor] to do?⁶ He should take a *perutah*,⁷ or an article⁸ [worth at least a *perutah*], and declare, 'The *perutah* that pertains to the Temple, wheresoever it may be, shall be redeemed⁹ with this,' since what pertains to the Temple can be redeemed by money or by aught of equivalent money's worth.¹⁰

לא עשו שליחותו, ההננוני מְעַל.
 שלח ביד פיקח, ונזכר עד שלא
 הגיע אצל חנוני, החנוני מעל
 כשיוציא, כיצד יעשה? נוטל
 פרוטה או כלי ויאמר, פרוטה של
 הקדש בכל מקום שהיא מחולקת
 על זה, שההקדש נפדה בכסף,
 ובשנה¹⁰ כסף.

1 A boy under 13 years of age [a קטנה is a girl under 12 years of age]. 2 Literally *salesman, shopkeeper*. 3 If he spent the money he received for his own purpose. 4 פקח, (1) sound of hearing (opposite to חרש), (2) one with good sight (opposite to סומא), (3) bright, sensible, sound in mind, prudent (opposite to טפש). 5 *viz.*, when the purchase is made and the seller acquires the Temple money. When the owner recollects that the money is Temple property, he is no longer an unwitting transgressor and does not come under the law of malappropriation of sacred property; the only offender who can make atonement under this law is one who has transgressed in unwittingness. 6 *viz.*, when he becomes aware that the money he has thus received belonged to the Temple but had become inextricably confused with other money that he has to use. 7 See Volume I, ורעים, Page 18f. 8 Or כלי. 9 *i.e.*, be removed from its holy status, revert to its profane condition, become secular. 10 Compare ערבין 8¹. Some point the phrase ובשנה כסף [ובשנה = construct].

Mishnah 3

משנה ג

If one gave a *perutah* [of Temple property] to another¹ and said to him, 'Bring me for half of it candles² and for [the other] half thereof wicks,' [and the agent] went and brought him for the whole of it candles, or wicks for the whole

נתן לו פרוטה, אמר לו, הבא לי
 בחציה גרות ובחציה פתילות,
 הלך והביא לו בכולה גרות או
 בכולה פתילות; או שאמר לו,

him, 'Bring me an undershirt,⁴ and he went and brought him an undershirt for three [selas] and a mantle⁵ for three [selas],⁶ both of them have committed *sacrilege*. R. Judah⁷ says, The owner has not transgressed the law of *sacrilege*, since he could say to him, 'I desired a large undershirt but thou hast brought me a small bad one.'

והביא לו בשלשה חלוק, ובשלשה טלית, שניהם מעלוי רבי יהודה אומר, בעל הבית לא מעל, שהוא אומר לו, חלוק גדול הייתי מבקש, והבאת לי קטן ורע.

1 And if the agent bought a citron worth two *perutahs* both are guilty of *sacrilege*. 2 His view is rejected. 3 1 golden denar = 24 silver denars. See Volume I, וְזָעִים, Page 18f. 4 Compare 5¹, Note 9. 5 Or cover, cloak, sheet. 6 1 sela = 4 denars. 7 This opinion is not accepted. *See Volume I, SUPPLEMENT (FLORA), Volume II, SUPPLEMENT.

Mishnah 5

If one deposit money [belonging to the Temple] with a money-changer,¹ and it was tied up,² [the holder] may not make use of it, hence, if he expended it, he has committed *sacrilege*; but if it were loose,³ [the holder] may make use of it, [and] so if he expended it, he has not transgressed the law of *sacrilege*.⁴ [If he entrusted it] with a householder [the latter] may not make use of it in either case,⁵ [and] therefore, if he expended it, he is guilty of transgression of the law of *sacrilege*. A shopkeeper⁶ is as a householder [regarding such deposits]; this is the view of R. Meir;⁷ [but] R. Judah⁸ says, [The shopkeeper counts] as a money-changer.⁹

משנה ה

המפקיד מעות אצל השלחני, אם צוררין לא ישתמש בהם, לפיכך אם הוציא מעל; אם מותרים ישתמש בהן, לפיכך אם הוציא לא מעל. אצל בעל הבית בין כף ובין כף לא ישתמש בהם, לפיכך עם הוציא מעל. החנוני כבעל הבית; דברי רבי מאיר; רבי יהודה אומר, כשלחני.

1 Or banker. Not telling him that it belongs to the Temple. 2 Tied up in an unusual manner, though not sealed, or tied up in the ordinary way but sealed, showing that the money was entrusted for safe keeping but not to be used by the holder. 3 *i.e.*, the money was tied up in the usual manner but was not sealed up. 4 And the owner also is not guilty of an act of *sacrilege*. 5 Whether tied up or loose. 6 Literally 'the' shopkeeper. 7 His opinion is rejected. 8 His view is accepted. 9 Compare מציעא 311.

ADDENDA

[Additional Notes to Tractate *MEILAH*]

- 11, **Note 10.** The difference between the six cases here mentioned is that whereas the first three are instances where the flesh of the offering was permissible for some time, in the second three cases the offerings were never valid and hence the flesh was never permitted.
- 12, **Note 3.** Since the sacrifice is invalidated the sprinkling does not exempt it from the law of sacrilege.
- 12, **Note 5.** Only when the sprinkling has been correctly done is the sacrifice subject to the laws.
- 13, **Note 1.** After the sprinkling the flesh of קָדָשִׁים קָלִים can be eaten anywhere in Jerusalem.
- 22, **Note 2.** Here instead of the usual sprinkling of the blood.
- 23, **Note 5.** The 'place of ashes' was outside Jerusalem. The sacrifices prescribed for the Day of Atonement, as well as those offered by the High Priest for atonement for idolatry and communal sins, were also burned to ashes there.
- 26, **Note 4.** A reference to the two lambs brought with the 'two loaves of bread'.
- 27, **Note 2.** The incense was in lieu of the usual sprinkling in case of the sacrifices, and took place prior to the giving of the bread to the priests.
- 31, **Note 1.** Though regarded as holy, the young born after its mother had been dedicated cannot be offered up. It must first be dedicated for the purpose.
- 31, **Note 3.** It is unlawful to change an animal which had been dedicated for an undedicated one. Should this law be disregarded, both animals become holy, but the substitute cannot be offered on the Altar.
- 31, **Note 4.** Since death itself is an atonement, there is no need to bring any atonement for the dead.
- 32, **Note 1.** But he did not specify what amount is to be spent on each of these offerings.
- 32, **Note 3.** Since it can be argued of each coin that it was intended for the peace offering. This being of the minor degree type (קָדָשִׁים קָלִים), it is not subject to the law of sacrilege.
- 32, **Note 6.** As a burnt-offering and a peace-offering are not brought for atonement, they may accordingly be brought even after the demise of the owner.

מִסְכֵּת

תָּמִיד

TRACTATE
TAMID

[BEING THE NINTH TRACTATE OF THE FIFTH ORDER KODASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

PHILIP BLACKMAN, F.C.S.

INTRODUCTION

תָּמִיד, **Tamid**, is the ninth *Tractate* or *Treatise* (מִסְכֵּת) of the fifth Order *Kodashim* (סֵדֵר קֹדָשִׁים) of the *Mishnah* (מִשְׁנָה).

The *Babylonian Talmud* (תַּלְמוּד בַּבְּלִי) has גְּמָרָא with it, but the *Jerusalem* (or *Palestinian*) *Talmud* (תַּלְמוּד יְרוּשָׁלַיִמִי) does not contain it at all.

The term **תָּמִיד**, (1) *continuous*, (2) *constantly, continually, ever*, (3) *constant daily practice*, especially (4) **the daily burnt-offering** (or **-sacrifice**), is a derivative of either (a) the verb עָמַד, (1) *stand*, (2) *halt, stay, endure, persist*, (3) *resist, oppose, withstand*, or of (b) the verb מוּד [Kal obsolete—akin to מוּט], *be moved, quake, swim*.

The **daily-sacrifice** (or **-offering**)—**morning daily-offering** and **evening daily-offering**—treated in this *Tractate* is according to *Exodus 29, 38-42, Numbers, 28, 2-8* (see the next page).

The titles of the seven Chapters are:

CHAPTER 1	בְּשֵׁלֶשׁ מְקוֹמוֹת	פָּרָק א
CHAPTER 2	רְאוּהוּ אֶתְיוּ	פָּרָק ב
CHAPTER 3	אָמַר לָהֶם הַמְּמוּנָה	פָּרָק ג
CHAPTER 4	לֹא הָיוּ כּוֹפְתִין	פָּרָק ד
CHAPTER 5	אָמַר לָהֶם (הַמְּמוּנָה)	פָּרָק ה
CHAPTER 6	הִתְלוּ עוֹלָיִם	פָּרָק ו
CHAPTER 7	בְּזִמְנֵי שְׁפֵהָן גְּדוּל	פָּרָק ז

The chief contents of the seven Chapters are:

1. The priestly watches; removal of the Altar ashes; mutual priestly greetings.
2. Cleansing the Altar; piling the ashes; supply and kind of Altar fuel and its arrangement.
3. Drawing lots for duties; time for the *morning burnt-offering* and its preparation; cleansing the Inner Altar and the Candlestick.
4. Procedure of the slaughtering of the lamb and bringing to the Altar.
5. The Temple *Daily Morning Prayer*; drawing lots for offering *incense* and mode of burning it; the musical instrument (*magrefah*) used in the Temple.
6. Further details concerning the *incense offering*.
7. The ritual used by the High Priest; his Benediction; the accompanying music; the *Psalms* sung on the various week-days.

[5] וְעָשִׂירִית הָאֵיפָה סֵלֶת לְמִנְחָה בְּלוּלָה בְּשֶׁמֶן כֶּתִית רְבִיעִית הֵהִין

And the tenth part of an ephah of fine flour for a meal-offering, mingled with the fourth part of a hin of beaten oil.

[6] עֹלֹת תָּמִיד הַעֲשֶׂיָה בְּהַר סִינַי לְרִיחַ גִּיחָח אֱשֶׁה לָּהּ

It is a *continual burnt-offering*, which was offered in mount Sinai, for a sweet savour, an offering made by fire unto the Eternal.

[7] וְנִסְכּוֹ רְבִיעִית הֵהִין לְכַבֵּשׂ הָאֶחָד בְּקֹדֶשׁ הַסֶּף נֶסֶף שֶׁכֶר לָהּ

And the drink-offering thereof shall be the fourth part of a hin for the one lamb; in the holy place shalt thou pour out a drink-offering of strong drink unto the Eternal.

[8] וְיָאת הַכֶּבֶשׂ הַשֵּׁנִי תַעֲשֶׂה בֵּין הָעֶרְבִים כְּמִנְחַת הַבֶּקָר וְכִנְסוֹ תַעֲשֶׂה אֱשֶׁה רִיחַ גִּיחָח לָהּ

And the other lamb shalt thou present at *dusk*; as the meal-offering of the morning, and as the drink-offering thereof, thou shalt present it, an offering made by fire, of a sweet savour unto the Eternal.

מִסְכֵּת
תָּמִיד

TRACTATE
TAMID

CHAPTER 1

פָּרָק א

Mishnah 1

The priests kept watch [throughout the night] at three places in the Temple,¹ [namely] at the *Chamber of Abtinas*,² at the *Chamber of Light*,³ and at the *Chamber of the Hearth*.⁴ The *Chamber of Abtinas* and the *Chamber of Light* were upper chambers⁵ and the youths⁶ kept watch there.⁷ The *Chamber of the Hearth*⁸ [had a] vault, and it was a large chamber, with a stone pavement⁹ round [the wall] inside; and the *Elders of the Priests' Division*¹⁰ used to sleep there with¹¹ the keys of the *Temple Court* in their hands.¹² (And) the young priests [who kept watch] had each his bolster¹³ on the ground.¹⁴ They did not sleep in [their] holy garments but stripped [them] off, and folded [them] up and placed¹⁵ them under their heads, and covered themselves with their own [non-sacred] clothes. If one of them experienced a [nocturnal] seminal discharge,¹⁶ he would go out and walk along the winding staircase leading [to a well] under the

מִשְׁנָה א

בְּשֵׁלֶשֶׁה מְקוֹמוֹת הַכֹּהֲנִים שׁוֹמְרִים,
בְּבֵית הַמִּקְדָּשׁ, (בְּבֵית) אַבְטִינָס,
(בְּבֵית) הַנִּיצוּץ, (וּבְבֵית) הַמּוֹקֵד.
בֵּית אַבְטִינָס וּבֵית הַנִּיצוּץ הָיוּ
עֲלִיּוֹת וְהָרוֹבִים שׁוֹמְרִים שָׁם?
בְּבֵית הַמּוֹקֵד כִּיפָּה, וּבֵית גְּדוֹל הַנָּה,
מוֹקֵף רוֹבְדִים שֶׁל אֶבֶן, וְזֻקְנֵי
בֵּית אָב יְשָׁנִים שָׁם, וּמִפְתָּחוֹת
הָעֲזָרָה בְּיָדָם. וּפְרָחֵי כַהֲנָה אִישׁ
כֶּסֶתוֹ בְּאַרְץ. לֹא הָיוּ יְשָׁנִים
בְּבִגְדֵי קֹדֶשׁ אֶלָּא פּוֹשְׁטִין וּמְקַפְּלִין
וּמְנִיחִים אוֹתָן תַּחַת רִאשֵׁיהֶן,
וּמְתַכְּסִין בְּכִסוֹת עֲצָמָן. אִירַע
יִקְרִי לְאַחַד מֵהֶן, יוֹצֵא וְהוֹלֵךְ לוֹ
בְּמִסְבָּה הַהוֹלֵכֶת תַּחַת הַבֵּירָה,
וְהַגְּרוֹת דוֹלְקִין מִמְּכָאן וּמִמְכָּאן עַד

Mishnah 2

Whosoever would desire to clear away¹ [the ashes] from the *Altar* would have to rise up early and immerse himself before the superintendent² came. And at what³ time did the superintendent come? Not⁴ always at the same time: sometimes he came at cockcrow, or [sometimes] somewhat before it or after it. The superintendent came and knocked [at the door] for them,⁵ and they opened [it] for him. He said to them, 'Whoever has immersed himself let him come and cast lots,⁶ and they cast lots, and he that succeeded⁷ obtained the privilege.

1 *Leviticus* 6, 3; יומא 21. Every morning some of the ashes were removed from off the Altar and put alongside it. 2 The officer who 'was over the lots.' Compare שקלים 51, יומא 31. He was Mattai ben Samuel. 3 Or גאיוו. See Volume II, מועד, Page 12. 4 Literally *the times were not always alike*. 5 Or *where they were*. 6 For the removal of the ashes. 7 *i.e.*, obtained the lot. הפיס [Hiphil], *decide by chance* (by casting lots, etc.)

Mishnah 3

[The superintendent] took the key and opened the wicket¹ and went from the *Chamber of the Hearth* into the *Temple Court*;² and [the priests] entered behind him with two lighted torches in their hands³ and they divided into two groups, one going along the *portico*⁴ eastwards and the other proceeding by the *portico* westwards. They watched out [to see that all the vessels of ministry were in their appointed places] as they proceeded until they reached the place⁵ where⁶ they made the [High Priest's *meal-offering*] cakes.⁷ When

משנה ב

מי שהוא רוצה לתרום את המזבח משכים וטובל עד שלא יבא הממונה וכי באיוו שעה הממונה בא? ילא כל העתים שוות, פעמים שהוא בא מקריאת הגבר, או סמוך לו מלפניו או מלאחריו. הממונה בא ודופק עליהם, והם פתחו לו. אמר להן, מי שטבל יבא ויפוס, הפיסו זכה מי שזכה.

משנה ג

נטל את המפתח, ופתח את הפשפש, ונכנס מבית המזקד לעזרה; ונכנסו אחריו, ושתי אבוקות של אור בידם, ונחלקו לשתי כחות, אלו הולכים באכסדרא דרך המזרח, ואלו הולכים באכסדרא דרך המערב. היו בודקין והולכין, עד שמגיעין למקום (בית) עושי חביתים.

and to that,⁸ and he scooped up [into the *censer*] the thoroughly lighted [cinders] in the centre,⁹ and descended. When he reached the pavement he turned his face to the north, walked about ten cubits¹⁰ to the east of the *Ramp*, heaped up the [burning] cinders on¹¹ the pavement three handbreadths distant from the *Ramp* at the place where they put the craws¹² of the birds,¹³ and the

לְרֹצְפָה, הִפִּיךְ פָּנָיו לְצָפוֹן, הֵלֵךְ
לְמִזְרְחוֹ שֶׁל כֶּבֶשׂ כְּעֶשֶׂר אַמּוֹת,¹⁰
צָבַר אֶת-הַחֲחָלִים¹¹ עַל גַּב הָרֹצְפָה,
רְחוֹק מִן-הַכֶּבֶשׂ שְׁלֹשָׁה טַפְחִים,
מְקוֹם שְׁנוֹתַיִן¹² מִמּוֹרְאוֹת¹³ הָעוֹף
וְדִישׁוֹן מִזְבַּח הַפְּנִימִי וְהַמְּנוּרָה.
ashes [removed] from the *Inner*
Altar, and [the snuff of] the *Candlestick*.

1 See 12. 2 אֶת-הַמְּנוּבָּח is not given in the גְּמָרָא. 3 The *silver censer* (or *coal-pan*, *fire-pan*). Or בְּכֵלֵי. 4 Exodus 30, 17 et seq. 5 The inclined plane or slope from the south to the top of the larger outer *Altar*. 33 מְדוֹת. See APPENDIX, Note 20, the Plan of the Temple. 6 See 38; יוֹמָא 310. He constructed a well below the place for the *laver* with a wheel-and-axle; the *laver* was let down into the water all night so that the water in it did not become defiled or disqualified; the *laver* was drawn up in the morning and the water in it was used by the officiating priest before clearing away the *Altar* ashes. According to Maimonides the device consisted of a vessel at the *laver*, and it was not sanctified by any vessel of ministry; it was filled with water and left overnight for use the following morning. 7 Some render it: 'The time has arrived!' He [then] sanctified his hands and his feet [with the water] from the *laver*. 8 The גְּמָרָא does not give וְהֵלִיךְ. Or וְהֵלִיךְ וְאֵילָף, or אֵילָף וְאֵילָף. 9 Literally the *inmost completely burned [coals]*. 10 Volume I, וְרַעִים, Page 18f. 11 Or גְּבִי. 12 Literally *craw*. מִמּוֹרְאוֹ, *craw, crop, gizzard, maw*. In some texts מִמּוֹרְאוֹת [singular construct]. 13 Literally *bird*. See וְבְחַיִּים 65.

CHAPTER 2

פֶּרֶק ב

Mishnah 1

מִשְׁנָה א

When his brethren saw¹ that he had come down² they came on the run,³ and hastened and sanctified their hands and their feet [with the water] from the *laver*. They took the spades⁴ and the hooks⁵ and ascended to the top of the *Altar*. The members and the fat pieces [of the *offerings*] which had not been completely

יִרְאוּהוּ אָתָּו שֶׁיֵּרֵד וְהֵם יָרְצוּ וּבָאוּ,
מְהֵרָה וְקָדְשׁוּ יְדֵיהֶן וְרַגְלֵיהֶן מִן-
הַכִּיּוֹר. נָטְלוּ אֶת-הַמְּגִרִיפּוֹת וְאֶת-
הַצֵּינּוֹרוֹת וְעָלוּ לְרֹאשׁ הַמְּזֻבָּח.
הַאֵיבָרִין וְהַפְּדָרִין שֶׁלֹּא נִתְאַבְּלוּ

1 After the ashes had been cleared away. 2 They were not valid because of the importance of their fruit for the economy of the Land of Israel. Another reason was that their wood burned away to ashes too fast. Worm-eaten wood was also invalid. 3 Literally *young trees*. 4 But which could bear no fruit. 5 Literally *oil-tree*. Or *wild-olive, oleaster*. The wood gives out a pleasant odour when burning. See Volume I, **וְרָעִים**, SUPPLEMENT (FLORA), Volume II, **מוֹעֵד**, SUPPLEMENT.

Mishnah 4

מִשְׁנֵה ד

[The priest on whom the lot fell to clear away the *Altar* ashes] arranged¹ the larger *Altar* fire² to the eastern side, and its front was to the eastern side,³ and the inner ends of the logs touched the ash-pile, and there was a space between the logs through which they used to fire the kindling-wood.⁴

יִסְדֵּר הַמְעַרְכָּה גְדוֹלָה מְזֻרְחָה
וְחֻוִיתָה מְזֻרְחָה, וְרֵאשֵׁי הַגִּזְרִין
תִּפְנִימִים הָיוּ נוֹגְעִים בְּתַפּוּחַ, וְרִיחַ
הָהָה בֵּין הַגִּזְרִים, שֶׁהָיוּ מְצִיתִין
אֶת-הָאֵלִיתָה מִשָּׁם.

1 1³⁸. 2 On which the *offerings* were burned. 3 The wood on the *Altar* was arranged like a box with one opening to introduce the fire and another opening to allow the air to enter to cause a draught. 4 **אֵלִיתָא, אֵלִיתָא**, (1) a special species of *fig-tree*; (2) *wood of the fig-tree*, used as kindling wood for firing the wood pile on the *Altar*.

Mishnah 5

מִשְׁנֵה ה

They picked out¹ from there² fine wood of the *fig-tree* to arrange [therewith] the second fire for the *incense*,* over against the south-west corner, but distant from this corner³ about four cubits to the north. [On weekdays sufficient wood was used to furnish] some⁴ five *seahs*⁵ of burning coals; and on the Sabbath [enough wood to produce] about eight *seahs* of burning coals, for there they used to place the two *censers*⁶ of *frankincense* that appertained to the *shewbread*.⁷ The members

יִבְרְרוּ מִשָּׁם עֲצֵי תְאֵנָה יָפִין לְסִדֵּר
הַמְעַרְכָּה שְׁנִיָּה לְקִטּוֹרֶת מִכְנֹנֶד
קֶרֶן מְעַרְבִית דְּרוֹמִית מְשׁוּף מִן-
הַקֶּרֶן כְּלָפִי צָפוֹן אַרְבַּע אַמּוֹת.
יִבְעוּמָד חֲמֵשׁ סָאִים גְּחָלִים, וּבַשַּׁבָּת
בְּעוּמָד שְׁמוֹנֶת סָאִין גְּחָלִים, שֶׁשָּׁם
הָיוּ נוֹתְנִין שְׁנֵי בְּזִיכֵי לְבוֹנֵה שָׁל
לְחֵם הַפָּנִים. הָאֵיבָרִים וְהַפְּדָרִים

performed the slaughtering; the priest after the second one removed the ashes and burned the incense; the next one—the fourth—cleared the candlestick and relit it; the following priest—the fifth—bore the head and the right hindleg; the sixth bore the two forelegs; the seventh bore the haunch and left hindleg; the eighth bore the breast and neck; the ninth bore the two flanks; the tenth bore the intestines; the eleventh bore the flour; the twelfth bore the meal-offering; and the thirteenth bore the wine.

Mishnah 2

The superintendent said to them,¹ 'Go forth and see if the time for slaughtering have come.'² If [the time] have arrived, the lookout says, 'It is day!'³ Mattia⁴ ben Samuel says [that the lookout had to wait to be able to announce], 'The whole of the east is lit up.' [They that stood below then asked], 'As far as Hebron?'⁵ and he made reply, 'Yea!'

מִשְׁנָה ב

אָמַר לָהֶם הַמְמוֹנֶה, צְאוּ וּרְאוּ אִם
הִגִּיעַ זְמַן הַשְּׁחִיטָה. אִם הִגִּיעַ
הַרְוֵאָה אוֹמֵר, בְּרִקְאִי! מִתִּיא בֶן
שְׁמוּאֵל אוֹמֵר, הָאֵיר פָּנָי כָּל-
הַמִּזְרָח. עַד שֶׁהוּא בְּחֶבְרוֹן?
וְהוּא אוֹמֵר, יֵי.

1 While they were yet in the Chamber of Hewn Stone. 2 There was a high place on the Temple from which they had to make sure that day had broken, for the slaughtering was invalid if carried out before dawn (based on the phrase **בְּיוֹם וּבַחֲכֶם**, *the same day ye offer it*, in *Leviticus 19, 6*). 3 **בְּרִקְאִי**, literally 'The Morning Star!' or 'Venus!' 4 Compare 12. His statement is accepted. **מִתִּיא**, abbreviations of **מִתִּיָּהוּ**. 5 In memory of the Patriarchs buried in Hebron.

