

# Gittin

The William Davidson Talmud (Koren - Steinsaltz)

53a

הֵינּוּ מְדַמֵּעַ <sup>1</sup>

is the same as **mixing** *teruma* with non-sacred produce, as both involve intermingling that which is forbidden with that which is permitted, so that the entire mixture becomes forbidden. There is no difference between these actions, so there would be no need to mention both of them in the mishna.

וְאִידֶּךָ קִנְסָא הוּא וּמִקְנָסָא לָא יִלְפִינָן <sup>2</sup>

**And the other** Sage, Shmuel, holds that one who mixes *teruma* with another person's non-sacred produce **is** liable for a **fine**. **And we do not derive** a fine in one case **from a fine** stated in another case, even if the two cases are similar. Consequently, liability for the fine must be mentioned separately for each case.

וְלִמָּאן דִּילֵיךָ קִנְסָא מִקְנָסָא כָּל הָיִי לְמָה לִּי <sup>3</sup>

The Gemara asks: **And according to the one who** says that we do **derive a fine** in one case **from a fine** in another case, **why do** I need **all these** cases mentioned in the mishna, i.e., one who renders another person's food ritually impure, one who mixes *teruma* with another's non-sacred produce, and one who pours another person's wine in a rite of idolatry?

4  
 צְרִיכָא דְאִי תִּנָּא מְטֵמָא אִי תְרוּמָה הָוָה אָמִינָא מְשׁוּם דְקָא מִפְסִיד לֵה  
 לְגַמְרִי וְאִי מְטֵמָא חוּלִין מְשׁוּם דְאָסוּר לְגְרוּם טוּמְאַה לְחוּלִין שְׂבָאָרָץ  
 יִשְׂרָאֵל אֲבָל מְדַמַּע אֵימָא לָא

The Gemara answers: All three rulings are **necessary, as, had** the mishna **taught** only the case of one who **renders** another's food **impure**, there are two possibilities: **If** it is referring to one who renders another's *teruma* non-sacred, then **I would say** that they imposed a penalty **because he ruined it entirely**, as it can no longer be consumed by anyone, neither a priest nor an ordinary Israelite. **And if** it is referring to one who **renders** another's **non-sacred** food **impure**, then I would say the fine is imposed **because it is prohibited to cause impurity to non-sacred food in Eretz Yisrael**. **But** in the case of one who **mixes** *teruma* with another's non-sacred produce, since he neither caused a substantial loss, as the mixture can still be sold to a priest, nor spread impurity in Eretz Yisrael, one might **say** that a fine is **not** imposed upon him.

5  
 וְאִי אֲשַׁמְעִינָן מְדַמַּע מְשׁוּם דְשִׁכִּיתָ אֲבָל מְטֵמָא דְלֹא שִׁכִּיתָ אֵימָא לָא

**And had** the mishna **taught us** only the case of one who **mixes** *teruma* with another person's non-sacred produce, I would say that a fine is imposed in that case, **because** mixing two different items together **is a common** occurrence. **But** concerning one who **renders** another person's food **impure**, which **is uncommon**, one might **say** that a fine is **not** imposed, as the Sages did not impose penalties in uncommon cases.

6  
 וְאִי אֲשַׁמְעִינָן מְטֵמָא וּמְדַמַּע מְשׁוּם דְלֹא קִים לִיה בְּדִרְבָּה מִיָּנִיָּה



And had the mishna taught us both the case of one who renders another person's food impure and the case of one who mixes *teruma* with another person's non-sacred produce, I would say that fines are imposed in both those cases, because there is no application of the principle that one who has committed two transgressions with a single act, each carrying its own punishment, receives the greater punishment of the two. Neither of these actions carries a punishment beyond paying the fine.

7  
אָבֵל מִנֶּסֶךְ דָּקִים לִי בְּדֶרֶךְ מִיָּיָה אֵימָא לָא קָא מִשְׁמַע לֹן כְּדֶרְבִּי  
יִרְמְיָה

But concerning one who pours another person's wine as a libation before an idol, where one does apply the principle that one who has committed two transgressions with a single act receives the greater punishment of the two for which he is liable, as he is liable to receive court imposed capital punishment for having transgressed the prohibition against idolatry, I would say that a fine is not imposed. Therefore, the mishna teaches us that he is in fact liable to pay the fine. And the reason for this is in accordance with the statement of Rabbi Yirmeya, that since he acquired the wine from the moment he lifted it, he became liable to pay the fine before he became liable to receive court imposed capital punishment, and therefore he is subject to both punishments.

8  
וְלֹהָא דִּתְנִי אָבוּה דְּרַבִּי אֲבִין בְּרֵאשׁוֹנָה הָיוּ אוֹמְרִים הַמַּטֵּמָא וְהַמִּנְסֵךְ  
חֲזָרוּ לֹאמַר אַף הַמִּדְמַע כָּל הָנִי לְמָה לִּי

The Gemara asks: **And according to this** version of the *halakha* **that the father of Rabbi Avin taught** (*Tosefta* 4:5): **Initially** the Sages **would say** that **one who renders** another person's food **impure** and **one who pours** another's wine as a libation before an idol are subject to a fine, and later **they returned to say that even one who mixes** *teruma* with another person's non-sacred produce is liable to pay a fine, **why do I need all these cases?** In this version, the *halakha* of one who mixes was added later. After the *halakhot* concerning one who renders another person's food impure and one who pours another's wine were taught, why could the *halakha* of one who mixes not be derived from those *halakhot*?

צָרִיכָא דְאִי אֲשַׁמְעִינָן מְטֵמֵא מְשׁוּם דְּלֹא קִים לִיה בְּדֶרֶבָּה מִיַּיָּה אָבֵל  
מִנְסֵד דְּקִים לִיה בְּדֶרֶבָּה מִיַּיָּה אִמָּא לָא

9

The Gemara answers: All three rulings are **necessary, as, had** the *baraita* in the *Tosefta* **taught us** only the case of one who **renders** another person's food **impure**, I would say that a fine is imposed, **because there is no** application of the principle that one who has committed two transgressions with a single act, each carrying its own punishment, **receives the greater** punishment of the two. **But** with regard to one who **pours** another's wine as a rite in idolatry, **where** one does apply the principle that one who has committed two transgressions with a single act **receives the greater** punishment of the two for which he is liable, one might **say** that a fine is **not** imposed.

וְאִי אֲשַׁמְעִינָן מִנְסֵד מְשׁוּם דְּקֹא מְפָסִיד לִיה לְגַמְרִי אָבֵל מְטֵמֵא דְּלֹא  
מְפָסִיד לִיה לְגַמְרִי אִמָּא לָא

10

And had the *baraita* taught us only the case of one who **pours** another's wine as a libation before an idol, I would say that they imposed a penalty **because he ruined it entirely**, as it is now prohibited for one to derive any benefit from it whatsoever. **But for one who renders** another person's food **impure**, which **does not ruin it entirely**, as one may derive benefit from it, e.g., by using it as fuel while it is being burned or by feeding it to his animal, one might say that a fine is **not** imposed.

וְאִי אֲשַׁמְעִינוּ הֵנִי תִּרְתִּי מְשֻׁם דִּהְפָּסִד מְרֻבָּה אֲבָל מִדַּמַּע דִּהְפָּסִד  
מוֹעֵט אֵימָא לָא צְרִיכָא

11

And had the *baraita* taught us only **these two** cases, I would say that here they imposed fines **because** in each case there is a **substantial loss**. **But** with regard to one who **mixes** *teruma* with another person's non-sacred produce, **where** the **loss** he causes is **minimal** because the owner can still sell the mixture to priests at the price of *teruma*, one might say that a penalty is **not** imposed. Therefore, all three rulings are **necessary**.

אָמַר חֲזַקְיָה דְּבַר תּוֹרָה אֶחָד שׁוֹיֵג וְאֶחָד מִזִּיד חַיִּיב מַאי טַעְמָא הֵיזֵק  
שְׂאִינוּ נִיכָר שְׁמִיָּה הֵיזֵק

12

§ The mishna teaches: If one unintentionally committed one of these offenses, either rendering another's food impure, mixing *teruma* with another's produce, or pouring another's wine before an idol, he is exempt from paying for the damage. If he acted intentionally, he is liable to pay. **Hizkiyya says: By Torah law**, one who commits one of the offenses listed in the mishna, **whether** he did so **unintentionally or intentionally**, is

**liable** to pay for the damage he caused, like any other person who causes damage. **What is the reason** for this? The reason is that even **damage that is not evident is categorized as damage**. One is liable for damage not only when the damage is evident, i.e., when he causes a change in the item's physical state, but also when the damage is not evident, i.e., when he causes a reduction in the item's value due to a change in its halakhic status, e.g., when he renders it impure.

וְיָמָה טַעַם אָמְרוּ בְּשׁוֹגֵג פְּטוֹר כִּדִּי שְׂוִיָּדִיעוֹ 13

**And what is the reason** that the Sages **said** that if he committed one of these acts **unintentionally** he is **exempt**? This is **so that** the one who caused the damage **will inform** the injured party about what happened. If a fine were imposed even in a case where the damage is caused unintentionally, there would be a concern that the guilty party might not report the damage so as to avoid the penalty. In such a situation the injured party will not know what happened, as the damage is not evident, and he will inadvertently use that which has become impure, mixed with *teruma*, or poured before an idol.