Mishnah 3

The superintendent said to them, 'Go forth and bring a lamb from the Chamber of Lambs'.¹ (And) the Chamber of Lambs was in the north-west corner [of the Temple], and four compartments were there,² one was the [special] Chamber of Lambs, and one the Chamber of Seals,³ and one the Chamber of the Hearth, and one room where they used to make the *shewbread*.⁴

מִשְׁנָה ג

אָמַר לָהֶם, צְאוּ וְהִבִּיאוּ טֹלָה
מִלְּשֵׁכֶת הַטְּלָאִים. וְהָרִי לְשֵׁכֶת
הַטְּלָאִים הִיָּתָה בְּמִקְצוֹעַ צְפוֹנִית
מִעַרְבִית, וְאַרְבַּע לְשֵׁכוֹת הָיוּ שָׁם,
אַחַת לְשֵׁכֶת הַטְּלָאִים, וְאַחַת לְשֵׁכֶת
הַחוֹתְמוֹת, וְאַחַת לְשֵׁכֶת בֵּית
הַמוֹקֵד, וְאַחַת לְשֵׁכֶת שֶׁהָיוּ עוֹשִׂין
בָּהּ יֶלֶחֶם הַפָּנִים.

1 In the *Forecourt*. See *מדות* 3⁵. 2 Compare *פסחים* 5⁹. 3 The larger beasts on the higher hooks, the small ones on the lower hooks. 4 The inwards were thoroughly rinsed on the tables. The marble kept the carcasses cool and fresh. See *שקלים* 6⁴. *על שולחנות של שיש שבין השולחנות של שיש בין העמודים* instead of *על שולחנות של שיש שבין העמודים* in some texts.

Mishnah 6

[The priest] who gained the privilege to clear away the ashes from* the *Inner Altar* and [the priest who gained the privilege to snuff and trim and rekindle] the *Candlestick* were right at the front¹ with four utensils in their hands,² [namely] a basket [measure],³ and an oil-jar,⁴ and two keys.⁵ The basket was like a large⁶ [dry] measure holding three *kabs*⁷ [made] of gold but it contained two *kabs* and a half; and the oil-jar was of gold and like a large flagon;⁸ and regarding the two keys, one was inserted up to the armpit and the other opened straightway.⁹

1 *i.e.*, they had already preceded all the others. 2 Literally *and four utensils in their hand*. 3 Literally *'the' basket*; it had a wide mouth for the ashes. See 3⁹. 4 Literally *'the' oil-jar*. See 3⁹. 5 To open two locks in the northern wicket to the right of the main door leading into the *Sanctuary* [היכל] from the *Porch*. 6 *גדול* is not given in the *גמרא*. 7 *תרי קב = תרקב*, *two kabs* literally, but it actually measured three *kabs* of dry produce. For *קב* see Volume I, *זרעים*, Page 18f. 8 Literally *ladle*. 9 One lock was low down on the inner side of the door and was reached at full arm's length through a wicket; the other lock was an ordinary one on the outside of the door. According to some *אמת השחי* was the name of a special opening in the door and they render the phrase *one key was inserted into the door opening and the other was used in the straightforward ordinary manner*. *Literally *for the clearing away of the ashes*.

Mishnah 7

He arrived at the northern wicket. And the great gate¹ had two wickets, one to the north and one to

משנה ו

מי שזכה *בדישון מזבח הפנימי
והמנורה היו מקדימין, וארבעה
כלים בידם, הטני והכחו, ושתי
מפתחות. הטני דומה לתרקב
גדול של זזה מתחילת קבין וחצי;
והכחו דומה לקתון גדול של זזה;
ושתי מפתחות אחד יורד לאמת
השחי, ואחד פותח בינו.

משנה ז

בא לו לפשפש הצפוני, ושני
פשפשין היו לו לשער הגדול אחד

from Jericho they could hear the sound of the cymbal⁶; from Jericho they could⁷ hear the sound of the singing; from Jericho they could hear the sound of the *shofar*,⁸ and some say⁹ [that from Jericho could he heard] even the voice of the High Priest when¹⁰ he uttered the Name on the Day of Atonement;¹¹ from Jericho they could smell the scent at the compounding of the *incense*. R. Eliezer ben Diglai said, My father's household had goats on the Mountain of Michvar,¹² and they used to sneeze from the odour of the compounding of the *incense*.

שומעין קול הַצִּלְצָל; מִירִיחוֹ
(הָיָה) שוֹמְעִין קוֹל הַשִּׁיר; מִירִיחוֹ
הָיָה שוֹמְעִים קוֹל הַשּׁוֹפָר; וַיִּשַׁע
אוֹמְרִים אֵף קוֹל שֶׁל כֹּהֵן גָּדוֹל
בְּשַׁעָה שֶׁהוּא מְזַכֵּר אֶת־הַשֵּׁם
בְּיָוֵם הַכַּפּוּרִים; מִירִיחוֹ הָיָה
מְרִיחִים רִיחַ פְּיטוֹם הַקְטָרֶת. אָמַר
רַבִּי אֱלִיעֶזֶר בֶּן דִּגְלָאִי, עֲזִים הָיָה
לְבֵית אַבָּא בְּהַר מַכְוָר, וְהָיָה
מִתְעַשָּׂוֹת מְרִיחַ פְּטוֹם הַקְטָרֶת.

1 Literally *they used to hear*. 2 A shovel-shaped ten-flute musical instrument (each pipe having ten holes) producing very loud music. Not to be confused with the *magrefah* in 56. 3 See 14. 4 Or *announcer, herald*. He used to call the priests in the Temple every morning to rise for the Services. 5 Or *five*. 6 See עֲרִכִין 25. 7 Some consider וַיִּשַׁע redundant. 8 Or *horn* (in contradistinction to הַצִּצְרִית, *trumpet*). 9 Or וַיִּשַׁע־אוֹמְרִים. 10 Or the *definite* בְּשַׁעָה. 11 See יומא 38, סוּקָה 76. 12 Or מַכְוָר, *Machvar*. A district in Peræa (east of the Jordan, north of Latitude 32°). Some place it east of the Salt Sea. *Jericho is about 15 miles north-east of Jerusalem.

Mishnah 9

[The priest] who gained the privilege of clearing away the ashes from the *Inner Altar* went in and took the basket,¹ and set it down² before him, and scooped up [the ashes] with his hands and put [them] into it; and at the finish³ he swept the remainder⁴ into it, and he left it [there in the *Sanctuary*] and went out.⁵ [The priest] who earned the privilege to snuff [and trim and relight] the *Candlestick* entered, and if he found the two easternmost lamps burning,

מִשְׁנֵה ט

מִי שֶׁזָּכָה בְּדִשּׁוֹן מִזְבֵּחַ הַפְּנִימִי נִכְנָס
וְנִטַּל יְהֻטְוִי, וְהֵנִיחוֹ לְפָנָיו, וְהָיָה
חֹפֶן וְנוֹחֵן לְתוֹכוֹ; וּבְאַחֲרוֹנָה
כִּיבֵד יְאֵת־הַשָּׂאֵר לְתוֹכוֹ וְהֵנִיחוֹ
וַיֵּצֵא. מִי שֶׁזָּכָה בְּדִשּׁוֹן הַמְּנוֹרָה
נִכְנָס וּמָצָא שְׁתֵּי גֵרוֹת מְנוֹרָהיִת
דוֹלְקִים מְדִשֵּׁן אֶת־הַשָּׂאֵר וּמְנִיחַ
אֶת־אֵלוֹ דוֹלְקִים בְּמִקְוֵם; מְצָאֵן

its binding—its head to the south⁴ and its face to the west. The slaughterer stood to the east and his face was to the west. [The *daily burnt-offering*] of the morning was slaughtered at the north-west corner at the second ring;⁵ [the *daily burnt-offering*] of the afternoon was slaughtered at the north-east corner at the second ring. The slaughterer [who had gained the privilege of the slaughtering] slaughtered [it]. And [the priest] who was the receiver [of the blood] received⁶ [it and] came to the north-east⁷ corner⁸ [of the *Altar*] and tossed⁹ [it] to the east [and] north,¹⁰ [then he went to the] south-west¹¹ [corner] and tossed [it] to the west [and] to the south;¹² the remainder of the blood he poured away at the southern base [of the *Altar*].

השוחט עומד במזרח ופניו למערב.
של שחר היה ושחט על קרן צפונית
מערבית על טבעת שניה; של
בין הערבים היה ושחט על קרן
מזרחית צפונית על טבעת שניה.
שחט השוחט. וקבל המקבל, בא
לו לקרן מזרחית צפונית ונותן
(מזרחתה צפונה); מערבית
דרומית, ונותן (מערכה דרומה);
שגרי הדם היה שופך על יסוד
דרומית.

1 Tying the fore-legs together and the hind-legs together* was the practice of the idolaters. 2 One fore-leg to one hind-leg (in the manner of the binding of Isaac by Abraham on Mount Moriah. *Genesis* 22, 9). 3 See 12^d. 4 Some favour the *indefinite* forms למערב, לצפון. 5 Compare סופה 58, מדות 35. The lamb had to be slaughtered against the sun; in the morning the sun rises in the east and shines to the west, so the lamb was slaughtered at the westerly side; in the afternoon the sun shines from west to east, so the lamb was slaughtered at the eastern side. Between the *shambles* and the *Brazen Altar* were four rows of six rings in each fixed to the floor; when an *offering* had to be slaughtered a ring was opened up, the head placed under it, and the ring closed down over the neck to hold the animal down firmly. In this case, the first ring was not used because it was close to the side of the *Altar* and was thus shielded from the sun. 6 See פסחים 55. 7 Literally *east-northern*. 8 Perhaps the *indefinite* לקרן? uniform with the two preceding *indefinite* forms על קרן. 9 Or *sprinkled*. 10 Some consider the parenthetical phrase redundant. 11 Literally *west-southern*. 12 See יבמות 54. The parenthetical phrase is unnecessary according to some. **viz.*, not tie it up altogether.

Mishnah 2

משנה ב

[The slaughterer] did not sever¹ the hind-leg but pierced it at its knee-joint² and [thus] hung it up; he

לא היה שובר בו את הרגל אלא
נוקבו מתוך ערכובו ותולה בו;

Mishnah 3

[The slaughterer] took up the knife¹ and cut away the lungs from the liver,² and the finger-like strip of the liver from the liver, but he did not remove it from its position. He cut open³ the breast and gave it to [the priest] who had gained the privilege to [take] it. He came up to the right flank and cut downward up to the backbone,⁴ but he did not touch the backbone until he reached the two small⁵ ribs; he [next] cut it off [namely, the flank] together with the liver attached thereto, and gave it to [the priest] that had gained the privilege to [take] it. He came to the neck⁶ and left⁷ with it two ribs [above-mentioned] on the [right] side⁸ and two ribs at the [left] side; he cut it off and gave it, together with the windpipe, heart and lungs attached to it, to [the priest] who gained the privilege to [take] it. He came to the left flank and left therewith two thin⁵ ribs above⁹ [by the tail] and two thin⁵ ribs below [at the breast], and similarly he left [ribs] on the right flank;¹⁰ thus it is found that he left¹¹ with the two flanks¹² two pairs [of ribs] above and two pairs below; he cut it¹³ off, and gave it, together with the backbone and milt¹⁴ attached thereto to [the priest] who gained the privilege to [take] it. (And) this was the greater [part], but they used to call the right [flank] the larger [portion] because the liver was attached to it. He came to the haunch,¹⁵ cut it off,

משנה ג

נטל יאת-הספין והפריש את-
הריאה מן-הכבד, ואצבע הכבד
מן-הכבד, ולא היה מזוזה
ממקומה. נקב את-החזה ונתנו
למי שזכה בו. עלה לדופן הימנית,
היה חותך ויורד עד השדרה, ולא
היה נוגע בשדרה, עד שהוא מגיע
לשתי צלעות רכות; חתכה ונתנה
למי שזכה בה, והכבד תלויה בה.
בא לו לגרה והניח בה שתי
צלעות מכאן ושתי צלעות מכאן;
חתכה ונתנה למי שזכה בה, והקנה
והלב והריאה תלויים בה. בא לו
לדופן השמאלית, והניח בה שתי
צלעות רכות מלמעלן ושתי
צלעות רכות מלמטן וכך היה
מניח¹⁰ בחברתה, נמצאת¹¹ מניח
¹² בשתיהן שתיים שתיים מלמעלן,
ושתיים שתיים מלמטן; ¹³ חתכה
ונתנה למי שזכה בה, והשדרה
עמה ויהטחול תלוי בה. והיא
היתה גדולה, אלא של ימין קורין
גדולה שהכבד תלויה בה. בא לו
¹⁵ לעוקץ, חתכו ונתנו למי שזכה

eighth [priest bore] the cakes;²² the ninth [priest bore] the wine [for the libation]. They [all] went along and set them down on the lower half of the Ramp on its western side, and salted them; and they then descended and made their way to the *Gazith Chamber*²³ to recite the *Shema*.²⁴

בְּיַיִן הֵלְכוּ וְנִתְּנוּם מִחֲצֵי הַכֶּבֶשׂ וּלְמִטָּה בְּמַעְרְבוֹ, וּמְלָחוּם; וַיֵּרְדוּ וַיִּבְּאוּ לָהֶם לְלִשְׁכַת הַגָּזִית, לְקָרוֹת אֶת־שְׁמַע.²⁴

1 It had been laid aside to be kept unsoiled after the carcass was slit open. 2 At their place of junction. 3 Literally *pierced*. He cut it away in a circular direction at the junction with the body. 4 *עַם הַשְּׁדֵרָה*, with the backbone, in the *גְּמְרָא*. 5 Literally *tender, delicate*. The *גְּמְרָא* has *דְּקוּת*, thin, fine, slender. 6 *גְּרֵה*, (1) *throat*, (2) *larynx with the trachea*, (3) *liver, lungs and heart*. 7 Or *וְהַיִּיחַ*. 8 Popular pronunciation *כַּמְאֵן*. 9 The carcass hung head downwards. 10 Literally *on its fellow*. i.e., two by the tail and two by the breast. 11 Or *בְּנֵיחַ*. Literally *leaves*. 12 *בְּשִׁתֵּיהֶן* is absent in the *גְּמְרָא*. Literally *with the two of them*. 13 The left flank. 14 Or *spleen*. 15 Or *rump*. 16 Literally *they were found standing in line*. 17 Literally *hand*. 18 Literally *and*. 19 Literally *the place of its [flayed] hide*. The cut side he carried against himself. 20 *שְׁתֵּי אֶצְבָּעוֹתָיו*, two of his fingers, in the *גְּמְרָא*. 21 Literally *on top of them above*. 22 The meal-offering which the High Priest offered in the morning and towards the evening at the same time as the daily burnt-offering. 23 See 2⁵. 24 See the next *Mishnah*.

CHAPTER 5

פֶּרֶק ה'

Mishnah 1

מִשְׁנָה א

The superintendent said to them, 'Recite one *Benediction*,¹ and they recited² [it], [and then] they read the *Ten Commandments*,³ the *Shema*,⁴ And⁵ it shall come to pass if ye shall hearken, and And . . . spake.⁶ They pronounced⁷ [next these] three *Benedictions* with the people [present in the Forecourt]: *True and firm*,⁸ and *Avodah*,⁹ and the *Priestly Blessing*;¹⁰ and on the Sabbath they added one [more] *Benediction* for the *Priestly Guard* that departed.¹¹

אָמַר לָהֶם הַמְּוָנֵה, בְּרָכוּ אֶת־בְּרָכָה אַחַת, וְהָיוּ קוֹרְאֵי עֲשֶׂרֶת הַדְּבָרִים, שְׁמַע, וְהָיָה אִם שְׁמוֹעַ, וַיִּאָמְרוּ בְּרָכוּ אֶת־הָעָם שְׁלֹשׁ בְּרָכוֹת, אֲמַת־וַיִּצִיב, וַיַּעֲבֹדָה, וַיִּבְרַכַת כְּהֹנִים; וּבְשַׁבָּת מוֹסִיפִין בְּרָכָה אַחַת לַמְּשָׁרָר הַיּוֹצֵא.

1 The priests who had performed the various duties as set out in the preceding Chapter prayed beginning with the paragraph *אֲהַבָה רַבָּה*, *With abounding love . . .*,

in offering the *daily burnt-offering* (קָרְבַּן הַתָּמִיד). 5 His view is rejected.
6 Literally [*The priest*] who brings . . . takes . . .

Mishnah 3

מְשֻׁנָּה ג

[Those priests who were not allotted any part in the service of the day] reported¹ to the officials² who stripped their [sacred] raiment from them and did not leave³ [ought] with them save their undergarments⁴ only. There were apertures⁵ there over which were written the [names of the various] articles of raiment⁶ [in each of them].

מִסְרֹוֹם יִלְחֻנִים הָיוּ מִפְּשִׁיטִין
אוֹתָם אֶת-בְּגָדֵיהֶם, וְלֹא הָיוּ
מִגִּיחִין עֲלֵיהֶם אֲלֵא מִכְנָסִים
בְּלִבָּד. וְחִלּוּנוֹת הָיוּ שָׁם, וְכָתוּב
עֲלֵיהֶם תְּשֻׁמֵּי הַכִּלִּים.

1 מִסְרֹוֹם, literally *they delivered them*. 2 Or לְחֻנִּים? The officers in charge of the necessities and arrangements. See 51 שְׂקָלִים, 14 מִדּוֹחַ. 3 Or מִגִּיחִין. 4 *i.e.*, drawers. Then they put on their ordinary garments and slipped off the drawers. 5 Or וְחִלּוּנוֹת. Window-like niches in the wall. See 58 סוּבָה. 6 Thus, מִכְנָסִים, 'Undergarment', כְּתוּבָה, 'Overmantle', מִצְנַפֵּת, 'Hat', אֲבִנֵט, 'Girdle'. The order of putting these on was—*undergarment, overmantle, girdle, hat*.

Mishnah 4

מְשֻׁנָּה ד

[The priest] who gained the privilege to [offer] the *incense* took up the [golden] *ladle*. (And) the *ladle* was like a large [dry] measure holding three *kabs*¹ [and made] of gold. (And) within it was a dish² heaped up full³ with *incense*. (And) [the dish] had a lid with a ring⁴ on top of it.

מִי שֶׁזָּכָה בַקְטָרֶת הָיָה נוֹטֵל אֶת-
הַכֶּפֶף. וְהַכֶּפֶף דוּמָה לְתַרְקַב גְּדוֹל
שֶׁל זָהָב, מִחֻזִּיק שְׁלֵשֶׁת יִקְבִים.
וְהַבִּזְוֶה הָיָה בְּתוֹכוֹ מֵלֵא וְגָדוֹשׁ
קְטָרֶת. וְכִיסוּי הָיָה לוֹ. וְכָמִין
מִטוֹטְלֵת הָיָה עָלָיו מִלְמַעְלָן.

1 Compare 36. See Volume I, וְרָעִים, Page 18f. 2 Or *censer*. Literally '*the*' dish. 3 Literally *full and heaped up*. 4 By which the lid or cover was removed. Compare 53 שְׁבָת, 128 פְּלִים.

Mishnah 5

מְשֻׁנָּה ה

[The priest] who gained the privilege to [bear] the *firepan*¹ took the *silver firepan* and ascended to the top of

מִי שֶׁזָּכָה בַמַּחְתָּה, נֹטֵל מִמַּחְתָּה
הַכֶּסֶף וְעָלָה לְרֹאשׁ הַמִּזְבֵּחַ. וּפְנָה

voice of his fellow because of the [loud] noise of the *tympanum*. It served three objects: a priest hearing the sound thereof knew that his brethren the priests had come in to prostrate themselves, and he came running;³ and when a Levite heard the sound thereof he knew that his fellow Levites had entered to sing, and he also came on the run;³ and the chief of the *Post*⁴ [on hearing the sound of it] made the [ritually] unclean [members of the courses] stand by the *East Gate*.⁵

הַמְגִיפָהּ וְשִׁלְשָׁה דְבָרִים הָיְתָה מְשֻׁמֶשֶׁת, כִּהֵן שְׁשׁוּמָע אֶת-קוֹלָהּ יוֹדֵעַ שְׁאֲחָיו הַכֹּהֲנִים נִכְנָסִים לְהִשְׁתַּחֲוֹת, וְהוּא רָץ וּבָא; וּבֵן לְוִי שֶׁהוּא שׁוּמָע אֶת-קוֹלָהּ, יוֹדֵעַ שְׁאֲחָיו הַלְוִיִּם נִכְנָסִים לְדַבֵּר בְּשִׁיר, וְהוּא רָץ וּבָא; וְרֹאשׁ הַמַּעֲמָד, הָיָה מַעֲמִיד אֶת-הַטְּמֵאִים בְּשַׁעַר הַמִּזְרָח.

1 The hall leading into the interior of the *Temple*; see *מְדוּח* 47, and Plan of the Temple, APPENDIX, Note 20. 2 Or *tampan*. It was an ancient drum-like instrument, or a musical instrument producing a drumming sound, shovel-shaped (hence its Hebrew name); it served the purpose of a signal-gong. Not to be confused with the *מְגִיפָה* in 3^b. 3 Literally *and he ran and came*. 4 Corresponding to the *Guard*. See 51; *תַּעֲנִית* 41, 2. 5 See the Plan of the Temple. According to Maimonides 'the unclean' were the lepers who came with their *offerings* and had to be sprinkled. Others maintain that they were unclean priests who were punished thus for their uncleanness. Some are of the opinion that they were priests who had no special duties just then.

CHAPTER 6

פֶּרֶק ו'

Mishnah 1

מְשֻׁנָּה א

[The priests that had gained the privilege to bear the *ladle of incense* and the *firepan of glowing cinders* then] began¹ to ascend the steps of the *Porch*. [The priest] who had gained² the privilege to clear away the ashes from the *Inner Altar* and [to snuff and trim] the *Candlestick*³ went first.⁴ [The priest] that had gained the privilege to clear the *Inner Altar* of ashes entered, and took the basket [of ashes], and prostrated himself

הַקָּלוּ עוֹלִים בְּמַעְלוֹת הָאוֹלָם. מִי שֶׁזָּכָה בְּדִישׁוֹן מִזְבֵּחַ הַפְּנִימִי וְהַמְּנוּרָה הָיָה יִמְקְדִימִן לְפָנֵיהֶם. מִי שֶׁזָּכָה בְּדִישׁוֹן מִזְבֵּחַ הַפְּנִימִי, כִּכְס וְנִטְל אֶת הַטְּנִי וְהִשְׁתַּחֲוָה, וְיָצָא. מִי שֶׁזָּכָה בְּדִישׁוֹן הַמְּנוּרָה כִּכְס וּמָצָא שְׁנֵי גֵרוֹת מִזְרָחִיִּים

ladle¹ and gave it [namely, the *ladle*] to his friend or to his relative.² If [aught of the *incense*] were spilled from it³ [namely, the *dish*] into it [namely, the *ladle*], [his companion] gave it to him into his two hands. And they used to instruct him,⁴ 'Be⁵ heedful that thou dost not begin in front of thee lest thou be burnt.' He commenced to level it over and came away [from the *Sanctuary*]. [The priest] that had to offer [the *incense*] did not offer [it] before the superintendent said to him, 'Offer!' If it were the High Priest [that was to offer the *incense*], the superintendent would say, 'My* lord, High Priest, offer!' When all⁶ had departed,⁷ (and) he offered the *incense*, and prostrated himself, and came away [from the *Sanctuary*].

או ילקרובו. נתפזר הימנו לתוכו
 נותנו לו בחפניו ומלמדין אותו,
 הו זהיר שלא תתחיל לפניה, שלא
 תפנה. התחיל מרדד ויוצא. לא
 היה המקטיר מקטיר, עד שהממונה
 אומר לו, הקטר. אם היה כהן
 גדול, הממונה אומר, אישי, כהן
 גדול, הקטר. פרשו הפרשם,
 והקטיר, והשתחוה, ויצא.

1 Sec 54. 2 Who accompanied him for this purpose. 3 Or הימנו. 4 Since he was new to this operation or to make certain there was no mishap. Compare 52. 5 The priest stood at the eastern side of the *Altar* and started burning the *incense* at the southern part. 6 Literally *the people*. This refers to all those present in the space between the *Porch* and the *Altar*—these had to leave the place when the priest was offering the *incense* (based on *Leviticus 16, 17*). 7 פרשו [Kal], or פרשו [Piel], also used in a *neutral* or *intransitive* sense meaning *depart, leave, go away*. * Here a more polite, respectful formula of introductory address is used than the mere הקטר as in the preceding case.

CHAPTER 7

פרק ז

Mishnah 1

When the High Priest entered [the *Sanctuary*] to prostrate himself, three [priests] held him, one by his right hand and one by his left hand, and one by the *precious stones*² [of the *Ephod*]. (And) as soon as the superintendent heard the sound of the steps³ of the High Priest as he came forth⁴ [from his own chamber], he raised the *curtain*⁵ for him, [and

משנה א
 בזמן שכהן שפחן גדול נכנס
 להשתחוות, שלשה אוחזין בו,
 אחד בימינו, ואחד בשמאלו, ואחד
 בצאבנים טובות. וכיון ששמע
 הממונה קול רגליו של כהן גדול
 יוצא, הגביה לו את הפרוכת,

Frontlet, as it is said,¹⁰ And Aaron lifted up his hands towards the people, and blessed them.

מִן־הַצִּיץ, וַיִּשָּׂא אֶהָרָן
אֶת־יָדָיו אֶל־הָעָם וַיְבָרֶכֶם.

1 The five priests who bore the five vessels. Compare 36. 2 Literally *their brethren the priests*. 3 Literally *hand*. 4 See 51; Numbers 6, 24-26. The three Verses were recited, but as on this occasion the response אָמֵן was not made at the end of the first Verse and not at the end of the second Verse, this Blessing was termed a *single Blessing*.* 5 After each Verse came the response אָמֵן. 6 The *Tetragrammaton*. 7 Literally (*their palms*) *their hands*. The גַּמְרָא does not give כַּפֵּיהֶם, *their palms*. 8 Exodus 28, 36-38; וְבָחִים 77, 812. Because the Name of the Eternal was inscribed on it in the form קָדֹשׁ לַיהוָה, *Holy to the Eternal*. 9 His view is rejected. 10 Leviticus 9, 22. There is a doubt whether this refers to the Priestly Benediction. * אָמֵן was not said in the Temple. * Some prefer the vowelisation לַמַּעֲלָה.

Mishnah 3

משנה ג

When¹ the High Priest desired to burn the *offering*,² he used to come up the *Ramp* with the *Chief* [*of the Priests*]³ at his right hand. When he reached halfway up the *Ramp* the *Chief* took him by his right hand and led him [to the *Altar*]. The first⁴ [priest] held out to him the head and the hind-leg, and he laid [his hands] on them and cast them [on to the *Altar* fire]. The second [priest] handed to the first [priest] the two fore-legs who gave them to the High Priest and he laid [his hands] on them and threw them [into the *Altar* fire]. The second [priest] slipped away and went off. And in this manner [each of the other priests in turn handed over to the first priest] the rest* of the members [that they bore which he delivered to the High Priest] who laid his hands on them and threw them [upon the *Altar* fire]. If he be ever so minded, he merely lays his hands

בְּזִמְנָן שֶׁפָּהֵן גְּדוּל רֹוֹצָה לְהַקְטִיר
הָיָה עוֹלָה בְּכַבֵּשׁ וְהִסָּגָן בְּיָמֵינוּ.
הָיָה לְמַחְצִית הַכַּבֵּשׁ, אָחוּז הַסָּגָן
בְּיָמֵינוּ וְהָעֵלָהּ הוֹשִׁיט לוֹ
הָרֵאשׁוֹן הָרֵאשׁ וְהָרֵגֶל, וְסָמָךְ
עֲלֵיהֶם וּזְרָקָן הוֹשִׁיט הַשֵּׁנִי
לְרֵאשׁוֹן שְׁתֵּי הַיָּדִים נוֹתֵן לְכֹהֵן
גְּדוּל וְסָמָךְ עֲלֵיהֶם וּזְרָקָן וְשָׂמַט
הַשֵּׁנִי וְהִלֵּךְ לוֹ. וְכַךְ הָיוּ מוֹשִׁיטִין
לוֹ שְׂאָר כָּל־הָאֵיבָרִין וְהוּא סוֹמֵךְ
עֲלֵיהֶן וּזְרָקָן. וּבְזִמְנָן שֶׁהוּא רֹוֹצָה,
הוּא סוֹמֵךְ, וְאַחֲרֵים זוֹרָקִין. בָּא לוֹ
לְהַקִּיף אֶת־הַמִּזְבֵּחַ. מֵהִכָּן הוּא
מִתְחִיל? מִקֶּרֶן דְּרוּמִית מִזְרָחִית,
מִזְרָחִית צְפוֹנִית, צְפוֹנִית מַעֲרָבִית.

a sustained note, an unbroken note (in contradistinction to שְׁבָרִים, a broken note, a disconnected note). Compare סוּפָה 5^s. 11 תְּרוּעָה, tremolo, tremulous (quavering, trembling) sound. 12 See שְׁקָלִים 51. 13 Or בְּצִלְצִל. 14 Or בְּשִׁיר, in the singing. 15 Literally order, arrangement. 16 Or So be it!, May it be so! §Only the High Priest was privileged to perform any service he wished without the ceremony of casting lots.

Mishnah 4

These are the hymns which the Levites used to recite¹ daily in the Temple.² On the first day³ [of the week] they recited,⁴ *The earth is the Eternal's, and the fulness thereof; the world and they that dwell therein.* On the second [day] they used to recite,⁵ *Great is the Eternal, and highly to be praised, in the city of our God, His holy mountain.* On the third [day] they used to recite,⁶ *God standeth in the congregation of God; in the midst of the judges He judges.* On the fourth [day] they used to recite,⁷ *O God of vengeance, O Eternal, O God of vengeance,*⁸ *shine forth,* etc. On the fifth [day] they used to recite,⁹ *Sing aloud unto God our strength; shout for joy unto the God of Jacob.* On the sixth [day] they used to recite,¹⁰ *The Eternal reigneth; He is robed in majesty,* etc. On the Sabbath they used to recite,¹¹ *A Psalm, a song, for the Sabbath day: a Psalm, a song for the hereafter, for the day*¹² that shall be wholly¹³ a Sabbath and rest in life everlasting.¹⁴

מִשְׁנֵה ד

הַשִּׁיר שֶׁהָיוּ הַלְוִיִּם יֹאמְרִים
 יִבְמַקְדָּשׁ. בַּיּוֹם הָרִאשׁוֹן הָיוּ
 יֹאמְרִים, לַה' הָאָרֶץ וּמְלוֹאָהּ תִּבְלָה
 וְיוֹשְׁבֵי בָהּ. בַּשֵּׁנִי הָיוּ יֹאמְרִים,
 גְּדוֹל ה' וּמְהוּלָּל מְאֹד בְּעִיר
 אֱלֹהֵינוּ הַר קְדֹשׁוֹ. בַּשְּׁלִישִׁי הָיוּ
 יֹאמְרִים, אֱלֹהִים נֹצֵב בַּעֲדַת אֵל
 בְּקִרְבֵּי אֱלֹהִים יִשְׁפּוֹט. בְּרַב־עֵי הָיוּ
 יֹאמְרִים, אֵל נִקְמֹת ה' אֵל נִקְמֹת
 הַיּוֹפֵיעַ וְגוֹמְרֵי. בַּחֲמִישִׁי הָיוּ
 יֹאמְרִים, הַרְגִּינוּ לֵאלֹהִים עֲזָנוּ
 הַרְיֵעוּ לֵאלֹהֵי יַעֲקֹב. בַּשֵּׁשִׁי הָיוּ
 יֹאמְרִים, ה' מֶלֶךְ גָּאוֹת לְבֵשׁ
 וְגוֹמְרֵי. בַּשַּׁבָּת הָיוּ יֹאמְרִים,
 מְזֻמּוֹר שִׁיר לְיוֹם הַשַּׁבָּת, מְזֻמּוֹר שִׁיר
 לְעֵתִיד לְבֹא¹² לְיוֹם¹³ שְׁכֻלּוֹ שַׁבָּת
 וּמְנוּחָהּ לְחַיֵּי¹⁴ הָעוֹלָמִים.

1 *i. e.*, sing. 2 Literally *The hymn that the Levites used to recite in the Temple.* 3 Corresponding to the secular *Sunday*; and so on with the other days. These *Psalms* are recited on the respective days at the conclusion of the Morning Service (immediately after the עֲלִינוּ eulogy) and are followed by the *Mourner's Kaddish* (קַדִּישׁ יְתוֹם) when a מִנְיָן of (ten or more) adult worshippers is present. These special *Psalms* were

מִסְכֵּת

מִדּוֹת

TRACTATE MIDDOTH

[BEING THE TENTH TRACTATE OF THE FIFTH ORDER KODASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

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INTRODUCTION

מדות, **Middoth**, is the tenth *Tractate* or *Treatise* (מִסְכָּת) of the fifth Order *Kodashim* (סֵדֶר קֹדָשִׁים) of the *Mishnah* (משנה).

The *Tractate* is given, without גְּמָרָא, in the *Babylonian Talmud* (תַּלְמוּד בְּבִלְי), but it is not given at all in the *Jerusalem* (or *Palestinian*) *Talmud* (תַּלְמוּד יְרוּשָׁלַיִם).

מדות is the plural form of the substantive **מדה**, (1) *vestment*, (2) *dealing*, *dispensation*, *punishment*, *reward*, (3) *character*, *disposition*, *manner*, *nature*, *way*, (4) *tribute*, *apportioned sum*, (5) *the divine attribute of justice*, (6) **extension**, **dimension**, **greatness**, **measure**, **proportion**, **ratio**, **size**. **מדה** is a derivative of the verb **מדד**, (1) *requite*, (2) *mete*, *stretch out*, **measure**.

The titles of its five Chapters are:

CHAPTER 1	בְּשֵׁלֶשֶׁה מְקוֹמוֹת	פָּרָק א
CHAPTER 2	עַר הַבַּיִת	פָּרָק ב
CHAPTER 3	הַמִּזְבֵּחַ	פָּרָק ג
CHAPTER 4	פְּתוּחוֹ שֶׁל הַיִּבֵּל	פָּרָק ד
CHAPTER 5	קַל-הָעֶזְרָה	פָּרָק ה

The principal matters dealt with in the five Chapters are:

1. The Sanctuary night watches; the Gates.* 2. The dimensions of the Temple Mount; the walls, railing, steps, Gates, doors, Inner Court, Fifteen Steps, Forecourt (and its gates, and cells for the Levitical musical instruments). 3. Dimensions of the Altar for the burnt-offerings; hewing its stones; the place for slaughtering; the Laver; the Porch. 4. The balustrades, doors, steps; the Chambers of the Sanctuary. 5. The Inner Court and its Chambers; the meeting hall of the Great Sanhedrin; examining each priest regarding his descent as worthy for service; a priest with a blemish.

* See the Plan of the Temple, APPENDIX, Note 20.

מִסְכֵּת

מִדּוֹת

TRACTATE

MIDDOTH

CHAPTER 1

פֶּרֶק א

Mishnah 1

מִשְׁנֵה א

The priests kept watch [throughout the night] at three places¹ in the Temple, at the *Chamber of Abtinās*, and at the *Chamber of Light*, and at the *Chamber of the Hearth*. And the Levites [kept guard] at twenty-one places, five at the five gates of the *Temple Mount*, four at its four corners on its inside,² five at the five gates of the *Temple Court*, four at the four corners thereof³ on the outside,⁴ and one at the *Chamber of Offerings*,⁵ and one at the *Chamber of the Curtain*,⁶ and one behind the *Holy of Holies*.⁷

יְבֹשְׁלֶשָׁה מְקוֹמוֹת הַפְּתָנִים שׁוֹמְרִים,
בְּבֵית הַמִּקְדָּשׁ, בְּבֵית אֲבִטִינָס,
וּבְבֵית הַנִּיצוֹץ, וּבְבֵית הַמוֹקֵד,
וְהַלְוִיִּים בְּעֶשְׂרִים וְאֶחָד מְקוֹם,
חֲמִשָּׁה עַל חֲמִשָּׁה שַׁעְרֵי הַר הַבַּיִת,
אַרְבָּעָה עַל אַרְבַּע פְּנוּתָיו מִחוּכּוֹ,
חֲמִשָּׁה עַל חֲמִשָּׁה שַׁעְרֵי הָעֲזָרָה,
אַרְבָּעָה עַל אַרְבַּע פְּנוּתֶיהָ (פְּנוּתֶיהָ)
מִבְּחוּץ, וְאֶחָד בְּלִשְׁכַּת הַקָּרְבָּן,
וְאֶחָד בְּלִשְׁכַּת הַפָּרֹכֶת, וְאֶחָד
לְאַחֲרֵי יְבֵית הַקְּדוֹשִׁים.

1 See תְּמִיד 1¹ for some details about these. The guard was maintained out of the reverence and respect for the Temple and not for fear of marauders and the like.
2 Within the surrounding wall of the Temple Mount. 3 Some consider פְּנוּתֶיהָ redundant. 4 The watch were not allowed to sit and rest inside the Temple Court but they could do so outside. 5 Literally *Offering*. The *Chamber of Lambs* (south-west of the *Chamber of the Hearth* and north of the *Porch*). 6 It separated the *Sanctuary* from the *Holy of Holies*. Compare שְׁקָלִים 85. 7 Or *the Innermost Part of the Temple*.* See 51. Literally *the Chamber of the Cover*, (symbolically) *the Chamber of the Place of Atonement*. *Believed to have been outside the Western Wall of the Holy of Holies.

sculptured⁵ through which the High Priest who burned the [red] heifer⁷ (and the heifer)⁶ and all [the priests] that assisted therewith went forth to the *Mount of Olives*.⁸

הַבִּירָה צֹרֶה, שָׁבוּ כֹהֵן גָּדוֹל
הַשּׁוֹרֵף אֶת־הַפָּרָה (וּפָרָה) וְכָל
מִסְעָדֶיהָ יּוֹצְאִים לְהַר הַמְּשָׁחָה.

1 Named after the prophetess חַיִּילָדָה. See מְנִלָּה 14b. Compare *II Kings* 22, 14.
2 This bracketed clause is omitted in some texts. 3 Compare 1⁹, 2³. 4 *i.e.*, was not used at all or whose use is unknown. 5 Compare פְּלִיִּים 17⁹. In grateful commemoration of the permission given by Cyrus, King of Persia, to rebuild the Temple. 6 Some consider וּפָרָה redundant. 7 *Numbers* 19, 2ff. See 24; פָּרָה 36. This is ascribed to R. Meir who maintained that only the High Priest burned the red heifer, but his view is rejected. 8 Literally *the Mount of Installation*, and is the same as הַר הַיְיִתִּים, *the Mount of Olives*, at the east of Jerusalem, where the red heifer was burned. *Derivation unknown. Some connect it with the Greek *Kaifion* rendered *Cepis*. See ADDENDA.

Mishnah 4

There were seven gates in the *Temple Court*, three at the north,¹ and three at the south, and one at the east. Those in the south [commencing from the west] were the *Kindling Gate* [through which the burning material² was brought in], next to it the *Gate of the Firstlings* [by which the *firstlings* were brought in for slaughtering],³ and the third (to it) the *Water Gate*.⁴ That in the east was the *Nicanor Gate*,⁵ and it had two chambers, one at the right⁶ and the other to the left, the first was the *Chamber of Phineas*, the officer⁷ in charge of the [holy priestly] raiment, and the other the chamber of those that made [the *meal-offering*] cakes.⁸

מִשְׁנָה ד

שִׁבְעָה שְׁעָרִים הָיוּ בְּעִזָּרָה שְׁלֹשָׁה
בְּצָפוֹן, וְשִׁלֹּשָׁה בְּדָרוֹם, וְאַחַד
בְּמִזְרָח. שְׁבַדְרוֹם שְׁעַר הַדִּלְקָה,
שְׁנֵי לוֹ שְׁעַר הַבְּכוֹרוֹת, שְׁלִישִׁי לוֹ
שְׁעַר הַמִּיִּם. שְׁבַמִּזְרָח שְׁעַר
זִקְנוֹר, וְשְׁתֵּי לְשָׁכוֹת הָיוּ לוֹ אַחַת
מִיְמִינוֹ, וְאַחַת מִשְׂמָאלוֹ, אַחַת
לְשֵׁכַת פְּנֹחַס הַמַּלְבִּישׁ, וְאַחַת
לְשֵׁכַת עוֹשֵׂי תְּבִיתִין.

1 Or the definite forms בְּצָפוֹן, בְּדָרוֹם, בְּמִזְרָח, שְׁבַדְרוֹם, שְׁבַמִּזְרָח. 2 The wood for the wood pile for the Altar fire. 3 They were slaughtered at the south. Compare זְבָחִים 5⁸. 4 It was so called because of a narrow streamlet at the spot which had its source as a very slender spring in the Holy of Holies. See 26.

The south-western⁵ one was the *Chamber of the (Lambs-) Offerings*;⁶ the south-eastern one was the *Chamber of (the makers of) the Showbread*;⁷ the north-eastern⁸ one was [the *Chamber*] wherein⁹ the sons of the Hasmoneans had hidden away the stones of the *Altar* which the heathen kings¹⁰ defiled; the north-western was [a *Chamber*] whereby¹¹ they went down to the *Chamber of Immersion*.

קָרְבָּן; דְּרוֹמִית מְזֻרְחִית, הִיא
הִזְתָּה לְשֵׁפֶת (עוֹשֵׂי) לְחֶם הַפָּנִים;
מְזֻרְחִית צְפוֹנִית, בָּהּ גָּזְזוּ בְּנֵי
חֲשֻמוֹנָאִי אֶת-אֲבָנֵי הַמִּזְבֵּחַ
שֶׁשָּׁקְצוּם¹⁰ מְלָכֵי עוֹבְדֵי גִלּוּלִים;
צְפוֹנִית מְצֻרְבִית, בָּהּ יוֹרְדִים
לְבֵית הַטְּבִילָה.¹¹

1 Or *cells, small rooms*; literally *bedrooms, bedchambers*. 2 Or *dining-hall*. 3 The southern part of the *Chamber of the Hearth* extended over the 'holy' *Temple Court* area and the northerly half stood over non-sacred space pertaining to the *Court of the Gentiles*. Compare *מַעְשֵׂר שְׁנֵי* 3⁸. 4 Some render this *the ends of beams protruding from the walls*. 5 Literally, *west-southern*. 6 Literally, *Chamber of the Lambs of Offering*. *טְלָאִי* is not given in the *גְּמָרָא*. Compare *עֲרֻכִין* 2⁵. Here the lambs for the *daily burnt-offerings* were examined for blemishes. 7 Compare *תְּמִיד* 3³. The *גְּמָרָא* does not give *עוֹשֵׂי*. 8 Literally east-northern. 9 This is identical with the *Chamber of Seals*. *תְּמִיד* 1¹, 3³; *שָׁקְלִים* 5³. 10 The Syrian invaders.* 11 Compare 1⁹; *תְּמִיד* 1¹. It was also called *לְשֵׁפֶת הַמּוֹקֵד*, *the Chamber of Warmth* (and opened on to the *לְשֵׁפֶת הַמּוֹקֵד הַגָּדוֹל*, *the Large(r) Chamber of Hearth*). It had a ritual bath for the use of any priest who experienced *קִרְיָ*, a *seminal discharge*, in the Temple. *Compare *I Maccabees* 1, 46, 59, 4, 36, 46.

Mishnah 7

The *Chamber of the Hearth* had two gates, one¹ opened on to the *Surrounding Rampart*² and the other³ opened towards the *Temple Court*. R. Judah said, The one that opened on to the *Temple Court* had a small wicket whereby they entered [every morning] to inspect [all the vessels of ministry in] the *Temple Court*.⁴

מִשְׁנָה ז'
שְׁנַיִם שְׁעָרִים הָיוּ לְבֵית הַמּוֹקֵד,
אֶחָד פְּתוּחַ לְחֵיל. וְאֶחָד פְּתוּחַ
לְעֻזְרָה. אָמַר רַבִּי יְהוּדָה, זֶה שֶׁהָיָה
פְּתוּחַ לְעֻזְרָה, פֶּשֶׁשׁ קָטָן הָיָה לוֹ,
שֶׁבוּ וּבְכַנְסִין לְבַלוֹשׁ אֶת-הָעֻזְרָה.

1 At the north. 2 See 1⁵. 3 At the south. 4 To ensure that everything was in order for the services. See *תְּמִיד* 1³.

and proceed by the *winding passage* that led under the *Surrounding Rampart* [and leave by] the *Tadi* [Gate].⁷

אוֹמֵר, בְּמִסִּיבָה הַהוֹלֶכֶת תַּחַת הַחֵיל יוֹצֵא, וְהוֹלֵךְ לוֹ בְּטַדִּי.

1 Literally *a cubit by a cubit*. 1 cubit = 22 inches or 56.1 centimetres approximately (see Volume I, זְרָעִים, Page 18f.). This 'place' was probably a box-like opening or container sunk into the floor. **2** For raising the slab. **3** And both the chain and the keys were in a cavity on the underside of the slab. **4** יוֹשֵׁב לוֹ, *sat*, in some editions.* **5** See תְּמִיד 1¹. **6** Popular pronunciation מִכָּאן וּמִכָּאן. **7** This is in disagreement with the statement in תְּמִיד 1¹ where it says that he returned to the *Chamber of the Hearth* to join his fellow priests. It is uncertain whether מִסִּיבָה was a *winding passage* or a *winding staircase*; it is also more fully referred to in 4⁵. *He would rest outside until the time arrived for him to take up night duty.

CHAPTER 2

פֶּרֶק ב

Mishnah 1

מִשְׁנָה א

The *Temple Mount*¹ was five hundred cubits² square. Its largest [free]³ space was at the south,⁴ the one next to it [in size] was to the east,⁵ the third to it [in area] on the north,⁶ [and] the smallest to it [in extent] was in the west.⁷ The place where its measure was greatest, there was its greatest use.⁸

הָיָה הַבַּיִת הַזֶּה חֲמֵשׁ מֵאוֹת אַמָּה עַל חֲמֵשׁ מֵאוֹת אַמָּה. יְרוּבוּ מִן־הַדְּרוֹם, שְׁנֵי לוֹ מִן־הַמְּזֻרָה, שְׁלִישִׁי לוֹ מִן־הַצָּפוֹן, מִיעוּטוֹ מִן־הַמְּעֲרָב. מְקוֹם שֶׁהָיָה רוֹב מְדָתוֹ, שָׁם הָיָה רוֹב תְּשֻׁמֵּי שָׁוִי.

1 It had a wall all round it. **2** See the preceding *Mishnah*, **Note 1**. Literally *five hundred cubits by five hundred cubits*. The space within the wall. **3** Or [open] space. **4** 500 cubits by 265 cubits. **5** 150 cubits outside the inner rectangle. **6** 100 cubits. **7** 63 cubits. **8** The general public made their entrance and exit by the two *Hulda Gates* south of the Temple area. See 1³, 2³.

Mishnah 2

מִשְׁנָה ב

All who entered the *Temple Mount* came in on the right [by the *Hulda Gate*] and made their way round and went out on the left [near the *Tadi Gate*],¹ excepting anyone that suffered a [disqualifying] mishap who then

כָּל־הַנִּכְנָסִין לְהַר הַבַּיִת, וְנִכְנָסִין דְּרָךְ יָמִין וּמִקִּיפִין וְיוֹצֵאִין דְּרָךְ יְשָׁמַאל, חוּץ מִמִּי שֶׁאֵירְעוּ דָּבָר שֶׁהוּא מִקִּיף לְשָׁמַאל (מֵה־לֵּף)

were there [within the *Temple Mount*] —the height of [every] step was half a cubit and its width half a cubit, except those of the *Porch*.¹⁰ All the entrances and the gates¹¹ that were there: their height was twenty cubits and their width was ten cubits,¹² save those of the *Porch*¹³ only. All the entrances that were there had doors excepting only those of the *Porch*. All the gates that were there had lintels,¹⁴ with the exception of the *Tadi Gate* only, [for] there [at the top] were two stones leaning against one another,¹⁵ All the gates that were there were changed [and overlaid] with gold, except only the *Nicanor Gate*, for a miracle had occurred in their case,¹⁶ and some declare¹⁷ because their bronze was lustrous like gold.