אִי הָכִי אֶפִּילוֹ בְּמִזִּיד נָמִי הִשְׁתָּא לְאוֹזְקִי קָא מְכַוֵּין אוֹדוּעִי לָא מוֹדַע לִיה 14

The Gemara asks: If it is **so** that there is a concern about this, then he should be exempt from liability **even** if he committed one of these offenses **intentionally**, so that he will inform the owner of the item. The Gemara answers: **Now**, since **it was his intention to cause him damage**, **will he not inform him**? If he does not tell him, the other person will

never know that he suffered damage. Consequently, he will certainly inform him of what he did and that his property is now subject to a prohibition, and there is no concern that the injured party will inadvertently come to transgress the prohibition. This is Hizkiyya's opinion.

וְרַבִּי יוֹחָנָן אָמַר דְּבַר תּוֹרָה אֶחָד שׁוֹגֵג וְאֶחָד מְזִיד פְּטוּר מֵאֵי טַעָמָא  
הֵיזֵק שְׂאִינוּ נִכְרָ לָא שְׁמִיָּה הֵיזֵק וּמָה טַעַם אָמְרוּ בְּמִזִּיד חַיִּיב שְׁלֹא  
יְהֵא כָּל אֶחָד וְאֶחָד הוֹלֵךְ וּמַטְמֵא טְהוֹרוֹתָיו שֶׁל חֲבִירוֹ וְאוֹמֵר פְּטוּר אֲנִי

15

**And Rabbi Yohanan says: By Torah law, one who commits one of the offenses listed in the mishna, whether he did so unintentionally or intentionally, is exempt from liability for the damage he caused. What is the reason for this? The reason is that damage that is not evident is not categorized as damage. And what is the reason that the Sages said that if he committed one of these acts intentionally he is liable? This is so that each and every person who has a grievance with his neighbor and wishes to cause him harm should not go and render impure the other person's pure foods, and say: I am exempt from liability.**

תָּנוּ הַכֹּהֲנִים שֶׁפָּגְלוּ בַּמִּקְדָּשׁ מְזִידִים חַיִּיבִין וְתָנִי עָלֶיהָ מִפְּנֵי תִיקוּן  
הָעוֹלָם

16

The Gemara raises an objection to the opinion of Hizkiyya from what we learned in a mishna (54b): With regard to priests who disqualified an offering through improper intention in the Temple, by expressing, while sacrificing the offering, the intention of sprinkling the blood of the



offering, burning its fats on the altar, or consuming it after its appointed time, if they did so **intentionally, they are liable** to pay the value of the offering to its owner, who must now bring another offering. **And it is taught with regard to** this mishna that the Sages instituted this obligation **for the betterment of the world**, so that priests should not act in this manner toward people to whom they wish to cause harm.

וְאִי אֲמַרְתָּ הֵיזֶק שְׂאִינוּ נִכָּר שְׁמִיָּה הֵיזֶק הָאִי שׁוֹגְגִין פְּטוּרִין מִפְּנֵי תִיקוֹן  
הָעוֹלָם מִיבְּעֵי לִיָּה 17

**And if you say that damage that is not evident is nevertheless categorized as damage, it should have said that if they acted unintentionally they are exempt due to the betterment of the world.**

This is because according to Hizkiyya, if they acted intentionally they should be liable by Torah law for the damage they caused, and not by rabbinic ordinance instituted for the betterment of the world.

הָכִי נָמִי קָאָמַר מְזִידִין חַיִּיבִין הָאִי שׁוֹגְגִין פְּטוּרִין מִפְּנֵי תִיקוֹן הָעוֹלָם 18

The Gemara answers: **That is also what the *tanna* is saying**, and the mishna should be understood as follows: If they acted **intentionally, they are liable**, but if they acted **unintentionally**, they are **exempt**. And the reason that they are exempt is **for the betterment of the world**.

מִתִּיב רַבִּי אֶלְעָזָר הָעוֹשֶׂה מְלָאכָה בְּמִי חֲטָאת וּבִפְרַת חֲטָאת פְּטוּר  
מִדִּינֵי אָדָם וְחַיִּיב בְּדִינֵי שָׁמַיִם וְאִי אֲמַרְתָּ הֵיזֶק שְׂאִינוּ נִכָּר שְׁמִיָּה הֵיזֶק  
בְּדִינֵי אָדָם נָמִי לְחַיִּיב 19

**Rabbi Elazar raised an objection** based on what was taught: With regard to **one who performs a task with the water of purification**, i.e., water that is to be mixed with the ashes of the red heifer, which was used to purify people and objects that had contracted ritual impurity by contact with a corpse, **or performed labor with the red heifer of purification**, and by doing so he disqualifies it, he is **exempt according to human laws but is liable according to the laws of Heaven**. And if you say that **damage that is not evident is nevertheless categorized as damage**, then according to human laws he should also be liable.