אָמָה, וְשִׁלְחָהּ חֲצֵי אָמָה, חוּץ מִשָּׁל
 10 אֹלָם. כָּל-הַפְּתָחִים 11 וְהַשְּׁעָרִים
 שְׁהָיוּ שָׁם גּוֹבְהָן עֶשְׂרִים אָמָה וְרַחְבָּן
 עֶשֶׂר 12 אָמוֹת חוּץ מִשָּׁל 13 אֹלָם.
 כָּל-הַפְּתָחִים שְׁהָיוּ שָׁם הָיוּ לָהֶן
 דְּלָתוֹת חוּץ מִשָּׁל אֹלָם. כָּל-
 הַשְּׁעָרִים שְׁהָיוּ שָׁם הָיוּ לָהֶן
 14 שְׁקוּפוֹת, חוּץ מִשְׁעַר טָדִי, שְׁהָיוּ
 שָׁם שְׁתֵּי אֲבָנִים מוֹטוֹת 15 זֶזוּ עַל גְּבִי
 זֵו. כָּל-הַשְּׁעָרִים שְׁהָיוּ שָׁם, גִּשְׁתַּנּוּ
 לְהָיוֹת שֶׁל זָהָב, חוּץ מִשְׁעַר נִיקָנוֹר,
 מִפְּנֵי שֶׁנֶּעֱשְׂהָ 16 בָּהֶן גַּם, 17 וַיִּישׂ
 אוֹמְרִים מִפְּנֵי שֶׁנֶּחְשְׁתָּן מִצְהִיב.

1 Compare יזמא 16a. See 15. סוּרְגָּ (from the verb סָרַג, *make a net-work partition*) was made of long, narrow, wooden slats or laths crossing like plait-work; it was ten cubits distant from the wall round the *Temple Mount* on the north-east and west, but greater at the south. 2 Volume I, וְרָעִים, Page 18f. 3 Literally *there were there*. 4 Literally *the heathen kings*. Referring to the Syrian oppression during the Maccabean period. 5 Whoever came up against any of these made prostration in gratitude for the deliverance from the foreign yoke. 6 עֲשָׂרָה in some texts. 7 Or וְשְׁתֵּי עֶשְׂרֵה. 8 Or רוֹם. 9 Literally *treading space*. The steps led from the *Lower Gate* on to the top level of the *Surrounding Rampart* and from the *Court of the Gentiles* to the entrance between the *Colonnade* and *Veranda* of the *Outer Court* (or *Women's Hall*). 10 See 36. 11 וְהַשְּׁעָרִים is not given in the גְּמָרָא. 12 See 37. 13 Or *Vestibule*. 14 שְׁקוּרָה is the same as מִשְׁקוּרָה, *lintel, cross-piece*. 15 The lower ends resting on the side posts and the upper ends meeting as an arch. Or זֵו (see Volume II, מוֹעֵד, Page 12). 16 See 14, 26. 17 Or אוֹמְרִים.

Mishnah 4

מִשְׁנָה ד

All the walls that were there [on the *Temple Mount*] were high,¹ with the exception of the eastern wall,² so

כָּל-הַפְּתָלִים שְׁהָיוּ שָׁם, הָיוּ גְבוּהִים,
 חוּץ מִכּוֹתֵל הַמִּזְרָחִי, שֶׁהִפְהֵן

Abba Saul says, There they stored the wine and the oil, and it was called the *Chamber of the House of Oil*. Aforetime¹¹ [the *Women's Hall*] was not overbuilt, and [later] they surrounded it with a balcony¹² so that the women should look on from above and the men were down below in order that they should not intermingle. And fifteen steps went up from within it¹³ [by way of the *Nicanor Gate*] to the *Hall of the Israelites* corresponding to the fifteen *Songs of Ascents* in the [Book of] *Psalms*,¹⁴ and upon them the Levites used to sing. They were not rectangular but round¹⁵ like the half of a round threshing-floor.

אמר רבי אליעזר בן יעקב, שקחתי
מה היתה משמשת, אבא שאול
אומר, שם היו נותנין יין ושמן, היא
היתה נקראת לשכת בית שמנים.
וחלקה היתה כראשונה והקיפיה,
כצוצטרה, שהנשים רואות
מלמעלה והאנשים מלמטן כדי שלא
יהו מעורבין. וחמש עשרה
מעלות עולות מתוכה לעזרת
ישראל, כנגד חמש עשרה מעלות
ישבתהלים, שעליהן הלויים
אומרים בשיר. לא היו טרוטות,
אלא מוקפות כחצי גורן עגולה.

1 Or *Court of the Women*. 2 To allow smoke and fumes to escape. מקורה, *passive Participle* [Kal] of קרה, close, cover, wall up, lay beams (joists, rafters). 3 Ezekiel 46, 21, 22. במקצע, במקצע, מקצות, קטרני, ויעברני are the orthographic forms in the Scripture. 4* אין קטרות is not given in the נמרא. קטור [Kal passive participle] from קטר, tie, wreath (perhaps from קטר, smoke, rise in circles). 5 Numbers 6, 17, 18; נזיר, INTRODUCTION, 12, 4, 23, 6, 10, 31, 2, 47, 61, 74, 92. 6 Literally east-northern. 7 Compare נדרים 13. 8 They were disqualified for sacrificial service. Leviticus 21 17; 71. בכורות 71. 9* נעים 148. 10 Literally west-southern. 11 i.e., for a period after it had been built. 12 Or gallery. 13 Not to be confused with the gate of the same name in 14. 14 Psalms 120-134. 15 i.e., semicircular. The Levites stood there in rows when singing the hymns at the drawing of the water ceremony and because of its shape it held many Levites who were visible to the assembly. *See ADDENDA at the end of this Tractate.

Mishnah 6

And there were chambers underneath the *Hall of the Israelites* which opened into the *Women's Hall*,¹ and there the Levites stored² [the] *citherns*,³ and lyres, and cymbals and all [other] instruments of music.⁴ The *Hall of the Israelites* was a

משנה ו
ולשכות היו תחת עזרת ישראל
ופתוחות לעזרת הנשים, ששם
הלויים נותנים כינורות ונבלים
ומצלתיים וכל כלי שיר. עזרת
ישראל היתה אורך מאה אמה

Women's Gate,²⁶ and the *Gate of Music*.²⁷ And why¹⁸ was it named the '*Gate of Jeconiah*'? Because through it Jeconiah went forth into his exile.²⁸ That [gate] to the east²⁹ was the *Nicanor Gate*,³⁰ and it had two wickets, one on the right thereof and the other on its left.

And there were two [gates] to the west,³¹ [but] they had no name.

שָׁבוּ יֵצְא יְכֹנְיָה²⁸ בְּגִלּוֹתָיו.
 שְׁבַמְזוֹרָה²⁹ שָׁעַר וְנִקְנוֹר, וְשְׁנֵי
 פְּשָׁפְשִׁים הָיוּ לוֹ, אֶחָד מִיְמִינוֹ וְאֶחָד
 מִשְׂמָאלוֹ. וְשְׁנַיִם³⁰ בְּמַעְרָב, לֹא
 הָיָה לָהֶם שֵׁם.

1 Or *Court of the Women, Outer Court*. 2 According to some, *played, practised* (their music). Compare עֲרָכִין 23-6. 3 Or *harps, guitars*. 4 Or וְכָל כְּלֵי שִׁיר, and every [other] instrument of music. 5 Or *Court of the Priests*. 6 Or *mosaic stones, stone pavement, cut and polished blocks of stones*. 7 And it stretched right across the hall. 8 The priestly stage from which the *Priestly Benediction* was pronounced (see תְּמִיד 72). The Levites also sang there the *Daily Psalms* (see קְדוּשִׁין 45, עֲרָכִין 26). 9 For ascending on the *Duchan*. 10 *i.e.*, on a higher level. 11 By all who entered and went round. Compare 2³; שְׁקָלִים 6³. 12 See 1⁴. 13 *i.e.*, naming them from the west to the east. Or the *definite* for לְמַעְרָב. 14 Towards the south-west of the *Holy of Holies*. 15 In a direction south of the *Sanctuary*. 16 Also termed the *Sacrifice Gate*, south of the *Chamber of Knives*. 17 Leading into the *Inner Court* and into the passage way between the *Laver* and the *Ramp*. 18 Or וְלִמָּוָה וְלִמָּוָה. 19 See סִיפָה 49. 20 *Ezekiel 47, 2: וַהֲזֵה מַיִם מִפְּכַיִם*, and, lo, there trickled* forth waters. *Literally *trickle*. 21 *Ezekiel 47, 1*. 22 Or the *definite* form בְּצָפוֹן. 23 *sc.*, naming them from west to east. Or the *definite* form לְמַעְרָב. 24 Through the west wall to the north-west of the *Holy of Holies*. 25 Or the *Gate of Offering*, facing the fellow *Gate of Sacrifice* in the southern wall. 26 In the direction between the *Chamber of Phineas* and the *Lepers' Chamber*. 27 Or *Gate of Singing*, leading towards the *Women's Hall* between the *Lepers' Chamber* and the *Wood Chamber*. 28 *II Kings 24, 12*. 29 Or the *definite* form שְׁבַמְזוֹרָה. 30 See 1⁴, but compare 2³. 31 Or the *definite* form בְּמַעְרָב. One was slightly to the north and the other to the south so that those who passed out through them did not turn their backs to the *Holy of Holies*.

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

The *Altar*¹ [at its *Base*] was thirty-two [cubits in length] by thirty-two [cubits in width]. It rose up one cubit² and receded one cubit,³ [and] this was the *Base*; [thus] we find⁴

יְהִי מִזְבֵּחַ הַיְהוָה שְׁלֹשִׁים וְשְׁתַּיִם, עַל
 שְׁלֹשִׁים וְשְׁתַּיִם. עָלָה אַמָּה וְכָנַס
 אַמָּה, זֶה הַיְסוּד; וְנִמְצְא שְׁלֹשִׁים

to separate between the blood [that had to be tossed]¹⁶ towards the top and the blood [which had to be tossed] towards the *Base*.¹⁷ And the *Base* extended along the whole distance of the north side and along all the length of the south side, and it protruded¹⁸ one cubit [more] towards the south¹⁹ and one [extra] cubit to the east.¹⁹

עַל פְּנֵי כָל-הַצָּפוֹן, וְעַל פְּנֵי כָל-
הַמַּעֲרָב, וְאוֹכֵל¹⁸ בְּדָרוֹם אִמָּה
אֶחָת וּבְמִזְרָח אִמָּה אֶחָת.

1 A thirty-two cubit square wooden frame, one cubit deep, was filled with stones, lime and pitch to form a solid mass and the top was covered with molten lead. When the wooden boards were removed the firm block formed the base or foundation. 2 *i.e.*, the height was one cubit. 3 *i.e.*, a cubit wide space, like a ledge, was left free all round the top edge, leaving an inner thirty cubit square space for the next building up in a wooden mould as before. **כָּנֹס** [in architecture], *recede, form a recess (or settle) in a well*; compare מִנְחוֹת 97b. 4 **וּנְמָצָא**, (a) [Niphal participle], *it is found*, (b) [Kal future], *we find*. 5 *viz.*, a space one cubit wide along the edge round the top was left free to form a ledge, like a gallery, called the *Circuit*, for the priest to walk on, leaving a space twenty-eight cubits square for the third building up. 6 The third block was similarly constructed in a wooden twenty-eight cubits square frame, but three cubits deep, and the lead top was overlaid with copper. 7 A wooden cube mould (every edge one cubit) was placed at each of the four top corners and filled in, and these were the *Horns*. 8 In the First Temple. 9 Or **עֲשָׂרִים וְשִׁמּוֹנָה**, **עַל עֲשָׂרִים וְשִׁמּוֹנָה**. 10 Or **וְ** (see Volume II, **מוֹעֵד**, Page 12). 11 *i.e.*, returned from Babylon to Jerusalem (458 B.C.E.) and rebuilt the Temple. 12 Literally *they added thereto*. 13 **עֶזְקֵיאל** 43. 16. **וְהִזְאִירְיָאֵל** is the marginal corrigendum [קָרִי] for the [כְּתִיב] Scriptural **וְהִזְאִירְיָאֵל**. The Scripture also has **רַחֲב**. 14 Thus making the upper surface available for the *Altar* fire twenty-four cubits square. 15 Actually one cubit below the *Circuit*. 16 Or *sprinkled*. 17 Literally *between the upper blood and the lower blood*. The blood of *sin-offerings* (whether of beasts or of birds) was tossed above the red line, and that of all other *offerings* below the red line. 18 This box-like extension was not filled in as the rest of the body of the *Altar*. The border line between the provinces of Judah and Benjamin was crossed by the *Altar*, but only the south-eastern corner part was in the province of Judah. 19 Or the definite forms **בְּדָרוֹם**, **וּבְמִזְרָח**.

Mishnah 2

בְּשִׁנָּה ב

And at the south-west¹ corner there were two holes,² like two narrow nostrils, through which the blood that was poured over the western

וּבְקֶרֶן יַמְעַרְבִית דְּרוֹמִית הָיוּ שְׁנֵי
נִקְבִים, כְּמִין שְׁנֵי חוֹטְמֵין דְּקוֹן.
שֶׁהָדָמִים הַנִּיחָוּן עַל יְסוֹד מַעֲרָבִי

blemished, it [alone] is invalid,⁴ but all the others remain valid. And they used to whiten⁵ them twice in the year,* once at *Passover* and once at the *Festival* [of *Tabernacles*], and the *Sanctuary* [was also whitewashed] once [in the year] at *Passover*. Rabbi says, On the eve of every Sabbath they polished it with a cloth because of the blood.⁶ They did not plaster them with an iron trowel⁷ lest it should touch [the stones] and render [them] invalid—for iron⁸ was created to shorten man's days,⁹ whereas the *Altar*¹⁰ was created to prolong the days of man, [and] is it not proper that what shortens [life] should not be raised against what lengthens [it]!

וּפְגָמָה אַחַת מֵהֶן, הִיא פְּסוּלָה, וְכוּלָן בְּשֵׁרוֹת. וּמְלַבְּנִים אוֹתָן פְּעָמִים *בְּשָׁנָה, אַחַת בַּפֶּסַח וְאַחַת בַּחֲגוֹ, וְהִהִיךְ כָּעַם אַחַת בַּפֶּסַח. רַבִּי אוֹמֵר, כָּל-עָרֵב שֶׁבַת מְלַבְּנִים אוֹתוֹ בַּמִּפָּה מִפְּנֵי הַדָּמִים. לֹא הָיָה סֵדִין אוֹתָן בְּכַפִּיס שֶׁל בְּרוֹזֶל שֶׁמֵּא יֵנַע וְיִפְסוֹל, שֶׁהַבְּרוֹזֶל נִבְרָא לְקַצֵּר יָמָיו שֶׁל אָדָם, וְיִהְיֶה מְזַבְּחָה נִבְרָא לְהַאֲרִיךְ יָמָיו שֶׁל אָדָם, אֵינוֹ בְּדִין שְׂיוֹנָף הַמִּקְצֵר עַל הַמֵּאֲרִיף.

1 *Jeremiah* 6, 1; 27 נְדָה. בֵּית כָּרֶם, literally *the House of the Vineyard*, a city in Judah, some seven miles south-east of Bethlehem; its soil was red; it was noted for its stone quarries. 2 *Exodus* 20, 35; *Deuteronomy* 27, 5. 3 Literally *and by a blemish in every respect*—whether caused by an iron tool or otherwise, was a disqualification for any structure in the Temple. The *גְּמָרָא* has *וּפְגָמָה*. 4 It was removed from the *Altar* and another sound stone put in its place. 5 With lime. 6 *i.e.*, the blood was cleaned away from the *Altar* stones. 7 כַּפִּיס as in some texts seems more correct; preferably *כַּפִּיץ* or *כַּפִּים*, *plasterer's trowel*. 8 Literally *the iron*. 9 *i.e.*, weapons of iron destroy life. A paraphrastic reverential rendering would be *for iron was created [by God yet it is misused by man] to shorten man's life*. 10 It effects atonement for sin and brings divine pardon. * Or the *indefinite* form *בְּשָׁנָה*, (*in*) *a year*.

Mishnah 5

And there were rings [fixed into the pavement] to the north of the *Altar*,¹ six rows with four in each—and some say² four [rows] of six each—by the aid of which they slaughtered the [animal] offerings. The shambles³ were at the north of the *Altar*, and there were eight short

משנה ה

וּטְבָעוֹת הָיוּ לְצִפּוֹנוֹ שֶׁל יְמִנְתָּהּ, שֶׁשָּׁה סְדָרִים שֶׁל אַרְבַּע אַרְבַּע, וְיֵשׁ אוֹמְרִים אַרְבַּע שֶׁל שֵׁשׁ שֵׁשׁ, שֶׁעַל־יָתֵן שׁוֹחֲטִים אֶת-הַקֹּדְשִׁים. בֵּית הַמִּטְבָּחִים הָיָה לְצִפּוֹנוֹ שֶׁל מְזִבְחָה,

1 In which the priests washed their hands and feet on entering the Temple. *Exodus 39, 18.* 2 Or *Porch.* 3 Or *ומשון*. 4 Or *שתיים ועשרים*. See Volume I, *זרעים*, Page 18f. 5 Or *ושתי עשרי*. 6 Or *רום*. 7 *רובד*, in general, *mosaic pavement*; here it is applied particularly to the *landing* or *terrace* or the *paved wide level treading space between the steps.* 8 Thus the total width of these steps up to the *Porch* was nineteen cubits. * Some render *אמה ושלחה אמה* and the depth of each step was one cubit.

Mishnah 7

The entrance to the *Vestibule*¹ was forty cubits in height and twenty cubits in width, and above it were five [carved] beams² of oak;³ the lowest [beam] projected beyond the entrance one cubit on each side, the [beam] above* that one projected beyond it one cubit on each side [and so on, similarly, for the others, and] thus it is found⁴ that the top-most [beam] was thirty cubits⁵ [in length]; and there was a layer⁶ of stones between each [beam] and the next.

משנה ז

פְּתָחוֹ שֶׁל יְאוּלָם גּוֹבְהוּ אַרְבָּעִים
אָמָה וּרְחִבּוֹ עֶשְׂרִים אָמָה, וְחֲמֵשׁ
מִלְתָּאוֹת שֶׁל מִילֵת הָיוּ עַל גִּבּוֹי;
הַתַּחְתּוֹנָה עוֹדֶפֶת עַל הַפֶּתַח אָמָה
מִזָּה וְאָמָה מִזָּה, *שֶׁלֹּמְעֵלָה מִמִּנָּה
עוֹדֶפֶת עָלֶיהָ אָמָה מִזָּה וְאָמָה מִזָּה,
וְנִמְצָא הָעֲלִיוֹנָה שְׁלֹשִׁים אָמָה;
וְנִדְבָק שֶׁל אֲבָנִים הָיָה בֵּין כָּל־
אֶחָת וְאֶחָת.

1 Or *Porch.* At the top of the twelfth wide step (see the preceding *Mishnah*). See Volume I, *זרעים*, Page 18f. 2 *אמלתרא, אמלתרא*, *ceiling, main beam of a ceiling, cornice, beam or rafter projecting outside a house.* See *ערוכין* 3a, *גיטין* 19a. 3 *מילת*, *מילת*, *oak of Bashan; oak yielding gall-nut; oak whose acorns are used in tanning.* 4 See 3i. 5 The bottom beam lay level at the top across the entrance and was twenty-two cubits long; then on top was laid a course of stones and above the twenty-four cubits long beam; then came another course of stones and the third twenty-six cubits long beam; next came another course of stones and the twenty-eight cubits long beam; and finally the last course of stones with the top thirty cubits long beam. 6 Or *tier, course.* * Some point this *שֶׁלֹּמְעֵלָה*.

Mishnah 8

And beams¹ of cedar-wood were fixed between² the wall of the *Sanctuary* and³ the wall of the *Vestibule*⁴ that they should not bulge.⁵ And

משנה ח

יּוֹכְלוֹנְסוֹת שֶׁל אֶרֶז הָיוּ קְבוּעִין
מִכְתָּלוֹ שֶׁל הַיֵּכָל לְכַתְּלוֹ שֶׁל
יְאוּלָם כְּדִי שֶׁלֹּא יִבְעָטוּ וְשִׁרְשָׁרוֹת

as it is said,³ *The Sanctuary and the Temple had two doors*. The outside doors opened into the interior of the entrance and lay along⁴ the thickness of the wall, and the inside doors opened [half way round] into the interior of the *Sanctuary*⁵ [so as] to cover⁶ [the wall space] behind the doors, for all the *Sanctuary* was overlaid with gold, except [only this space] behind the doors.⁷ R. Judah says, [Both the inner and outer sets of doors] stood within the entrance and were in the form of double doors⁸ that folded back upon one another;⁹ these [doors on one side when folded and opened inward along the width of the wall covered] two cubits and a half and those [other two doors likewise covered a wall space of] two and a half cubits;¹⁰ the door-post was half a cubit [thick] at one¹¹ [corner of the entrance], and half a cubit [thick]

door-post was at the other¹² [corner], [and, similarly, at the other entrance], as it is said,¹³ *And the doors had two leaves [apiece], two turning leaves, two leaves for the one door and two leaves for the other*.

שְׁנַאֲמַר, שְׁתַּיִם דְּלָתוֹת לְהִכָּל
וְלִקְדָּשׁ. הַחִיצוֹנוֹת נִפְתָּחוֹת לְחוּץ
הַפְּתִיחַ לְכַסּוֹת עֹבְיוֹ שֶׁל כּוֹתֵל,
וְהַפְּנִימִיּוֹת נִפְתָּחוֹת לְחוּץ הַבַּיִת
לְכַסּוֹת אַחַר הַדְּלָתוֹת, שְׁכָל הַבַּיִת
טוֹחַ בְּזָהָב חוּץ מֵאַחַר הַדְּלָתוֹת.
רַבִּי יְהוּדָה אוֹמֵר, בְּחוּץ הַפְּתִיחַ
הָיוּ עוֹמְדוֹת, וְכַמִּין אֵיצְטְרֹמִיטָה
הָיוּ, וְנִקְפְּלוֹת לְאַחֲרֵיהֶן; אֵלּוּ שְׁנֵי
אֲמוֹת וּמְחָצָה וְאֵלּוּ שְׁנֵי אֲמוֹת
וּמְחָצָה; וְחָצִי אֲמָה מְזוּזָה¹¹ מִכַּאֲן
וְחָצִי אֲמָה מְזוּזָה¹² מִכַּאֲן, שְׁנַאֲמַר,
וְשְׁתַּיִם דְּלָתוֹת לְדָלָתוֹת שְׁתַּיִם
מוֹסְבּוֹת דְּלָתוֹת שְׁתַּיִם לְדָלָת אַחַת
וְשְׁתַּיִ דְּלָתוֹת לְאַחֲרָת.

- 1 Literally *of*. It faced the entrance to the *Porch* or *Vestibule*. 2 These two sets of double doors enclosed between them a space of six cubits (the thickness of the wall) by ten cubits (the width of the entrance). 3 *Ezekiel 41, 23*. Scripture gives וְשְׁתַּיִם. Some render this (*And*) *the Temple and the Sanctuary had two doors*. 4 Literally *to cover*. Each door leaf was five cubits broad and the wall six cubits wide. 5 Literally *House*. 6 Five cubits wide. 7 The doors were covered with gold and so blended with the colouring of the *Sanctuary* walls when they were opened right back. 8 Or אֵיצְטְרֹמִיטָה; it is a corruption of אֲסִטְרוֹפּוֹמֵטָא, *pivots, pins in sockets* (at the top and bottom of a door), *folding doors that can double back upon themselves*. 9 Each of the four doors (five cubits wide) was made of two leaves or panels hinged together to fold upon themselves, thus the width when folded being two and a half cubits. 10 And thus they met at the middle of the wall inside. According to R. Judah the inner doors did not open into the *Sanctuary*. 11 Popular pronunciation מִכַּאֲן. 12 The doors being hinged half a cubit from the outer edge. 13 *Ezekiel 41, 24*.

partment on the right, and one into the compartment on the left, and one into the compartment over it. And [in the compartment] at the north-eastern⁴ corner there were five entrances, one into the compartment on the right,⁵ and one into the compartment above it, and one to the winding staircase,⁶ and one to the wicket, and one into the Sanctuary.

אָחַד וְאָחַד, אָחַד לְתֵּא מִן־הַיָּמִין,
וְאָחַד לְתֵּא מִן־הַשְּׂמָאל, וְאָחַד
לְתֵּא שְׁעַל גְּבִיּוֹ. וּבִקְרֵן מִזְרָחִית
צְפוֹנִית, הָיוּ חֲמֵשֶׁה פְּתָחִים, אָחַד
לְתֵּא מִן־הַיָּמִין, וְאָחַד לְתֵּא שְׁעַל
גְּבִיּוֹ, וְאָחַד לְמִסִּיבָה, וְאָחַד
לְפִשְׁפֶּשׁ וְאָחַד לְהִיכָל.

1 Or *cells*, on the outside. Compare יומא 52a. 2 Or the definite forms בְּצִפּוֹן, וְשֶׁבִמְעָרָב, וְשֶׁבִדְרוֹם, שְׁבִצְפוֹן, בְּדְרוֹם, וְשֶׁבִצְפוֹן, בְּדְרוֹם. 3 Thus forming three storeys. 4 Literally *east-northern*. This was the compartment into which the priest, who had to open the doors of the Sanctuary, entered from the north wicket (on the right of the entrance to the Sanctuary). 5 The priest presumably facing south. 6 See תמיד 11.

Mishnah 4

The lower [ground-floor level storey of compartments] was five [cubits wide from front to back at the wall] and the ceiling¹ [over it] was six² [cubits]; the middle [storey] was six [cubits in width from the front to the rear up to the wall] and the ceiling [above it] was seven [cubits]; and the upper [storey] was seven [cubits in depth from the front to the wall behind], as it is said,³ *The nethermost storey⁴ was five cubits broad, and the middle was six cubits broad, and the third was seven cubits broad.*⁵

מִשְׁנֵה ד
הַתַּחְתּוֹנָה חֲמֵשׁ וָרוּבֵד¹ שֵׁשׁ;
הָאֲמֻצָּעִית שֵׁשׁ וָרוּבֵד שְׁבַע;
וְהַעֲלִיּוֹנָה שְׁבַע, וְשִׁנְאָמֶר, הִצִּיעַ⁴
הַתַּחְתּוֹנָה חֲמֵשׁ בָּאָמָה רַחְבָּה,
וְהַתִּיכּוֹנָה שֵׁשׁ בָּאָמָה רַחְבָּה,
וְהַשְּׁלִישִׁית שְׁבַע בָּאָמָה רַחְבָּה.⁵

1 This formed also the floor for the second storey. 2 Balconies or galleries were built round the northern, western and southern outer walls of the Sanctuary and the Holy of Holies; the walls were wide at the base and the outer face sloped upwards and inwards; these galleries or balconies formed ceiling-roof partitions (רוֹבְדִים) between the storeys of cells and were extended to the inclined exterior wall face at the rear so that these partitions projected for one cubit at the wall above the first storey and again for one cubit at the wall over the second storey. 3 *1 Kings 6, 6*. The Scriptural readings are

וְהַתִּיכּוֹנָה, הַתַּחְתּוֹנָה, הִצִּיעַ

used to lower the workmen in boxes with ropes so that they should not view¹⁰ into the *Holy of Holies*.

בְּתִיבוֹת, כְּדֵי שֶׁלֹא יִזְוֹנוּ עֵינֵיהֶן
מִבֵּית קֹדֶשׁ הַקְּדוֹשִׁים.

1 Some render this: *a passage-way with steps*. Probably the same as in 47. See ADDENDA. 2 Literally *east-northern*. 3 See the two preceding *Mishnahs*. 4 To the roofs of the chambers at the west of the *Sanctuary*. Some consider *בְּמִסְיָבָה* redundant. 5 Or the *definite* forms *לְמִזְרַח, לְדָרוֹם, בְּמַעְרָב*. 6 Above the *Sanctuary* and the *Holy of Holies*. 7 With rundles or rungs across them like a ladder. 8 Or *flagstones*. Made of cut polished stone, like mosaic. Perhaps the ends of the beams projecting from the upper walls from north to south. 9 Through the ceiling close to the walls. 10 Literally *feast their eyes*. The workmen were let down in boxes only open to the wall which needed repairing. Whenever possible only expert priests were employed for this work. Compare פְּסָחִים 26a.

Mishnah 6

מִשְׁנָה ו

And the *Sanctuary* [with the *Vestibule* or *Porch*, side chambers, and through-passage included] was a hundred [cubits long] by one hundred [cubits wide], and a hundred [cubits] in height.¹ The foundation [below the walls] was six cubits wide, and the height [of the walls thereon] forty cubits, with one cubit [below the ceiling] of ornamental panelling work;² and the *leakage receptacle*³ was two cubits [thick], and [the beams of the] roof were one [cubit thick], and the plasterwork⁴ [above the roof-beams] was one [cubit thick]; and the height of the upper compartment was forty cubits, and the ornamental panelling work one cubit, and the *leakage receptacle* two cubits, and [the beams of the] roof one cubit, and the plasterwork one cubit; and [the height of the] parapet [round the roof] was three cubits with an *anti-birds guard*⁵ one cubit [high]. R. Judah says, [This] *anti-birds guard* was not included in the measurements,⁶ but the parapet was four cubits [in height].

וְהַיְחָל מֵאָה עַל מֵאָה עַל יְרוֹם
מֵאָה. הָאֹטָם שֵׁשׁ אַמּוֹת, וְגוֹבְהוּ
אַרְבָּעִים אַמָּה כִּיּוֹר; וְאַמְתֵּימִם
בֵּית דִּלְפָּה, וְאַמָּה תִּקְרָה, וְאַמָּה
מִעֲזוּבָה; וְגוֹבָה שֶׁל עֲלֵיָהּ
אַרְבָּעִים אַמָּה וְאַמָּה כִּיּוֹר, וְאַמְתֵּימִם
בֵּית דִּלְפָּה, וְאַמָּה תִּקְרָא, וְאַמָּה
מִעֲזוּבָה; וְשֵׁשׁ אַמּוֹת מַעֲקָה,
וְאַמָּה פְּלֵה עוֹרֵב. רַבִּי יְהוּדָה
אוֹמֵר, לֹא הָיָה פְּלֵה עוֹרֵב עוֹלָה
מִן-הַמִּדָּה, אֲלָא אַרְבַּע אַמּוֹת
הָיָה מַעֲקָה.

[cubits]; the wall of the *Sanctuary* was six [cubits] and its interior was twenty cubits; the wall of the *Sanctuary* was six [cubits] and the chamber was six [cubits]; and the wall of the chamber was five [cubits]; and the space for draining the water⁶ was three cubits, and the wall was five cubits. The *Vestibule* projected fifteen cubits beyond it [namely, the *Sanctuary*] northwards, and fifteen cubits southwards, and it was called the *Chamber of the Slaughter-knives*,⁷ for they used to keep the knives there. And the *Sanctuary* was narrow at the rear⁸ and wide in the front,⁹ and like to a lion, as it is said,¹⁰ *Ah, Ariel, Ariel, the city where David encamped*; even as a lion is narrow behind and wide at the front so was the *Sanctuary* narrow at the back¹¹ and broad in front.¹²

אַמָּה מִן־הַצָּפוֹן, וְחֲמֵשֶׁה עֶשְׂרֵה אַמָּה
 מִן־הַדְּרוֹם, וְהָיָה הַיָּהּ נִקְרָא בֵּית
 יְהִתְלִיפוֹת, שְׁשָׁם גּוֹזְזִים אֶת־
 הַסַּכִּינִים. וְהָיְכָל צָר מֵאַחֲרָיו,
 וְרָחֵב מִלְּפָנָיו, וְדוֹמָה לְאַרְיֵי
 שְׁנַאֲמַר, הוּא אַרְיֵאל אַרְיֵאל קַרְיַת
 חֲנָה דָּוִד; מָה הָאָרְיֵי צָר
 (מֵאַחֲרָיו) וְרָחֵב מִלְּפָנָיו, אִךְ
 הָיְכָל צָר מֵאַחֲרָיו, וְרָחֵב
 מִלְּפָנָיו.¹²

1 **לְמַעַרְב**, the *definite* form, is preferable to the *indefinite* form **לְמַעַרְב**, because **מִהַמְזוּרָה** is *definite*. 2 Or **כּוֹתֵל**. 3 Or *Porch*. 4 See **יּוֹמָא** 51, 51b; **בְּבֵא בְתָרָא** 3a. In the First Temple a wall one cubit thick formed the partition (but compare *I Kings* 6, 16). As it was uncertain whether this cubit measurement was to be deducted from that of the *Holy of Holies* or of the *Sanctuary*, this partition in the Second Temple was replaced by two curtains with a space between them. 5 The *definite* form **לְדְרוֹם** is to be preferred to the *indefinite* form **לְדְרוֹם**, in keeping with the *definite* form **הַצָּפוֹן**. 6 **בֵּית הוֹרְדֵת הַמַּיִם** was actually its name, *viz.*, *Beth Horedeth Hamayim*, and it extended from the south to the southern wall of the southerly chambers. It was so called because the *Sanctuary* roof, and the roofs of the southern chambers, sloped down from north to south so that water from the roofs ran into this space. 7 Or **תְּלִפּוֹת**. Compare **יּוֹמָא** 36a. 8 At the western end (bordering the *Holy of Holies*). 9 At the eastern end (at the *Porch*). 10 **אַרְיֵאל**, (1) *lion of God*, [lion-like] *hero*; (2) here, perhaps, as used of Jerusalem, *city of heroes*, but preferably *altar of God*, *hearth of God*. Compare *II Samuel* 23, 20; *Ezekiel* 43, 15, 16; *Isaiah* 29, 2. 11 Some consider **מֵאַחֲרָיו** redundant. 12 But this statement does not agree with the explicit statement that it was one hundred cubits square.

was between the *Ramp* and the wall⁵ and [in] the place of the posts.⁶

וְהַמִּזְבֵּחַ בֵּין הַכֶּבֶשׂ לְכֹתֵל וּמִקוֹם הַנְּצִיץ⁶

1 The *definite* form לְדָרוֹם is to be preferred to the *indefinite* form דָּרוֹם as הַצָּפוֹן is *definite*. 2 Or *Slope, Incline, Ascent* (the platform up to the *Altar*). 3 See 35, תְּמִיד 41. 4 Or לְכֹתֵל. 5 Or לְכֹתֵל. 6 Twelve and a half cubits on each side.

Mishnah 3

There were six compartments in the *Temple Court*, three at the north¹ and three in the south. Those to the north² were the *Salt Chamber*, the *Parvah Chamber*,³ [and] the *Rinsing Chamber*. The *Salt Chamber*—there they stored [the] salt for the *offerings*.⁴ The *Parvah Chamber*—there they salted the hides of the sacrifices, and on its roof was the place of the [ritual] immersion for the High Priest on the Day of Atonement.⁵ The *Rinsing Chamber*—there they rinsed [the inwards of] the *most holy sacrifices*,⁶ and thence a *winding staircase*⁷ went up to the roof of the *Parvah Chamber*.

מִשְׁנָה ג

שֵׁשׁ לְשָׁכוֹת הָיוּ בְּעִזְרָה, שְׁלֹשׁ בְּצָפוֹן, וְשְׁלֹשׁ בְּדָרוֹם. שְׁבַצְפוֹן² לְשֵׁכֶת הַפְּרִיָה, לְשֵׁכֶת הַמְּלַח, לְשֵׁכֶת הַמְּדִיחִים. לְשֵׁכֶת הַמְּלַח, שָׁם הָיוּ נוֹתְנִין מְלַח לְקָרְבָן. לְשֵׁכֶת הַפְּרִיָה, שָׁם הָיוּ מוֹלְחִין עוֹרוֹת קֹדְשִׁים, וְעַל גִּנָּה הָיָה בַּיִת הַטְּבִילָה לְכַהֵן גָּדוֹל בְּיוֹם הַכַּפּוּרִים. לְשֵׁכֶת הַמְּדִיחִין, שָׁשָׁם הָיוּ מְדִיחִין קֹדְשֵׁי הַקֹּדְשִׁים, וּמִשָּׁם יְמַסִּיבָה עוֹלָה לְגַג בַּיִת הַפְּרִיָה.

1 Or the *definite* forms בְּצָפוֹן, בְּדָרוֹם, שְׁבַצְפוֹן. 2 שְׁבַדְרוֹם or שְׁבַדְרוֹם in some texts. 3 Also called בַּיִת הַפְּרִיָה. *Parvah* (or *Parva*) was a Persian magician and builder after whom this compartment was named and who was supposed to have constructed it; according to Maimonides, he made a hole in one of its walls to watch the High Priest performing his service and was killed there. 4 Literally *offering*. 5 See יִמָּא 33, 6. 6 See זְבָחִים 51-8. 7 Compare 45.

Mishnah 4

Those [compartments] to the south¹ were the *Wood Chamber*, the *Diaspora Chamber*, [and] the *Gazith Chamber*.² The *Wood Chamber*—R. Eliezer ben Jacob said, 'I have forgotten what

מִשְׁנָה ד

יִשְׁבְּדָרוֹם לְשֵׁכֶת הָעֵץ, לְשֵׁכֶת הַגּוֹזָה, לְשֵׁכֶת הַגְּזִיָה, לְשֵׁכֶת הָעֵץ. אָמַר רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב, שָׁכַחְתִּי

Sanhedrin provided for the festivity. 14 The particular expression in the formula was used because the *Gazith Chamber* was referred to as **מְקוֹם**, *Place*, or **הַמְּקוֹם**, *the Place*. 15 In some editions, **מִסְכֵּת מִדּוֹת**, TRACTATE MIDDOTH CONCLUDED.

סֵלִיק מִסְכֵּת מִדּוֹת¹⁵

CONCLUSION OF TRACTATE MIDDOTH.

ADDENDA

[Additional Notes to Tractate MIDDOTH]

- 13, **Note ***. Josephus records that Koponius was the successor of Archelaus as governor of Judæa and Samaria.
- 22, **Note ***. The **הַרְם**, *ban, excommunication*, was pronounced on one who would not accept majority decisions.
- 25, **Note 4**. The smoke was freely allowed to go up there.
- 25, **Note 9**. There they bathed when they became pure.
- 33, **Note 3**. According to **סוּבָה** 49a, this appears to have been done once only in seventy years.
- 33, **Note 6**. When a bird, after slaughtering, was found disqualified for offering, it was cast into the cavity until it became unrecognizable, and then burned.
- 42, **Note 6**. According to R. Judah, it would appear that the priest did not enter direct from the cell into the Sanctuary.
- 45, **Note 1**. A kind of primitive lift plying its way from the lower chambers in the north-east to the roof of the north-west (according to some).
- 51, **Note 6**. This was behind the western wall of the **הַיִּבֵּל** Sanctuary.
- 54, **Note 11**. Such as the discovery that his mother had been a **גְּרוּשָׁה** (divorced), **הַלּוּצָה** (one who had obtained leviratical separation—see **יְבָמוֹת**, INTRODUCTION), **זוֹנָה** (harlot), or **גִּיּוֹרָת** (proselytess).

מסכת

קנים

TRACTATE KINNIM

[BEING THE ELEVENTH TRACTATE OF THE FIFTH ORDER KODASHIM]

TEXT - INTRODUCTION - TRANSLATION - NOTES

By

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INTRODUCTION

קנים, **Kinnim**, is the eleventh (and last) *Tractate* or *Treatise* (מסכת)—without any accompanying **גמרא**—of the fifth *Order Kodashim* (קדר קדשים) of the *Mishnah* (משנה) in the *Babylonian Talmud* (תלמוד בבלי), but is not given in the *Jerusalem* (or *Palestinian*) *Talmud* (תלמוד ירושלמי).

קנים is the plural form of the substantive **קן**, (1) *nest*, (2) *birds in a nest*, (3) *flock of birds*, (4) *nestling*, (5) *abode*, (6) *cell*, (7) (as especially applied to this *Tractate*) **pair of sacrificial pigeons**. **קן** is a denominative derivative of the verb **קנן** [*Kal* obsolete, and akin to **קין**], *build up, form, put up*; **קנן** [*Piel*], *nest, build a nest*.

Briefly the *Tractate* deals with the *bird-offerings* (of the poor) according to *Leviticus* 1, 14-17, 5, 7-13, 12, 8, 14, 22, 23, 30, 31; 15, 14, 15, 29, 30; *Numbers* 6, 10, 11; and further references dealing with the subject are to be found in *שביעית* 8^s; *מעשר שני* 17; *שקלים* 1^s, 2^s, 5¹, 6^s, 7¹; *גדרים* 4^s; *אבות* 31⁹; *זבחים* 103^{3,4}; *חילין* 12¹; *תמורה* 16, 74; *פרייתות* 17, 2^s, 6^s.

The *Tractate* contains three Chapters whose titles are:

CHAPTER 1	חטאת העוף	פָּרָק א
CHAPTER 2	קן חטובה	פָּרָק ב
CHAPTER 3	במה דברים אמורים	פָּרָק ג

The contents of the three Chapters are here briefly summarised.

1. Tossing (or sprinkling) the blood of *bird-offerings*; difference between the irreplaceable *freewill-offering* and the dead or stolen *vowed-offering*; confusion of a *burnt-offering* and a *sin-offering* (and vice-versa); confusion of different *pairs of sacrificial birds*. 2.* Cases where one or two birds (whether before or after decision which was to be the *burnt-offering* and which the *sin-offering*) flies off; *pairs of birds* must be both *young pigeons* or *turtle-doves*, but not one of each; when heirs must furnish the *offering*. 3§ More details regarding confusing; matters in Chapter 1 more precisely elaborated.

* As there is no *Gemara* to this *Tractate*, the problems set in Chapter 1, and more so in Chapter 2, receive only meagre bare mention of the solutions or conclusions. The commentators give most intricate contradictive arguments with very conjectural and abstruse unconvincing conclusions.

§ This Chapter has been expounded variously in a number of commentaries, but the expositions presented are still more involved and the answers offered are also even more indefinite and inconclusive than those in Chapter 2 particularly.

In the **Notes**, therefore, the simplest explanatory illustrations have been given in all the three Chapters.

[11] וְאִם-לֹא תִשָּׂיג יָדוֹ לְשְׁתֵּי תְרִים אוֹ לְשְׁנֵי בְנֵי יוֹנָה וְהָבִיא אֶת-קֶרְבָּנוֹ אֲשֶׁר חָטָא עֲשִׂירִית הָאֶפֶה סֵלֶת לְחֻטָּאת לֹא גִשִּׁים עָלֶיהָ שֶׁמֶן וְלֹא יַחַן עָלֶיהָ לְבִנָּה כִּי חֻטָּאת הוּא

But if his means suffice not for two *turtle-doves* or two *young pigeons*, then he shall bring his offering for that wherein he hath sinned, the tenth part of an ephah of fine flour for a sin-offering; he shall put no oil upon it, neither shall he put any frankincense thereon, for it is a sin-offering.

[12] וְהָבִיִּיאָה אֵל-הַכֹּהֵן וְקִמֵּץ הַכֹּהֵן מִמֶּנָּה מְלֹוא קִמְצוֹ אֶת-אֲזֻכָּרְתָּהּ וְהִקְטִיר הַמִּזְבֵּחַ עַל אֲשֵׁי ה' חֻטָּאת הוּא

And he shall bring it to the priest, and the priest shall take his handful of it as the memorial-part thereof, and make it smoke on the altar, upon the offerings of the Eternal made by fire; it is a sin-offering.

[13] וְכִפֶּר עָלָיו הַכֹּהֵן עַל-חֻטָּאתוֹ אֲשֶׁר חָטָא מֵאֵחַת מֵאֵלֶּה וְנִסְלַח לוֹ וְהִיָּתָה לַכֹּהֵן בְּמִנְחָה

And the priest shall make atonement for him as touching his sin that he hath sinned in any of these things, and he shall be forgiven; and the remnant shall pertain to the priest, as the meal-offering.

Leviticus 12, 8:

[8] וְאִם-לֹא תִמְצָא יָדָהּ דֵּי שֶׁה וְלָקַחְתָּ שְׁתֵּי תְרִים אוֹ שְׁנֵי בְנֵי יוֹנָה אֶחָד לְעֹלָה וְאֶחָד לְחֻטָּאת וְכִפֶּר עָלֶיהָ הַכֹּהֵן וְטִהַרְתָּהּ

And if her means suffice not for a lamb, then she shall take two *turtle-doves* or two *young pigeons*, the one for a burnt-offering and the other for a sin-offering; and the priest shall make atonement for her, and she shall be clean.

Leviticus 14, 22, 23, 30, 31:

[22] וְשְׁתֵּי תְרִים אוֹ שְׁנֵי בְנֵי יוֹנָה אֲשֶׁר תִּשָּׂיג יָדוֹ וְהָיָה אֶחָד חֻטָּאת וְהָאֶחָד עֹלָה

And two *turtle-doves* or two *young pigeons*, such as his means suffice for; and the one shall be a sin-offering and the other a burnt-offering.

[23] וְהָבִיא אֹתָם בַּיּוֹם הַשְּׁמִינִי לְטִהַרְתּוֹ אֵל-הַכֹּהֵן אֶל-פֶּתַח אֹהֶל מוֹעֵד לְפָנֵי ה'

And he shall bring them on the eighth day for his cleansing unto the priest, unto the door of the tent of meeting, before the Eternal.

Leviticus 15, 14, 15, 29, 30:

[14] וּבַיּוֹם הַשְּׁמִינִי יָקַח לוֹ שְׁתֵּי תְרִים אוֹ שְׁנֵי בְנֵי יוֹנָה וּבָא לְפָנֵי ה' אֶל-פֶּתַח אֹהֶל מוֹעֵד וַנִּתְּנָם אֶל-הַכֹּהֵן

And on the eighth day he shall take to him two *turtle-doves* or two *young pigeons*, and come before the Eternal unto the door of the tent of meeting, and give them unto the priest.

מִסְכֵּת
קִנִּיִּם

TRACTATE
KINNIM

CHAPTER 1

פֶּרֶק א

Mishnah 1

[The blood of] a bird¹ [that is] a *sin-offering* is tossed² below³ [the red line round the *Altar*], and [the blood of] a beast [which is] a *sin-offering* [is tossed] above [this red line]. The *burnt-offering* of a bird⁴ has [its blood] tossed above [this red line], and the *burnt-offering* of a beast [has its blood tossed] below [this red line]. If [the officiating priest] changed the procedure⁵ in either case, [the offering] is invalid. The rite enjoined in the offering of a pair of pigeons is as follows:⁶ in the case of an *obligatory offering*,⁷ one [bird] must be offered as a *sin-offering* and the other [bird] as a *burnt-offering*; but in the case of *vow-offerings* and *freewill-offerings*, they are all offered as *burnt-offerings*. And which is deemed a *vow-offering*? When one says, 'I pledge myself [to bring] a *burnt-offering*.' And which is⁸ considered a *freewill-offering*? When one says, 'Lo, this⁹ shall be a *burnt-offering*.' Wherein is the distinction between *vow-offerings* and *freewill-offerings*? Only that in [the case of] *vow-offerings*, if [the beasts or birds] die or be stolen, [the owner] is responsible for them¹⁰ [and must replace them], but with *freewill-offerings*, if they die or be stolen, he is not answerable for them¹¹ [and does not provide any substitutes].

מִשְׁנָה א

חֲטָאת הָעוֹף נֶעֱשִׂיתָ לְמִטָּה וְחֲטָאת
בְּהֵמָה לְמַעַלָּה. עוֹלֹת הָעוֹף
נֶעֱשִׂיתָ לְמַעַלָּה וְעוֹלֹת הַבְּהֵמָה
לְמִטָּה. אִם שִׁנְיָה בְּזוֹה וּבְזוֹה פְּסוּל.
סֵדֶר קִנִּיִּם כִּךָ הוּא, הַחֹכֶה, אֶחָד
חֲטָאת וְאֶחָד עוֹלָה; בְּגִדְרֵים
וּגְדֻבּוֹת כּוֹלֵן עוֹלוֹת. אֵיזוֹהוּ גִדְרֵי?
הָאוֹמֵר, הֲרִי עָלַי עוֹלָה. וְאֵיזוֹהוּ
גְדֻבָּה? הָאוֹמֵר, הֲרִי זֶה עוֹלָה.
מֵה־בֵּין גִּדְרֵים לְגְדֻבּוֹת? אֵלֶּא
שֶׁהַגִּדְרֵים מָתוּ אוֹ נִגְבּוּ חַיִּיבִים
בְּאַחֲרֵייתָם, וּגְדֻבּוֹת מָתוּ אוֹ נִגְבּוּ
אֵינָן חַיִּיבִין בְּאַחֲרֵייתָן.¹¹

מִסְכֵּת

קִנִּים

TRACTATE KINNIM

CHAPTER 1

פֶּרֶק א

Mishnah 1

[The blood of] a bird¹ [that is] a *sin-offering* is tossed² below³ [the red line round the *Altar*], and [the blood of] a beast [which is] a *sin-offering* [is tossed] above [this red line]. The *burnt-offering* of a bird⁴ has [its blood] tossed above [this red line], and the *burnt-offering* of a beast [has its blood tossed] below [this red line]. If [the officiating priest] changed the procedure⁵ in either case, [the offering] is invalid. The rite enjoined in the offering of a pair of pigeons is as follows:⁶ in the case of an *obligatory offering*,⁷ one [bird] must be offered as a *sin-offering* and the other [bird] as a *burnt-offering*; but in the case of *vow-offerings* and *freewill-offerings*, they are all offered as *burnt-offerings*. And which is deemed a *vow-offering*? When one says, 'I pledge myself [to bring] a *burnt-offering*.' And which is⁸ considered a *freewill-offering*? When one says, 'Lo, this⁹ shall be a *burnt-offering*.' Wherein is the distinction between *vow-offerings* and *freewill-offerings*? Only that in [the case of] *vow-offerings*, if [the beasts or birds] die or be stolen, [the owner] is responsible for them¹⁰ [and must replace them], but with *freewill-offerings*, if they die or be stolen, he is not answerable for them¹¹ [and does not provide any substitutes].

מִשְׁנָה א

חֲטָאתֵי הָעוֹף נִעְשִׂיתָ לְמַטָּה וְחֲטָאתֵי
בְּהֵמָה לְמַעְלָה. עוֹלֹת הָעוֹף
נִעְשִׂיתָ לְמַעְלָה וְעוֹלֹת הַבְּהֵמָה
לְמַטָּה. אִם שִׁינָה בְּזֶה וּבְזֶה פָּסוּל.
סֵדֶר קִנִּים כֵּן הוּא, יְחֹזֵקָה, אֶחָד
חֲטָאתֵי וְאֶחָד עוֹלָה; בְּנִדְרִים
וּנְדָבוֹת כּוֹלֵן עוֹלוֹת. אֵיזֶהוּ נִדְרִי?
הָאוֹמֵר, הֲרִי עָלַי עוֹלָה. וְאֵיזֶהוּ
נְדָבָה? הָאוֹמֵר, הֲרִי יָזוּ עוֹלָה.
מֵה־בֵּין נִדְרִים לְנְדָבוֹת? אֵלֶּא
שֶׁהַנִּדְרִים מֵתוֹ אוֹ נִגְנְבוּ חַיִּיבִים
בְּאַחֲרֵייתָם, וְנְדָבוֹת מֵתוֹ אוֹ נִגְנְבוּ
אֵינָן חַיִּיבִין בְּאַחֲרֵייתָן.¹¹

of a *freewill-offering* (both as *burnt-offerings*) were intermingled with more than one pair of birds of *offerings of obligation* (where of each pair one must be a *sin-offering*, and the other a *burnt-offering*, but which is which had not been assigned), then any four are offered as *burnt-offerings*. 5 Two birds of an *offering of obligation* (one of which must be a *sin-offering* and the other a *burnt-offering*, but the assignment had not been made) were mixed up with two or more pairs of birds of *freewill-offerings* (all of which are *burnt-offerings*), then only one bird is offered as a *burnt-offering*. 6 If any number, say x , of pairs of birds of an *obligatory offering* (half of which are *burnt-offerings* and the other half *sin-offerings*, but which were which were unassigned) were intermixed with x pairs of *freewill-offerings* (all of which are *burnt-offerings*), then any x of the confused birds are offered as *burnt-offerings*. * An expression for 'even one among any number however large.'

Mishnah 3

The¹ rulings [above stated] apply to *obligatory-offerings* [of birds, half of which are *burnt-offerings* and the rest *sin-offerings*, that are confused] with *freewill-offerings* [all of which are *burnt-offerings*]; but in the case of *obligatory-offerings* that are confused one² with another, one [pair] belonging to one [woman] and the other [pair] to another³ [woman], or two [pairs] belonging to one [woman] and two [pairs] to another⁴ [woman], or three [pairs] belonging to one [woman] and three [pairs] to another⁵ [woman], then half [of them remain] valid [and of these half are *burnt-offerings* and half *sin-offerings*] and the [other] half becomes invalid.⁶ [But] if one [pair] belonged to one [woman] and two [pairs] to another [woman], and they were confused,⁷ or [if one pair belonged to one woman] and three [pairs] to another⁷ [woman], or⁸ [if one woman brought one pair] and another [woman] ten⁷ [pairs], or [if one woman brought one pair] and another [woman] a hundred⁷ [pairs], only the smaller number [of the two confused groups] is valid,⁹ irrespective as to whether they are of the same category or of two categories,¹⁰ or whether they pertain to one woman or to two women.

משנה ג

בבמה דבָּרִים אָמֹרִים בְּחֹבֶה
 וּבְנִדְבָה; אֶבֶל בְּחֹבֶה שֶׁנִּתְעַרְבוּ
 לוֹ בָּנוּ, אַחַת לָזוֹ וְאַחַת לָזוֹ, שְׁתֵּי
 לָזוֹ וְשְׁתֵּי לָזוֹ, שְׁלֹשׁ לָזוֹ וְשְׁלֹשׁ
 לָזוֹ, מִחֲצָה כֶּשֶׁר וּמִחֲצָה פְּסוּל.
 אַחַת לָזוֹ וְשְׁתֵּי לָזוֹ, וְשְׁלֹשׁ לָזוֹ,
 וְנֶעֱשֶׂר לָזוֹ, וּמֵאָה לָזוֹ, תְּמוּצָה
 כֶּשֶׁר, בֵּין מִשֵּׁם אֶחָד, בֵּין מִשְׁנֵי
 שְׁמוֹת, בֵּין מֵאִשָּׁה אַחַת, בֵּין מִשְׁתֵּי
 נָשִׁים.

brought a pair of birds because of] childbirth and another [woman brought a pair because of] a discharge. R. Jose⁵ says, If two women purchased their pairs of birds jointly, or if they gave the money for their pairs of birds to the priest,⁶ the priest may offer whichever [pair] he is minded as *sin-offerings*⁷ and⁸ the other pair as *burnt-offerings*,⁹ irrespective as to whether [the birds come under] one category or two categories.

1 See the preceding *Mishnah*. 2 *Leviticus* 12, 6. 3 Or *flux, flow, issue*. *Leviticus* 15, 29. 4 Or זי; see Volume II, מועד, Page 12. 5 His opinion is accepted. 6 That he should provide their birds. 7 Literally *sin-offering*. 8 Literally and the priest may offer whichever [pair] he is minded as a burnt-offering. 9 Literally burnt-offering. See ADDENDA at the end of this *Tractate*.

CHAPTER 2

פֶּרֶק ב

Mishnah 1

מִשְׁנָה א

If a pigeon of an unassigned pair¹ flew away,² or if it flew off among [birds] left to die,³ or if one of them [namely, of the pair] died, another is taken to make up the pair. If it flew among [another unassigned pair] that was put aside as *offerings*, it is itself invalid and also invalidates one of the pair, since the pigeon that flies away⁴ itself becomes invalid and as well renders one of the pair invalid.

קָן יִסְתּוּמָה יִשְׁפָּרַח מִמֶּנּוּה גּוֹזֵל לְאֵוִיר אוֹ שְׁפָרַח לְבֵין הַמֵּתוֹת אוֹ שָׁמַת אֶחָד מֵהֶן יִקַּח וּגַג לְשֵׁנֵי פָּרַח לְבֵין הַקְּרִיבוֹת פְּסוּל, וּפּוֹסֵל אֶחָד כְּנֻגְדּוֹ, שֶׁהִנּוּחַ הַפּוֹרָח פְּסוּל, וּפּוֹסֵל אֶחָד כְּנֻגְדּוֹ.

1 *i.e.*, it was not yet specified which was to be for the *burnt-offering* and which for the *sin-offering*. Contrast 2⁴, קָן מִפּוֹרֶשֶׁת. 2 Literally flew from it into the air. Or לְאֵוִיר, לְאֵוִיר. 3 See 1²; *Leviticus* 15, 29. 4 And joins another pair (see the next *Mishnah*).

Mishnah 2

מִשְׁנָה ב

What is the case when there were two women, one¹ [of whom] had two pairs of birds [for *offerings*] and the other [also] had two pairs [for *offerings*], and [one pigeon] flew away

כִּי־צָד שְׁתֵּי נָשִׁים, יִלּוּ שְׁתֵּי קָנִים וְלֹא שְׁתֵּי קָנִים וְלֹא שְׁתֵּי קָנִים, פָּרַח מִזוֹ לָזוֹ? פּוֹסֵל אֶחָד בְּהִלְיָכְתּוֹ; חוֹר, פּוֹסֵל

so on to the first], [the bird in each respective case] on its outward flight renders one invalid,⁴ and [each time a bird] on its return flight [also invalidates] one, [and in consequence] both the first and the second will have none [left for valid offerings], the third will have⁵ one [pair], the fourth will have two [pairs], the fifth⁶ will have three [pairs], the sixth will have four [pairs], [and] the seventh will have six [pairs]. [If, in like manner, any bird, beginning with the third set] flew away,⁷ and [in like reverse order, one] flew back [to the third set], [the bird] on its outward flight invalidates one, and [the bird] on its return flight [also renders invalid] one, [and consequently] there will be none [left for valid offerings] in the third and fourth sets, the fifth has one [pair], the sixth has two [pairs], [and] the seventh has five [pairs]. [If, likewise, any bird beginning with the fifth set] flew off,⁸ and [in like reverse order, one] flew back [to the fifth set], [the bird] on its outward flight renders one invalid, and [the bird] on its return flight [also invalidates] one, [and thus] the fifth and the sixth will have none [remaining for valid offerings], [and] the seventh will have four [pairs]. But some say⁹ that the seventh [on this third occasion] has incurred no loss [and has still five valid pairs]. And if [any one bird] from among those left to die flew among [any of] all the others,¹⁰ then all these others must be left to die.

אַרְבַּע, הַשְּׁבִיעִית יֵשׁ לָהּ
 שֵׁשׁ. פָּרַח וְחָזַר, פּוֹסֵל אֶחָד
 בְּהִלְכָתוֹ וְאֶחָד בְּחֹזְרָתוֹ, הַשְּׁלִישִׁית
 וְהַרְבִּיעִית אֵין לָהֶם כְּלוּם,
 הַחֲמִישִׁית יֵשׁ לָהּ אַחַת, הַשְּׁשִׁית יֵשׁ
 לָהּ שְׁתַּיִם, הַשְּׁבִיעִית יֵשׁ לָהּ חֲמֵשׁ.
 פָּרַח וְחָזַר, פּוֹסֵל אֶחָד בְּהִלְכָתוֹ
 וְאֶחָד בְּחֹזְרָתוֹ, הַחֲמִשִּׁית וְהַשְּׁשִׁית
 אֵין לָהֶם כְּלוּם, הַשְּׁבִיעִית יֵשׁ לָהּ
 אַרְבַּע. וְיֵשׁ אוֹמְרִים הַשְּׁבִיעִית לֹא
 הִפְסִידָה כְּלוּם. וְאִם פָּרַח מִבֵּין
 הַמֵּתוֹת לְכֻלָּם, הָרִי כֻלָּם יָמוּתוּ.

1 Or לָזוּ; see Volume II, מוֹעֵד, Page 12. 2 Or לְהַמְשִׁית. 3 Thus finally the first is left with one pigeon, the seventh has fifteen pigeons, and the others still have their numbers intact. 4 Each set now has its complete original number of birds. It is evidently most highly improbable that the bird to return to any set was the same as had left it—unless every bird had been specially marked,* which is most unlikely—and also it is impossible to determine what variations had occurred in both directions of interchanges. 5 Or יֵשׁ לָהּ. 6 Or הַחֲמִשִּׁית. 7 The birds from the first and second lots do not come under this heading now, for they have to be left to die, and if any one of them had flown to the others, these in turn would have become invalid and only fit to die. 8 The birds of the third and fourth sets have

and the others [at the other side] are offered as *burnt-offerings* [as the case may be]. If they returned, or others flew away from the middle [to those] at the sides,⁵ then all must be left to die. Turtle-doves must not be used⁶ [to form pairs] with⁷ young pigeons or young pigeons [to make up pairs] with⁷ turtle-doves. Thus, if a woman brought a turtle-dove as her *sin-offering* and a young pigeon as her *burnt-offering*, she must bring as her *burnt-offering*⁸ [another] turtle-dove; [if she offered as] her *burnt-offering* a turtle-dove and as her *sin-offering* a young pigeon, she must bring as her *burnt-offering*⁸ a young pigeon. Ben Azzai says, They should decide according to what is first⁹ [offered]. If a woman brought her *sin-offering* and she then died, the heirs must bring her *burnt-offering*; [but if she first brought] her *burnt-offering* and she then died, the heirs do not have to bring her *sin-offering*.¹⁰

1 Or מִיֵּבֶן, for זִבְחָן (popular pronunciation מִכָּבָן). 2 Some render these in the plural, because in the next paragraph dealing with the same subject these terms are in the plural. But where necessary for greater clarity, the plural forms are introduced in the next sections. 3 Popular pronunciation בְּאִמְצָע. * 4 בְּאִמְצָע popular pronunciation. And it is indeterminate which was the *burnt-offering* and which the *sin-offering*. 5 One of these two phrases seems redundant in the opinion of some. 6 Literally they must not bring . . . 7 Literally against. 8 Because the *burnt-offering* is the principal of the two. 9 i.e., if the first was a turtle-dove the second should be a turtle-dove, and if the first was a young pigeon the second should be a young pigeon. Ben Azzai's view is not accepted. (See חולין 15). 10 Since death itself atones for any sin committed. * אִמְצָע, traditional pronunciation אִמְצָע.

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

This holds good in the case where the priest¹ had made enquiry,² but if the priest¹ did not inquire [and offered] one [pair of birds] belonging

בְּמָה דְּבָרִים אָמְוּרִים, יִבְפֹּהוּ
נִמְלָךְ, אֲבָל יִבְפֹּהוּ שְׂאִינוֹ נִמְלָךְ,
אֶחָת לְזוֹ וְאֶחָת לְזוֹ, שְׁתֵּי לְזוֹ

belonged to the other [woman] or a hundred [pairs] belonged to the other² [woman], and [the priest] expressed the blood of³ all of them above* [the red line round the sides of the *Altar*], half [of the birds that are *burnt-offerings*] are valid and the [other] half [which are *sin-offerings*] are invalid; [if he did so to] all of them below [the red line], half§ [of the *sin-offerings*] are valid and [the other] half§ [of the *burnt-offerings*] are invalid; [and if he did this with] half of them above [the red line] and [the other] half of them below [the red line], the greater part is valid.⁴ This is the general principle:⁵ if the pairs [of birds] can be divided [into two equal parts in such wise

that of any pair] belonging to a woman one bird [has not its blood expressed] above‡ [the red line] and [another] below,⁶ half§ are valid and [the other] half§ are invalid; [but] if⁷ it be not possible to divide the pairs [of birds into two equal lots] so that some of those that belong to one [woman must unavoidably have their blood expressed] above‡ [the red line] and [some] below, the greater number is valid.

פסול; כולן למטן מחצה כשר
ומחצה פסול: ותציין למעלן
ותציין למטן המרובה כשר.
זה הפלל, כל-מקום שאתה יכול
לחלוק את-הקנין ולא יהו משל
אשה אחת בין ומלמעלן בין מלמטן
מחצה כשר ומחצה פסול. כל-
מקום שאין אתה יכול לחלוק
את-הקנין עד שהוא משל אשה
אחת בין ומלמעלן בין מלמטן
המרובה כשר.

1 Or לין; see Volume II, מועד, Page 12. 2 These illustrations are rendered in a variety of ways by different authorities (see INTRODUCTION), such as the second references being applied to the 'first woman,' but the rulings following are not affected by these variant renderings. 3 Literally and [the priest] did. 4 e.g., the priest offered the blood of the pairs (brought by one woman) above the red line; then the blood of two pairs (belonging to another woman), one above and three below (to have in all of three birds above and of three below), thus two *burnt-offerings* above are valid and two *sin-offerings* below are valid (leaving one above and one below invalid), and so altogether four birds—the greater part—are valid, against two birds—the smaller part—that are invalid. 5 Traditional pronunciation הפלל. 6 Some render this: 'into two equal parts in such manner that some of the birds belonging to one woman have their blood expressed above the red line and some below,' but this does not affect the validity of the rule. 7 כל-מקום, wherever, everywhere, whenever, if, in all cases. *§See ADDENDA at the end of this Tractate. * Or למעלה. † Or למעלן. ‡ Or למעלן.

assigned,³ and it [namely, this unassigned pair] is shared between them⁴ [namely, the two women].

1 Thus: there were two women, A and B; A needed a pigeon for a *burnt-offering* and a pair of pigeons, one for a *burnt-offering* and one for a *sin-offering*; B required a pigeon for a *sin-offering*, and a pair of pigeons, one for a *sin-offering* and one for a *burnt-offering*; they obtained jointly three pairs of birds, of one pair of which one bird was a *burnt-offering* for A and the other for a *sin-offering* for B, another pair was set apart (without specifying whether for A or B nor designating which bird was which offering), and the third pair was not assigned whether for A or B but which bird was for which offering was specified. The priest offers the first *burnt-offering* for A above the *Altar* red line and the first *sin-offering* for B below (since there is no uncertainty here); he also offers the two *burnt-offerings* above the red line with the declaration that one is for A and the other is for B, and the two *sin-offerings* below declaring that one is for A and the other for B. **2** Literally עָשָׂה *he did, he made*. **3** The one offered above becomes a *burnt-offering* and the one offered below becomes a *sin-offering*. **4** *i.e.*, the *burnt-offering* for A and the *sin-offering* for B (as in **Note 1**).

Mishnah 5

משנה ה

If [birds allotted for] *sin-offerings*¹ were confused with² [pairs of birds for] *obligatory-offerings*, only so many are valid as equal the number of the *sin-offerings* among the *obligatory-offerings*;³ [thus] if [the number of unassigned] *obligatory-offerings* were double [that] of the *sin-offerings*, half are valid and [the other] half are invalid;⁴ and if [the number for] the *sin-offerings* were twice [that] of the [unassigned] *obligatory-offerings*, so many only are valid as are equal to the number of the *obligatory-offerings*.⁵ And likewise, also, if [assigned birds for] *burnt-offerings* were confused with [unassigned ones for] *obligatory-offerings*, only as many are valid as equal the number of *burnt-offerings* among the *obligatory-offerings*;⁶ [thus] if [the number of unassigned] *obligatory-offerings* were double [that] of the *burnt-offerings*, half are valid and half invalid;⁷ [if the number of the] *burnt-offerings* were twice [that] of the [unassigned] *obligatory-offerings*, only as many as the number of the [unassigned] *obligatory-offerings* remain valid.⁸

חֲטָאת שְׁנַתְּעַרְבָהּ בְּחוּבָה אֵין
 כָּשֶׁר אֵלָא מִגֵּן חֲטָאת שְׁבַחוּבָה;
 חוּבָה שְׁנַיִם בְּחֲטָאת, מִחֲצָה כָּשֶׁר,
 וּמִחֲצָה פְּסוּל; וְחֲטָאת שְׁנַיִם
 בְּחוּבָה, הַמִּגֵּן שְׁבַחוּבָה כָּשֶׁר. וְכֵן
 עוֹלָה שְׁנַתְּעַרְבָהּ בְּחוּבָה, אֵין כָּשֶׁר
 אֵלָא מִגֵּן עוֹלוֹת שְׁבַחוּבָה; חוּבָה
 שְׁנַיִם בְּעוֹלָה, מִחֲצָה כָּשֶׁר וּמִחֲצָה
 פְּסוּל; עוֹלָה שְׁנַיִם בְּחוּבָה הַמִּגֵּן
 שְׁבַחוּבָה כָּשֶׁר.

for burnt-offerings]. If she had stated expressly [which were for] her vow,⁹ she must bring three more birds of the same kind;¹⁰ [but if the two pairs were of] two kinds, she must bring four¹¹ [more birds]. If she had expressly designated in her vow [which kind, and having brought to the priest the pair for the vow and the pair for childbirth, and the priest after offering two above and two below did not know which they were and she also had forgotten which had been for her vow] she must bring five [birds] more of the same kind;¹² [but if she brought them] of two kinds [namely, one kind for the vow and one kind for the childbirth, but had then forgotten which kind was for which offering] she must bring six¹³ [birds more]. If she gave them to the priest, but it was not known¹⁴ what she gave,¹⁵ and the priest went and expressed the blood [against the Altar side] and he did not know in what manner he had done so,¹⁶ she must bring four birds more¹⁷ for her *vow-offering* and two¹⁸ [more] for her *obligation-offering* and one [more as the] *sin-offering*.¹⁹ Ben Azzai says, Two [birds more, namely, a turtle-dove and a young pigeon, as] *sin-offerings*. R. Joshua says, This it is which they have said [of a horned beast], while it lives it has [only] one voice, but when it is dead its voice becomes seven. What is meant [by the saying that] 'its voice is multiplied sevenfold'?—Its two horns are [fashioned into] two trumpets, its two leg-bones²⁰ are

11 ארבע קבצה נדרה, צריכה להביא עוד חמש פרידות ממין אחד; משני מינין תביא יישש. נתנתם לכהן יואין ידוע ימה-נתנה הלך הפהו ועשה ואין יודע מה יעשה, צריכה להביא עוד 17 ארבע פרידות לנדרה, יושמים לחובתה, יומטאת אחת. בן עזאי אומר, שתי חטאות. אמר רבי יהושע, זה הוא שאמרו כשהוא חי קולו אחד וכשהוא מת קולו שבעה. כיצד קולו שבעה? שתי קרניו, שתי חצוצרות, שתי שוקיו, שני חלילין, עורו לתוף, 22 מעיו לנגלים, בני מעיו לכינורות. 25 ויש אומרים, אף צמרו 27 לתכלת. רבי שמעון בן עקשיא אומר, זקני עם הארץ כל-זמן שמזקנין, דעתן מטורפת עליהן, 28 שנאמר, מסיר שפה לנאמנים וטעם זקנים יקח. אבל זקני תורה אינן כן, אלא כל-זמן שמזקנין דעתן 30 מתשבת עליהן, 31 שנאמר, בישישים חכמה, וארך ימים 32 תבונה.

turtle-doves and two young pigeons (as above mentioned). 18 One for a *burnt-offering* and the other for a *sin-offering*. 19 Either a turtle-dove or a young pigeon. 20 Literally *forelegs*. 21 Or *ffes*. 22 Or *entrails*. 23 Or *lyres*. 24 Or *citters, guitars, harps, lutes*. 25 Or *יִשְׁ-אוֹמְרִים*. 26 *sc.*, of the sheep. 27 Exodus 28, 33; *יִזְמָא* 75; *זְבָחִים* 88b; *עֲרֵכִין* 16a. 28 Or *uneducated, untutored, ignorant people*. i.e., lack of understanding increases with age. 29† Job 12, 20. 30* Literally *their mind* (or *understanding*) *becomes refreshed*. 31† Job 12, 12. 32 *תְּבִנָּה* is on a higher level than *חֵכְמָה*. 33 In some editions *לָהּ מַסַּכַת קָנִים*. * Or *סְלִיקָא לָהּ מַסַּכַת קָנִים*. † See ADDENDA at the end of this *Tractate*.

וְנִשְׁלָמָה מַסַּכַת קָנִים**

TRACTATE KINNIM CONCLUDED.

ADDENDA

[Additional Notes to Tractate KINNIM]

- 14, **Note 9.** Actually the specification can take place either at the time of purchase or slaughter. Such specification did, in fact, take place, but the women had forgotten later which was which. Rashi (ר"ש) seems to solve the difficulty by suggesting that when the women brought the birds or purchase price to the priest, they gave him the option to offer them up in the manner thought best by him.
- 22, **Note 1.** The *Mishnah* refers only to women because it is they who have more frequent occasions to bring these offerings.
- 23, **Note 8.** The abiding fear being lest more sin-offerings and burnt-offerings be brought than existed in the various groups of birds originally.
- 3¹, **Note***. Or *לְמַעַלָּה*.
- 3¹, **Note §.** Or *שְׁלֵמַעַלָּה*.
- 3¹, **Note †.** For in every pair one bird is a *burnt-offering* and the other is a *sin-offering* (some put this 'for of every pair one half of each bird is a *burnt-offering* and the other half of each is a *sin-offering*').
- 3², **Note ***. Or perhaps *וְיִחַצְיֵן*, *half of them*, and *וְיִחַצְיֵן*, *and the [other] half of them*.
- 3⁵, **Note 7.** The principle here stressed is: the greatest number offered up (if more than the other bird-offerings combined) is the number valid after the unfortunate mixing up has taken place.

APPENDIX

GENERAL REFERENCE NOTES

By

PHILIP BLACKMAN, F.C.S.

GENERAL REFERENCE NOTES

Note 1.

The Jewish agriculturist in Palestine was obliged **מִדְאוֹרֵי תָא** (or **מִן־הַתּוֹרָה**) as enjoined by the law (but also outside Palestine **מִדְרַבָּנִן**, as ordained by the **חֲכָמִים**, Sages) to give from the produce of his field, garden, oliveyard, vineyard and orchard certain dues or levies called **מַתְנוֹת עֲנִיִּים**, *poor-men's dues*, every six years, but not every seventh year called **שְׁבִיעִית** or **שְׁמִטָּה** (or **שְׁמִיטָּה**), *Sabbatical Year*, when all that grew of itself was **הֶפְקֵר**, *ownerless, common to everyone*, and everybody—whether man, woman, or beast, rich or poor, old or young—had an equal right to it.

^{1a} These dues were (1) **פֶּאֶה**, *field corner* (minimum $\frac{1}{6}$), (2) **שִׁכְחָה**, *forgotten in gleaning*, (3) **לֶקֶט**, *fallen cut corn, gleaning* (including **פֶּרֶט**, *fallen cut grapes*, and **עוֹלָלוֹת**, *poor, unripe clusters of grapes*), and (4) **מַעֲשֵׂר עֲנִי**, *poor-man's tithe* (see further on).

After all these dues had been allowed for then it was obligatory to separate:

(a) $\frac{2}{6}$ of the produce as **תְּרוּמַה גְּדוֹלָה**, *heave-offering, priest's-due*, also called **תְּרוּמַה גְּדוֹלָה**, *major-heave offering, major-priest's-due*, for the **כֹּהֵן**, *priest*;

(b) $\frac{1}{6}$ of the remainder as **מַעֲשֵׂר רִאשׁוֹן**, *first tithe*, for the **לֵוִי**, *Levite* (who had himself to give $\frac{1}{6}$ of this as **תְּרוּמַת מַעֲשֵׂר**, *priest's-due of the tithe*, or **תְּרוּמַה קְטַנָּה**, *priest's-minor-due*);

(c) $\frac{1}{6}$ of the rest as **מַעֲשֵׂר שְׁנִי**, *second tithe*, every 1st, 2nd, 4th and 5th years, which had to be taken by the owner to Jerusalem to be consumed there; but every 3rd and 6th years this was termed **מַעֲשֵׂר עֲנִי**, *poor-man's tithe*, and had to be delivered to the poor.

None but a **כֹּהֵן** was permitted to eat of **תְּרוּמַה**. If some **תְּרוּמַה** was mixed with **חֹלֵיִן** (*non-תְּרוּמַה produce*) and the **חֹלֵיִן** was less than 100 times the intermingled **תְּרוּמַה** the total mixture became **מְדֻמָּע**, *subject to the law of תְּרוּמַה* and was not to be eaten by a non-priest.

Before the separation of **תְּרוּמַה** and **מַעֲשֵׂר רִאשׁוֹן** the produce was termed **טָבֵל** and was forbidden to be eaten; but after these levies had been separated the produce was termed **חֹלֵיִן**, *non-holy*. When the other tithes had also been separated the remainder was termed **מְתַקֵּן**, *adjusted*, or **חֹלֵיִן מְתַקֵּיִם**, *adjusted non-holy produce* (or **דְּאִי**, *definitely tithed*, in contradistinction to **דְּמָאִי**, *uncertain tithed*) and could then be used for all purposes.

See **פֶּאֶה** *Leviticus 19, 9, 10; Deuteronomy 24, 19, 21. שְׁבִיעִית* *Exodus 23, 11; Leviticus 25, 2-7; Deuteronomy 15, 1-11. תְּרוּמַה* *Numbers 18, 12. מַעֲשֵׂר* *Leviticus 27, 30-33; Numbers 18, 21-24; Deuteronomy 14, 22-26.*

By virtue of this Erub, may it be permitted to us to bake and to cook and to keep hot and to kindle a light and to perform all our necessary requirements on the Holyday-day for the Sabbath for ourselves and for all who dwell in this city.

[See דִּמְאָ 14, and עֲרוּבֵיץ, INTRODUCTIONS, for a fuller account of (1) and (2) and for the appropriate Blessings, (3) בִּיצָה 21.]

Note 5.

רְשׁוּת הַיְחִיד, *private domain*, and רְשׁוּת הָרַבִּים, *public domain*.

A רְשׁוּת הַיְחִיד, *private domain*, is a place surrounded by four partitions, walls, etc., at least ten handbreadths high and four handbreadths minimum square (i.e., at least 4×4 handbreadths)—thus a district, town, village, mound, trench, etc., under these correct conditions become *private domains* (in the case of a trench, etc., the *depth* of ten handbreadths being equivalent to an equal *height*)—the air space above a רְשׁוּת הַיְחִיד up to the skies is as the *private domain*; and the thickness of a wall of a רְשׁוּת הַיְחִיד is as the *private domain*.

In the case of a רְשׁוּת הָרַבִּים, *public domain*, the air space above it up to a height of ten handbreadths is considered as part of the *public domain*.

A כְּרַמְלִית, *neutral domain*, is a place which cannot be determined or established whether it is a *private domain* or a *public domain*.

Note 6.

פְּרֻתְבוּל, *Sabbatical Year Declaration*, is a declaration made before בֵּית דִּין, *Court*, before the execution of a loan to the effect that the *Sabbatical Year* (שְׁבִיעִית or שְׁמִיטָה) law shall not apply to, and annul the loan (to be) transacted. This was instituted by הַלֵּל הַזֶּקֶן so that business should not be held up on account of the advent of שְׁמִיטָה.

Note 7.

Possession. In the case of מְטַלְטְלִין, *movables*, one acquires possession by the following methods:

- (1) קָנָן דָּ, *by holding the object*;
- (2) קָנָן הָצַר, *the object is already on the premises of the purchaser*;
- (3) קָנָן חֲלִיסִין, *the buyer or receiver gives, in exchange, a complete finished article of which the other party holds at least three square inches for a while—these three procedures are מִן־הַתּוֹרָה (or מִדְּאוּרֵיתָא), as enjoined by the Law*;
- (4) הִנְבָּהָה, * *the buyer lifts up the object*; * popularly mispronounced הִנְבָּהָה.
- (5) מְשִׁיבָה, *the purchaser drags away the article or animal from the vendor's place to another spot*;

By virtue of this Erub, may it be permitted to us to bake and to cook and to keep hot and to kindle a light and to perform all our necessary requirements on the Holyday-day for the Sabbath for ourselves and for all who dwell in this city.

[See דְּמַאי 14, and עֵרוּבֵינִי, INTRODUCTIONS, for a fuller account of (1) and (2) and for the appropriate Blessings, (3) בְּיָצָה 24.]

Note 5.

רְשׁוּת הַיְחִיד, *private domain*, and רְשׁוּת הָרַבִּים, *public domain*.

A רְשׁוּת הַיְחִיד, *private domain*, is a place surrounded by four partitions, walls, etc., at least ten handbreadths high and four handbreadths minimum square (i.e., at least 4×4 handbreadths)—thus a district, town, village, mound, trench, etc., under these correct conditions become *private domains* (in the case of a trench, etc., the *depth* of ten handbreadths being equivalent to an equal *height*)—the air space above a רְשׁוּת הַיְחִיד up to the skies is as the *private domain*; and the thickness of a wall of a רְשׁוּת הַיְחִיד is as the *private domain*.

In the case of a רְשׁוּת הָרַבִּים, *public domain*, the air space above it up to a height of ten handbreadths is considered as part of the *public domain*.

A כְּרַמְלִית, *neutral domain*, is a place which cannot be determined or established whether it is a *private domain* or a *public domain*.

Note 6.

פְּרוּזְבוּל, *Sabbatical Year Declaration*, is a declaration made before בֵּית דִּין, *Court*, before the execution of a loan to the effect that the *Sabbatical Year* (שְׁבִיעִית or שְׁמִטָּה) law shall not apply to, and annul the loan (to be) transacted. This was instituted by הַלֵּל הַזֶּקֶן so that business should not be held up on account of the advent of שְׁמִיטָה.

Note 7.

Possession. In the case of מְטַלְטְלִין, *movables*, one acquires possession by the following methods:

- (1) קָנָן יָד, *by holding the object*;
- (2) קָנָן חֶצֶר, *the object is already on the premises of the purchaser*;
- (3) קָנָן חֲלִיפִין, *the buyer or receiver gives, in exchange, a complete finished article of which the other party holds at least three square inches for a while—these three procedures are מִן־הַתּוֹרָה (or מִדְּאוּרֵיחָא), as enjoined by the Law*;
- (4) הִנָּבְהָה, * *the buyer lifts up the object*; * popularly mispronounced הִנָּבְהָה.
- (5) מְשִׁיבָה, *the purchaser draws away the article or animal from the vendor's place to another spot*;

Note 17.

מַשְׁמֵר and מַעֲמֵד.

The people were divided into twenty-four divisions. The כֹּהֲנִים, priests, and לְוִיִּים, Levites, in each formed a מַשְׁמֵר, *guard, watch*, to be on Temple duty a full week every half year; and the remaining weeks, which fell on פֶּסַח, *Passover*, שבועות or עֲצֵרֶת, *Festival of Weeks or Pentecost*, and סֻכּוֹת or תֵּנַן, *Feast of Tabernacles* (the so-called שְׁלֹשׁ רִגְלִים, *Pilgrim Festivals*), were served by all the divisions as all males had to be subdivided into seven sections, each taking one day's service of the week in turn. Every מַשְׁמֵר was accompanied by representative יִשְׂרָאֵלִים, laymen, called אֲנָשֵׁי מַעֲמֵד, to stand by and recite prayers during the sacrificial ceremonies. Each combined party of the אֲנָשֵׁי מַשְׁמֵר and אֲנָשֵׁי מַעֲמֵד was termed אֲנָשֵׁי בֵּית אֵב (these two first terms were frequently interchanged and confused).

Note 18.

נותר and פגול.

נותר, *remainder*, refers to portions of sacrifices which had been left over beyond the legal time (for instance such as had to be eaten before dawn) and had to be destroyed by burning (*Exodus 34*). The penalty for the transgression of eating נותר was כֶּרֶת (see **Note 2**; compare זְבָחִים 71).

פגול, פִּיגּוּל, *abomination, unfitness*, refers to any sacrifice which had become invalid and rejectable because of a wrong intention in the mind of the officiating כֹּהֵן, priest. In certain circumstances כֶּרֶת was the penalty for the transgression of eating פגול.

Note 19.

שְׁבוּת, *rest, abstention from secular work or pursuit* forbidden by the רִבְּנוֹן on שֶׁבֶת or יוֹם טוֹב as being out of keeping with the importance, dignity and observance of the holyday. (For a list of such acts of work see בְּיָצָה 52.)

Some of the most important and less uncertain dimensions:

- 1-1-1-1. הַר הַבַּיִת, The Temple Mount, 500 cubits square.
4. סוּרְגַּי, Lattice-Approach Partition, 10 handbreadths high.
18. חֵיל or חֵיל, 10 cubits in width in front of the steps No. 19.
20. הָאֵיסָטָבָא, Colonnade, Portico, Veranda, 10 cubits broad.
21. עֲזֻרַת נָשִׁים, Women's Hall, Outer Court, 135 cubits square.
- 22, 26, 27, 28, each 40 cubits square.
32. עֲזֻרַת יִשְׂרָאֵל, Israelites Hall, 135 cubits (N.—S.), 11 cubits (E.—W.).
35. עֲזֻרַת כֹּהֲנִים, Priests Hall, 135 cubits (N.—S.), 11 cubits (E.—W.).
44. הָעֲזֻרָה, Inner Court, 135 cubits (N.—S.), 94 cubits (E.—W. between No. 35 and No. 61.)
48. מִזְבֵּחַ הַנְּחֹשֶׁת, Brazen Altar, 32 cubits square (surround 1 cubit wide).
49. כִּבְשֵׁת, Altar Ramp, 32 cubits (N.—S.), 16 cubits (E.—W.). Ramp to wall, $12\frac{1}{2}$ cubits.
61. הָאֵוֹלָם, Vestibule, 70 cubits (N.—S.), 11 cubits (E.—W.).
65. הַיְקָל, Sanctuary, 40 cubits (E.—W.), 20 cubits (N.—S.).
66. קֹדֶשׁ הַקֹּדָשִׁים, Holy of Holies, 20 cubits square.

1. הַר הַבַּיִת, *Temple Mount.*
2. שַׁעַר חוּלְדָּה, (Rear) Chuldah Gate
3. שַׁעַר חוּלְדָּה, (Rear) Chuldah Gate } *viz., two (Rear) Chuldah Gates.*
- 3A. שַׁעַר מְזֻרְחֵי, East Gate.
- 3B. שַׁעַר טָדִי, Tadi Gate.
- 3C. שַׁעַר קִיפֹנוֹת, Kifonos Gate.
4. סוּרְגַּי, Lattice—Approach Partition.
5. שַׁעַר יְכוֹנִיָּה, Jeconiah Gate.
6. שַׁעַר הָעֲלִיּוֹן, Upper Gate.
7. שַׁעַר הַדְּלָקָה, Lighting Gate.
8. שַׁעַר הַבְּכוֹרוֹת, Firstlings Gate, or שַׁעַר הַקֶּרְבָּן, Sacrifice Gate.
9. שַׁעַר הַמַּיִם, Water Gate.
10. שַׁעַר הַנָּשִׁים, Women's Gate.
11. שַׁעַר בְּנֵי־סָה, General Entrance Gate.
12. שַׁעַר הַמַּחְתָּוֶן, Lower Gate.
13. שַׁעַר הַשִּׁיר, Music Gate.
14. שַׁעַר הַנָּשִׁים, Women's Gate.
15. שַׁעַר בֵּית הַמֹּזְקֵד, Hearth Gate.

Some of the most important and less uncertain dimensions:

- 1-1-1-1. הַר הַבַּיִת, The Temple Mount, 500 cubits square.
4. סוּרְג, Lattice-Approach Partition, 10 handbreadths high.
18. חֵיל or חָל, 10 cubits in width in front of the steps No. 19.
20. הָאֵיסָטָבָא, Colonnade, Portico, Veranda, 10 cubits broad.
21. עֲזֻרַת נָשִׁים, Women's Hall, Outer Court, 135 cubits square.
- 22, 26, 27, 28, each 40 cubits square.
32. עֲזֻרַת יִשְׂרָאֵל, Israelites Hall, 135 cubits (N.—S.), 11 cubits (E.—W.).
35. עֲזֻרַת כֹּהֲנִים, Priests Hall, 135 cubits (N.—S.), 11 cubits (E.—W.).
44. הָעֲזָרָה, Inner Court, 135 cubits (N.—S.), 94 cubits (E.—W. between No. 35 and No. 61.)
48. מִזְבֵּחַ הַנְּחֹשֶׁת, Brazen Altar, 32 cubits square (surround 1 cubit wide).
49. כַּפֵּשׁ, Altar Ramp, 32 cubits (N.—S.), 16 cubits (E.—W.). Ramp to wall, 12½ cubits.
61. הָאֵזֶלֶם, Vestibule, 70 cubits (N.—S.), 11 cubits (E.—W.).
65. הַיְכָל, Sanctuary, 40 cubits (E.—W.), 20 cubits (N.—S.).
66. קֹדֶשׁ הַקֳּדָשִׁים, Holy of Holies, 20 cubits square.

1. הַר הַבַּיִת, *Temple Mount.*
2. שַׁעַר חוּלְדָה, (Rear) Chuldah Gate
3. שַׁעַר חוּלְדָה, (Rear) Chuldah Gate } *viz., two (Rear) Chuldah Gates.*
- 3A. שַׁעַר מִזְרָחִי, East Gate.
- 3B. שַׁעַר טָדִי, Tadi Gate.
- 3C. שַׁעַר קִיפּוֹנוֹת, Kifonos Gate.
4. סוּרְג, Lattice—Approach Partition.
5. שַׁעַר יְכוֹנִיָּה, Jeconiah Gate.
6. שַׁעַר הָעֲלִיּוֹן, Upper Gate.
7. שַׁעַר הַדֶּלֶק, Lighting Gate.
8. שַׁעַר הַבְּכוֹרוֹת, Firstlings Gate, or שַׁעַר הַקֶּרְבָּן, Sacrifice Gate.
9. שַׁעַר הַמַּיִם, Water Gate.
10. שַׁעַר הַנָּשִׁים, Women's Gate.
11. שַׁעַר כְּנִיסָה, General Entrance Gate.
12. שַׁעַר הַתַּחְתּוֹן, Lower Gate.
13. שַׁעַר הַשִּׁיר, Music Gate.
14. שַׁעַר הַנָּשִׁים, Women's Gate.
15. שַׁעַר בַּיִת הַמּוֹקֵד, Hearth Gate.

68. מִזְבֵּחַ הַקֶּטֶר or מִזְבֵּחַ הַזָּהָב, Incense Altar or Golden Altar.
69. שֻׁלְחַן לֶחֶם הַפָּנִים, Table of Shewbread.
70. אֲמָה כְּרָקְלִין, Two Cedar-wood (or Curtains) Partitions.
71. אֶבֶן שְׂהִיָּה, Foundation Stone (which marked the position of the Ark after its disappearance).
72. בַּיִת הוֹרְדַת הַמַּיִם, Rain-water Descent Enclosure.

- N. צִפּוֹן, *North.*
 S. דְּרוֹם, *South.*
 E. מִזְרָח, *East.*
 W. מַעֲרָב, *West.*

PRAYERS
BENEDICTIONS
HADRAN
AND
CONCLUDING PRAYERS

By
PHILIP BLACKMAN, F.C.S.

INTRODUCTION

Many *Mishnayoth* editions give at the end of one or more of the six *Orders* special compositions and compilations under the above headings.

These are here presented—collated in full from various editions—with necessary but brief explanatory notes. In Volume VI all these paragraphs are given with original or carefully revised translations.

Where opportunity offers the recital of the **Hadran** (with the paragraphs following) is coupled with an introductory Rabbinical concluding discourse and is made the occasion of a ritual festive gathering; *and such a procedure is used particularly in the morning of עֶרֶב פֶּסַח (the Eve of Passover) in the synagogue or home to exempt the firstborn present at the ceremony from the תַּעֲנִית בְּכוֹרִים (the *Fast of the Firstborn*).

* This religious joyous celebration is termed a סִיּוּם (literally *Conclusion*).

PRAYERS
BENEDICTIONS
HADRAN
AND
CONCLUDING PRAYERS

To be recited on entering the house of study.

יְהי רַצוֹן מִלְּפָנֶיךָ ה' אֱלֹהֵי שְׁלֵא יֵאָרַע דְּבַר תִּקְלָה עַל יָדֵי, וְלֹא
אֶכְשַׁל בְּדַבַּר הַלְכָה, וַיִּשְׁמְחוּ בִּי חֲבֵרַי, שְׁלֵא אוֹמֵר עַל טָמֵא
טְהוֹר, וְלֹא עַל טְהוֹר טָמֵא, וְלֹא עַל מוֹתֵר אֶסוּר, וְלֹא עַל אֶסוּר מוֹתֵר,
וְלֹא יִכְשְׁלוּ חֲבֵרַי בְּדַבַּר הַלְכָה וְאִשְׁמַח בָּהֶם.

To be recited when leaving the house of study.

מְוֹדָה אָנִי לְפָנֶיךָ ה' אֱלֹהֵי, שְׁשִׁמְתָּ חֵלְקִי מִיּוֹשְׁבֵי בֵּית הַמְּדָרֶשׁ, וְלֹא
שִׁמְתָּ חֵלְקִי מִיּוֹשְׁבֵי קְרָנוֹת, שְׁאֲנִי מְשֻׁכִּים, וְהֵם מְשֻׁכִּימִים, אָנִי
מְשֻׁכִּים לְדַבְרֵי תוֹרָה, וְהֵם מְשֻׁכִּימִים לְדַבְרֵים בְּטָלִים, אָנִי עֹמֵל וְהֵם
עֹמְלִים, אָנִי עֹמֵל וּמְקַבֵּל שְׂכָר, וְהֵם עֹמְלִים וְאֵינִם מְקַבְּלִים שְׂכָר, אָנִי
רָץ וְהֵם רָצִים, אָנִי רָץ לַחַי הָעוֹלָם הַבָּא, וְהֵם רָצִים לְבֹאֵר שְׁחַת, יִשְׁאַמְרֵהוּ
וְאִתָּה אֱלֹהִים יִתְּרִידֶם לְבֹאֵר שְׁחַת אֲנִשִּׁי דָמִים וּמְרָמָה לֹא יִחַצּוּ יְמֵיהֶם
וְאֲנִי אֶבְטַח בְּךָ.

To be recited before commencing study of the Law.

בְּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוֹתָיו וְצִוָּנוּ לְעִסּוֹק
בְּדַבְרֵי תוֹרָה. וְהֵעֲרַב נָא ה' אֱלֹהֵינוּ אֶת־דַּבְרֵי תוֹרָתְךָ
בְּפִינוּ, יוֹבְפִיּוֹת עִמָּךְ בֵּית יִשְׂרָאֵל, וְנִהְיֶה אֲנַחְנוּ וְצִאֲצֵאֵינוּ, יִצֵּאֲצֵאֵינוּ
וְצִאֲצֵאֵינוּ, וְצִאֲצֵאֵינוּ עִמָּךְ בֵּית יִשְׂרָאֵל, יִכּוֹלְנוּ יוֹדְעֵי שְׁמָךְ וְלוֹמְדֵי תוֹרָתְךָ
יִלְשְׁמֶה. בְּרוּךְ אַתָּה ה' הַמְּלַמֵּד תוֹרָה לְעַמּוֹ יִשְׂרָאֵל.

גְּלוּתֵינוּ לְחַצְרוֹת קִדְשֶׁךָ לְשֹׁמֵר תְּקִיף וְלַעֲשׂוֹת יִרְצָנֶךָ וְלַעֲבֹדֶךָ בְּלִבְבָּב
שָׁלוֹם; עַל שֶׁאֲנַחְנוּ מוֹדִים לְךָ בְּרוּךְ אַל הַהוֹדָאוֹת.

זֶהוּ רְצוֹן מִלְּפָנֶיךָ ה' אֱלֹהֵי וְאֱלֹהֵי אֲבוֹתַי כְּשֵׁם שְׁעוֹרְתָנִי לְסִיִּים
סֵדֵר * מִסְכֶּת * בֶּן פִּעוּרָנִי לְהַתְחִיל * מִמְּסַכְתוֹת וּסְפָרִים
אֲחֵרִים וּלְסִיִּימָם, לְלִמּוּד וּלְלִמּוּד, לְשִׁמּוֹר וְלַעֲשׂוֹת וּלְקָרִים אֶת־כָּל־דְּבָרֵי
מִלְּמוּד תּוֹרְתֶךָ בְּאַהֲבָה, וְזִכּוֹת כָּל־הַתְּנָאִים וְנְאֻמֹּרָאִים וְנִתְלַמְּדֵי
חֻכְמִים יַעֲמוּד לִי וְלַיֹּרְעֵי שְׁלֵא תִמוֹשׁ הַתּוֹרָה מִפִּי וּמִפִּי יֹרְעֵי חֲרַע וְרָעֵי
עַד עוֹלָם. וְחַתְּקִים בִּי, * בְּהַתְחַלְּקֶךָ תִּנְחָה אוֹתְךָ בְּשִׁכְבְּךָ תִּשְׁמֹר עָלֶיךָ
וְהַקִּיְצוֹת הִיא תְּשִׁיחֶךָ; * כִּי בִי יִרְבוּ יְמֶיךָ וְיִוְסִיפוּ לְךָ שָׁנוֹת חַיִּים; * אֲוֹרֶךָ
יָמִים בִּימִינֶךָ עוֹשֶׁר וְכַבּוֹד בְּשִׁמְאַלְךָ; * ה' עוֹן לְעַמּוֹ יִתֵּן ה' יְבָרֶךְ אֶת־
עַמּוֹ בְּשָׁלוֹם.

The following composite Kaddish (קדיש) is recited when there is present a Minyan (מנין—not less than ten adult males).

* יִתְגַּדֵּל וְיִתְקַדַּשׁ * שְׁמִיהַ רַבָּא בְּעֵלְמָא * דְּהוּא עָתִיד * לְאַתְחַדְתָּא
* וְלֵאחֲזִיא מַתִּיא, וְלֵאסְקָא * (יִתְהוֹן) לְחַיֵּי עֵלְמָא; וְלִמְבַנֵּי
קַרְתָּא דִירוּשָׁלַם וְלִשְׁכַּלְל * הִיכְלִיָּה בְּגוּנָה, * וְלִמְעַקֵּר פּוּלְחָנָא וּבִכְרָאָה
מֵאַרְעָא, * וְלֵאחַתְבָּא פּוּלְחָנָא * דְּשִׁמְיָא לְאַתְרֵיהּ; * וְנִמְלִיךְ קוּדְשָׁא * בְּרִיךְ
הוּא * בְּמַלְכוּתֵיהּ * וְיִקְרִיָּה * בְּחַיִּיכוֹן וּבְיִזְמִיכוֹן וּבְחַיֵּי דְכָל בֵּית יִשְׂרָאֵל
בְּעוֹגְלָא וּבְזִמְן קָרִיב, וְאָמְרוּ * אָמֵן, יְהֵא * שְׁמִיהַ רַבָּא מְבָרַךְ לְעֵלְמָא
עֵלְמָא. יִתְבָּרַךְ וְיִשְׁתַּבַּח וְיִתְפָּאֵר וְיִתְרוֹמֵם וְיִתְנַשֵּׂא * וְיִתְהַדָּר וְיִתְעַלֶּה
* וְיִתְהַלָּל * שְׁמִיהַ * דְּקוּדְשָׁא * בְּרִיךְ הוּא; * לְעֵילָא מִן־כָּל־בְּרַכְתָּא
וְשִׁירְתָּא תְּשַׁבַּחְתָּא וְנַחֲמָתָא * דְּאִמִּירָן בְּעֵלְמָא; * וְאָמְרוּ * אָמֵן.

* עַל יִשְׂרָאֵל וְעַל יִרְבָּנָן וְעַל תְּלַמְּדֵיהוֹן וְעַל כָּל־תְּלַמְּדֵי תְּלַמְּדֵיהוֹן
וְעַל כָּל־מֵאן * דְּעָסְקִין בְּאוּרִיתָא דִּי בְּאַתְרָא * הָרִין וְדִי בְּכָל
אֲחֵר וְאֲתֵר יְהֵא * לְהוֹן וְלִכּוֹן שְׁלֵמָא רַבָּא תְּנָא וְחַסְדָּא וְרַחֲמִין וְחַיִּין אֲרִיכִין

PRAYERS, BENEDICTIONS, HADRAN

Scriptural texts give פְּקֻדֵיךָ. 26 See *Psalms* 119, 12. 27 Or *May it so be!* or *Be it so!* or *It is true*. 28 This is known as מוֹדִים דְּרַבְּנָן, and is recited in an undertone when the Reader or Cantor (בְּעַל תְּפִלָּה) or (תַּזְוֵן) recites the 18th Benediction (מוֹדִים) of the עֲמִידָה. It is an abstract of several Rabbinical prayers (see *Baer*, סֵדֶר עֲבוֹדַת יִשְׂרָאֵל, Page 100). This paragraph is not indicated in some editions of the *Hadran*. 29 רְצוּתָהּ in some texts. 30 שְׁאֵנִי instead of שְׁאֵנוֹנוּ in some texts. 31 See *Proverbs* 6, 22. 32 See *Proverbs* 9, 11. 33 See *Proverbs* 3, 17. 34 See *Psalms* 29, 11. 35 The first section (וְיִקְרִיֶהָ to יִתְגַּדֵּל) forms the introductory portion of the mourner's קְדִישׁ [Sanctification] recited at the cemetery after a burial. This part is in *Aramaic* (*Chaldee*). 36 שְׁמִיָּה instead of שְׁמִיָּהּ is given in some texts. After רַבָּא the congregants respond with אָמֵן. 37 Some texts have דִּי הוּא instead of דְּהוּא. 38 Some vowelise this לְאַתְחַדְתָּא. 39 Some vowelise this וּלְאַחֲרָא. 40 וְיִתְהוֹן is omitted in some texts. 41 הֵיכְלֵיהָ instead of הֵיכְלֵיהּ is given in some texts. 42 Some vowelise this וְלִמְעַקֵּר. 43 Some vowelise this וּלְאַתְבָּא. 44 Some texts give דִּי־שְׁמִיָּא instead of דְּשְׁמִיָּא. 45 The congregants respond with בְּרִיךְ הוּא in an undertone. 46 בְּמַלְכוּתֵיהָ instead of בְּמַלְכוּתֵיהּ is given in some texts. 47 Some texts give וְיִקְרִיֶהָ instead of וְיִקְרִיֶהּ. 48 From בְּחַיִּיכוֹן to אָמֵן is part of every form of קְדִישׁ. 49 The congregants respond with אָמֵן, then recite יְהֵא שְׁמִיָּה רַבָּא מְבָרַךְ לְעֵלְמִי וּלְעֵלְמֵי עֲלְמִיָּא with the Reader. 50 Some texts have שְׁמָה instead of שְׁמִיָּה. 51 Some vocalise this וְיִתְהַדְרֵר. 52 Some vocalise this דִּי־קְדִישָׁא instead of דְּקְדִישָׁא. 53 שְׁמָה instead of שְׁמִיָּה is given in some texts. 54 דִּי־קְדִישָׁא is given in some texts. 55 The congregants recite בְּרִיךְ הוּא. 56 During the עֲשָׂרַת יְמֵי תְשׁוּבָה (the *Ten Days of Penitence*) the formula is לְעֵלְמָא וּלְעֵלְמָא, though *He be supremely high above*. 57 In some texts דִּי־אֲמִירוֹן is given instead of דְּאֲמִירוֹן. 58 The congregants respond with אָמֵן. 59 This part to the end is part of the קְדִישׁ known as the קְדִישׁ דְּרַבְּנָן (the *Rabbinic Kaddish*), and is recited during the Morning Service after . . . רַבִּי יִשְׁמַעְיָאֵל . . . (following . . . אֲזִיזוֹ מִקְּיָמֵן . . .), and after . . . אָמֵר רַבִּי אֶלְעָזָר (following the אֵין כְּאַלְהֵינוּ etc.) and in the Friday Evening Service after . . . אָמֵר רַבִּי אֶלְעָזָר (following the . . . בְּפִי מְדַלְקִין . . .), at the conclusion of a *Rabbinical sermon*, and at the conclusion of a *Rabbinical study or lesson*. This section is in *Aramaic* (*Chaldee*). 60 מֵן instead of מֵאֵן is given in some texts. 61 In some texts דִּי־עֲסֻקִין is given instead of דְּעֲסֻקִין. 62 Instead of הָדִין some texts have הָדָן. 63 In some texts לְנָא וּלְהוֹן, unto us and unto them, is given instead of לְהוֹן וּלְכוֹן, unto them and unto you. 64 The singular וּמְוֹנָא רִיחָא is given in some texts instead of the plural וּמְוֹנֵי רִיחֵי. 65 Some texts have דִּי־בְשְׁמִיָּא instead of דְּשְׁמִיָּא. 66 וְאַרְעָא is omitted in some texts. 67 The congregants respond with אָמֵן (and then, as indicated in some texts, continue in an undertone to recite יְהֵא שְׁמֵ ה' מְבָרַךְ מִעַתָּה וְעַד עוֹלָם, *Let the Name of the Eternal be blessed from this time forth and for evermore—Psalms* 113, 2). 68 The congregants respond with אָמֵן (and as indicated in some texts recite in an undertone עֲזָרִי מֵאֵם ה' עָשָׂה שָׁמַיִם וָאָרֶץ, *My help is from the Eternal, Who made heaven and earth—Psalms* 121, 2). The words שְׁלָמָא רַבָּא יְהֵא are *Aramaic* (*Chaldee*). 69 The congregants respond with אָמֵן.

Scriptural texts give פקדוֹתָיָהּ. 26 See *Psalm* 119, 12. 27 Or *May it so be!* or *Be it so!* or *It is true* 28 This is known as מוֹדִים דְּרַבָּנִין, and is recited in an undertone when the Reader or Cantor (הַזָּנוּן or שְׁלִיחַ צְבוּר, בעל תפילה) recites the 18th Benediction (מוֹדִים) of the עֲמִידָה. It is an abstract of several Rabbinical prayers (see *Baer*, לְעִבְדוֹת שְׂרָאֵל, סֵדֶר עֲבוֹדַת שְׂרָאֵל, Page 100). This paragraph is not indicated in some editions of the *Hadrán*. 29 רַבְּזוֹנָה in some texts. 30 שְׁאֲנוּ instead of שְׁאֲנוּנוּ in some texts. 31 See *Proverbs* 6, 22. 32 See *Proverbs* 9, 11. 33 See *Proverbs* 3, 17. 34 See *Psalm* 29, 11. 35 The first section (וְיִקְרִיֶהָ to יִתְגַּדֵּל) forms the introductory portion of the mourner's קְרִישׁ [Sanctification] recited at the cemetery after a burial. This part is in *Aramaic* (*Chaldee*). 36 שְׁמִיָה instead of שְׁמִיָהּ is given in some texts. After רַבָּא שְׁמִיָהּ the congregants respond with אָמֵן. 37 Some texts have דִּי הוּא instead of דְּהוּא. 38 Some vowelise this לְאַחַחְדָתָא. 39 Some vowelise this וּלְאַחִיא. 40 יִתְהוֹן is omitted in some texts. 41 הִיכְלָהּ instead of הִיכְלִיָהּ is given in some texts. 42 Some vowelise this וּלְמַעְקָר. 43 Some vowelise this וּלְאַחַבָּא. 44 Some texts give דִּי-שְׁמִיָּא instead of דְּשְׁמִיָּא. 45 The congregants respond with בְּרִיךְ הוּא in an undertone. 46 בְּמִלְכוּתֵיהּ instead of בְּמִלְכוּתֵיהָ is given in some texts. 47 Some texts give וְיִקְרֶהָ instead of וְיִקְרִיֶהָ. 48 From בְּחַיִּיכוֹן אָמֵן to בְּעֵלְמָא וְאִמְרוּ אָמֵן is part of every form of קְרִישׁ. 49 The congregants respond with אָמֵן, then recite יהִיא שְׁמִיָהּ רַבָּא מְבָרַךְ לְעֵלְמִי וּלְעֵלְמִי עֲלִמְיָא with the Reader. 50 Some texts have שְׁמִיָהּ instead of שְׁמִיָהּ. 51 Some vocalise this וְיִתְהַדֵּר. 52 Some vocalise this וְיִתְהַלֵּל. 53 שְׁמִיָהּ instead of שְׁמִיָהּ is given in some texts. 54 דִּי-קְדִישָׁא instead of דְּקְדוּשָׁא is given in some texts. 55 The congregants recite בְּרִיךְ הוּא. 56 During the תְּשׁוּבָה (the *Ten Days of Penitence*) the formula is לְעִילָא וּלְעִילָא, though He be supremely high above. 57 In some texts דִּי-אֲמִירָן is given instead of דְּאֲמִירָן. 58 The congregants respond with אָמֵן. 59 This part to the end is part of the קְרִישׁ דְּרַבָּנִין (the *Rabbinic Kaddish*), and is recited during the Morning Service after . . . רַבִּי יִשְׁמַעְאֵל (following . . . אִיזְהוּ מְקוֹמֵן), and after . . . אָמֵר רַבִּי אֶלְעֹזָר (following the אֵין כְּאַלְהִינוּ etc.) and in the Friday Evening Service after . . . אָמֵר רַבִּי אֶלְעֹזָר (following the . . . בְּמַת מְדִלְיָקִין), at the conclusion of a *Rabbinical sermon*, and at the conclusion of a *Rabbinical study* or lesson. This section is in *Aramaic* (*Chaldee*). 60 מָן instead of מָאן is given in some texts. 61 In some texts דִּי-עֲסַקִין is given instead of דְּעֲסַקִין. 62 Instead of הַדִּין some texts have הַדִּין. 63 In some texts לְנָא וּלְהוֹן, unto us and unto them, is given instead of לְהוֹן וּלְכוֹן, unto them and unto you. 64 The singular וּמוֹזָא רִיחָא is given in some texts instead of the plural וּמוֹזָי רִיחֵי. 65 Some texts have דִּי-בְשִׁמְיָא instead of דְּשְׁמִיָּא. 66 וְאַרְעָא is omitted in some texts. 67 The congregants respond with אָמֵן (and then, as indicated in some texts, continue in an undertone to recite יְהִי שֵׁם ה' מְבָרַךְ מֵעַתָּה וְעַד עוֹלָם, Let the Name of the Eternal be blessed from this time forth and for evermore—*Psalm* 113, 2). 68 The congregants respond with אָמֵן (and as indicated in some texts recite in an undertone עֲזָרִי מֵאֵם ה' עֲשֵׂה שְׁמַיִם וָאָרֶץ, My help is from the Eternal, Who made heaven and earth—*Psalm* 121, 2). The words יְהִיא שְׁלָמָא רַבָּא יְהִיא שְׁלָמָא מְ-שְׁמִיָּא are *Aramaic* (*Chaldee*). 69 The congregants respond with אָמֵן.

SUPPLEMENT

I

GLOSSARY OF THE
FLORA OF KODASHIM

II

INCENSE - OIL
PARCHMENT - WINE

By

PHILIP BLACKMAN, F.C.S.

I

GLOSSARY

of the plants (and products) mentioned in Order Kodashim.

almond, see Volume I, Page 491; Volume II, Page 525.

amber, a yellowish or brownish, translucent, hard, brittle, fossilised vegetable resin; it takes a fine polish; it is used in pharmacy and in the arts; friction renders it strongly electric.

balm, the aromatic, resinous exudation from various trees and shrubs, especially from the tree *Balsomodendron Gileadense* and from a genus (*Commiphora*) of small, tropical, evergreen trees; it was formerly esteemed as an antiseptic; it is also called **balm of Gilead** and **balsam of Gilead**.

balsam, see Volume I, Page 491.

barley, see Volume I, Page 491; Volume II, Page 526.

caper, see Volume I, Page 402; Volume II, Page 527.

cassia, see Volume I, Page 492.

cedar, see Volume II, Page 528.

cicely, several umbelliferous herbs (genera *Myrrha*, *Osmorhiza*, etc.) of the *carrot* and *parsley* families, and nearly allied to *chervil* (Volume II, Page 528).

cinnamon, see Volume I, Page 493; Volume VI, SUPPLEMENT, FLORA (**spice**).

citron, see Volume I, Page 493; Volume II, Page 528.

clove, the unexpanded flower-bud of the **clove-tree** (*Eugenia aromatica* or *caryophyllata*), of the *myrtle* family, a native of the Moluccas; when dried it is used as a *spice*; it yields an essential oil used in perfumery and in medicine.

corn, see Volume I, Page 493; Volume II, Page 529.

costus, an Oriental, aromatic, herbaceous, perennial plant, with fragrant leaves and root (see **putchock**).

crocus, a bulbous herb of a large genus (*Crocus*) of the *iris* family with brilliant purple, yellow, or white, solitary, long-tubed flowers.

darnel, see Volume I, Page 494; Volume II, Page 529.

fig, see Volume I, Page 494; Volume II, Page 530.

flax, see Volume I, Page 494; Volume II, Page 531.

frankincense, a sweet-smelling vegetable gum or resin obtained from various burseraceous trees (genus *Boswellia*)—especially *Arbor thuris*—chiefly from Arabia and East Africa; incisions are made in the bark, and the first exudation yields the purest and whitest frankincense; the subsequent incisions yield a yellowish-spotted product of inferior quality. See **Incense** further on.

fumitory, any of the malodorous climbing herbs of the genus *Fumaria* (family *Fumariaceæ*); the **common fumitory** (*Fumaria officinalis*) with terminal racemes of rose-coloured flowers is used medicinally as a tonic, alterative and diaphoretic.

stacte, liquid *myrrh* (which see).

tare, see Volume I, Page 503; Volume II, Page 541.

turnip, see Volume I, Page 504.

valerian, any perennial herb of the genus *Valeriana*; the dried rootstock and roots of one species (*Valeriana officinalis*) with its small pink and white flowers and a strong odour yield a substance used as a drug, a carminative and a sedative.

vetch, see Volume I, Page 504; Volume II, Page 542.

vine, see Volume I, Page 504; Volume II, Page 542.

walnut, see Volume I, Page 504; Volume II, Page 543.

wheat, see Volume I, Page 504; Volume II, Page 543.

II

Incense

The ingredients used in the compounding of the *incense* for the *Tabernacle* service were the perfumes *stacte*, *onycha*, *galbanum* and pure *frankincense* (see Supplement I above) according to *Exodus* 30, 34:

וַיֹּאמֶר ה' אֶל-מֹשֶׁה קַח-לְךָ סַמִּים נְטִיף וְשַׁחֲלֵת וְחִלְבֹנָה סַמִּים וּלְבֹנָה וְכַף כַּד בְּכַד יִהְיֶה.

And the Eternal said unto Moses, Take unto thee sweet spices, *stacte*, and *onycha*, and *galbanum*, sweet spices with pure frankincense; of each shall there be a like weight.

There is a diversity of opinion whether סַמִּים is a general term here for the mixture of the four spices mentioned or refers to some other additional spices not expressly denominated. According to Rashi there were seven other ingredients; Josephus mentions thirteen. In כְּרִיתוֹת 6a of the *Babylonian Talmud* (תְּלִמּוּד בְּבִלְי) the number of the components is given as fifteen (and R. Nathan adds one more); this paragraph is given in the early part of the *Daily Morning Service* and also towards the end of the Sabbath and Holydays *Musaf Service* and is reproduced here:

פְּטוּם הַקְטֹרֶת הַהַצְרִי וְהַצְפָּרִן וְהַחֲלִבָּנָה וְהַלְבֹנָה, מִשְׁקַל שְׁבַעִים שְׁבַעִים מָנֶה; אֶמֶר וְקִצִיעָה שְׁבֹלֶת נֶרְדִּי וְכַרְכֹּם, מִשְׁקַל שֵׁשָׁה עָשָׂר שֵׁשָׁה עָשָׂר מָנֶה, הַקָּשֶׁטְ שְׁנַיִם עָשָׂר, וְיִקְלוֹפָה שְׁלֹשָׁה, וְקִנְמֵן תְּשַׁע, בְּרִית כְּרִשְׁנָה תְשַׁעָה קָבִיז, זֵינן קַפְרִיסִין מִסָּאִין תְּלָתָא וְקָבִיז תְּלָתָא, וְאִם אֵין לֹ זֵין קַפְרִיסִין מְבִיא חֲמֵר חֲזָרִין עֲתִיק; מְלַח סְדוּמִית רְבַע הַקָּב, מְעֻלָּה עָשֵׁן כָּל-שְׁהוּא. רַבִּי נְתַן אוֹמֵר אִף כִּפְתַת הַיָּרְדֵן כָּל-שְׁהוּא וְאִם נָתַן בָּהּ דְּבַשׁ פְּסִלָה; אִם חֲסַר אֲחַת מִקָּל מְסֻנֶּה תֵּיב מִיתָה. רַבִּין שְׁמַעוֹן בֶּן-נַמְלִיאֵל אוֹמֵר, הַצְרִי אֵינוֹ אֶלָּא שְׂרָף הַנּוֹטָף מַעְצֵי הַקְטָף. בְּרִית כְּרִשְׁנָה שְׁשִׁים בָּהּ אֶת-הַצְפָּרִן, כְּדִי שְׁתֵּהא נְאֻה, זֵין קַפְרִיסִין שְׁשׁוּרִין בּוֹ אֶת-הַצְפָּרִן, כְּדִי שְׁתֵּהא עֻזָּה; וְהֵלֵא מִי רְגִלִים יִפִּין לָהּ, אֶלָּא שְׁאִין מְכַנְסִין מִי רְגִלִים בְּצַוְרָה מִפְּנֵי הַכְּבוֹד.

The ingredients of the incense were balm,¹ *onycha*,² *galbanum* and frankincense, seventy manehs³ weight of each; of myrrh,⁴ cassia, spikenard* and saffron,⁵ in

Olive Oil

The best oil is made from the olives gathered in the month of **קִשְׁלוֹן** when they have begun to change colour (but before turning black); later the fruit yields more oil but inferior in quality. The olives were carefully cleansed and at once taken to the press, or (less usual method) spread very lightly heaped on sloping hollow tray-like table-tops, to allow the first exuded liquor which thus yields fine oil to flow into receptacles below. In the *pressing process* the olives were either (1) crushed in a press loaded with wood or stone, or (2) trodden with the feet, or (3) ground in a mill, or (4) bruised or pounded in a mortar. The oil was kept in carefully cleansed jars and when required drawn in small vessels or horns. Olive oil was used as food, for lighting, for making cosmetics, for medicinal purposes, for ritual purposes, and for anointing the dead.

Parchment

According to the *Talmud* the *Law* must be written on the skins of *clean animals* (tame or wild) or even of clean birds. Goat-skins and sheep-skins make the best parchment. Biblical references to the use of skins (parchment?) are found in *Isaiah* 34, 4, 29, 8, *Jeremiah* 36, 14, 23, *Ezekiel* 2, 9, *Zechariah* 5, 1, *Psalms* 40, 8, *Daniel* 12, 4.

גִּיל is the skin whose hair and flesh are removed and is then matured in salt and flour and finally shrunk with an astringent (usually made from gall-nut extract); the side that originally contained the hair is generally prepared for writing on. When the skin (before maturing and shrinking) is split into two layers and then fully prepared, only the outer superior layer, called **קִלְיָה** or **קִלְיָה**, is used for **תְּפִילִין**; the other inferior layer, called **דִּוְכָסוּסוּטוֹס**, is generally used for **מַזוּזוֹת**. A skin prepared with salt and flour, but not with gall-nut, is termed **דְּפִתְרָא**.

Wine

[An inferior kind of wine made from raisins—the *sun-dried grapes*—is not referred to here].

The comprehensive term for **wine** is **יַיִן**; other terms are **תַּירוֹשׁ**, **תַּרְשׁוּ**, *juice, must, especially new wine*, **חֲמֵר**, **חֲמֵר**, *something fermented, wine*, **עָצִיס**, *must, young or new wine*, **סָבָא**, *drink, wine*, **מִסְתָּף**, *mixed (or spiced) wine*, **מִסְתָּף**, *spiced (or mixed) wine*, **חֲמִץ**, *vinegar*, may be rendered *weak sour wine*, **שְׂמֵרִים**, *dregs, lees, sediments (of wine)*, *old well-refined wine, wine kept on the lees to increase its body*.

In Biblical times the ripe **grapes** were gathered in baskets and placed in the upper of the two vats or receptacles composing the wine-press. A certain quantity of juice exuded from the ripe fruit from its own pressure and was probably kept separate from the rest of the liquor to form *sweet wine*. The fruit was then subjected to *treading* by one or more men depending on the size of the vat. The expressed

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