הוא מוֹתִיב לָהּ וְהוּא מְפָרֵק לָהּ פָּרָה שֶׁהִכְנִיסָה לְרִבְקָה עַל מְנַת  
שְׁתִּינָק וְתַדּוּשׁ מִי חֲטָאת שֶׁשָּׁקַל בָּהֶן מִשְׁקָלוֹת 20

The Gemara comments that **he**, Rabbi Elazar, **raised the objection and** subsequently **he himself resolved it**: That which they said, that he performed labor with the red **heifer**, means **that he placed it in a pen [lirvaka]** so that it would nurse from its mother and would incidentally **thresh**, meaning that his action is not defined as having the heifer perform labor. And that which they said, that he performed a task with the **water of purification**, means **that he weighed weights with the water**, which is not an actual task performed with the water.

וְהָאֵמַר רַבָּא מִי חֲטָאת 21

The Gemara asks: **But doesn't Rava say: Water of purification**

1 שֶׁשָּׁקַל בְּהֵן מִשְׁקָלוֹת כְּשֶׁרָה לֹא קִשָּׂא הָא בְּגוּפֵן הָא בְּכִנְגֻדָּן

with which he weighed weights is fit? The Gemara answers: It is **not difficult**: This *baraita* is referring to a case where he weighs an object **with** the water **itself**, and therefore the water is disqualified. And **this** statement of Rava's, that the water is fit, is referring to a case where he weighs an object **against** the water.

2 בְּגוּפֵן מַעֲשֶׂה קָא עֲבִיד בְּהוּ וְאִי הָיִזק שְׂאִינוּ נִיכָר שְׁמִיָּה הָיִזק בְּדִינִי  
אָדָם נָמִי לְחַיִּיב אֶלָּא אִידִי וְאִידִי בְּכִנְגֻדָּן וְלֹא קִשָּׂא הָא דְּאֶסַּח דְּעֵתִיָּה  
הָא דְּלֹא אֶסַּח דְּעֵתִיָּה

The Gemara asks: If he weighs an object **with** the water **itself**, then **he performs a real task with it**, and if **damage that is not evident** is nevertheless **categorized as damage**, then **he should also be liable according to human laws** to pay for performing a task with the water. **Rather**, it is necessary to say that both **this and that** refer to a case where he weighed an object **against** the water, **and** still it is **not difficult**: This *baraita* is referring to a case **where** in the course of the weighing the object **his attention was diverted** from guarding the water, and owing to this lapse in attention the water became disqualified. And **that** statement of Rava's is referring to a case **where his attention was not diverted**, and therefore the water did not become disqualified.

3 מִתִּיב רַב פָּפָא גִזֵּל מִטְבֵּעַ וְנִפְסַל תְּרוּמָה וְנִטְמָאת חֲמִיץ וְעֵבֶר עָלָיו  
הִפְסִח אֹמֶר לוֹ הָרִי שְׁלֵף לְפָנֶיךָ

**Rav Pappa raises an objection** against Hizkiyya's opinion from that which is taught in a *baraita*: If **one robbed** another **of a coin** and afterward the coin **was rendered invalid** by the government, or if he robbed another of *teruma* and it became ritually impure, or if he robbed another of **leavened bread and Passover** then **elapsed over it**, rendering it forbidden, in each of these cases the robber **can** return the item and **say** to the robbery victim: **That which is yours is before you**. Since the robber returned the stolen item, he is not required to compensate the victim of the robbery for his monetary loss, although the stolen items are currently of minimal or no value.

וְאִי אָמַרְתָּ הַיֵּזֶק שְׁאִינוֹ נִכְפַּר שְׁמִיָּה הַיֵּזֶק הַאִי גִזְלוֹן הוּא מְמוֹנָא מְעַלְיָא  
בְּעֵי שְׁלוּמֵי תִּיּוֹבְתָא

4

And if you say that **damage that is not evident is categorized as damage**, then **this man is a robber**, and he **should be required to pay full compensation** for the damage he caused. The Gemara concludes: This is a **conclusive refutation**, and the opinion of Hizkiyya is rejected.

לֵימָא כְּתִנְאֵי הַמְטֵמָא וְהַמְדַּמֵּעַ וְהַמְנַסֵּף אֶחָד שׁוֹיֵג וְאֶחָד מִזִּיד חַיִּיב  
דְּבָרֵי רַבִּי מֵאִיר רַבִּי יְהוּדָה אֹמֵר בְּשׁוֹיֵג פְּטוֹר בְּמִזִּיד חַיִּיב

5

The Gemara suggests: **Let us say** that this amoraic dispute is **parallel to** a dispute between *tanna'im*, as it was taught in a *baraita*: With regard to **one who renders** another's food ritually impure, **or one who mixes** *teruma* with another's non-sacred produce, **or one who pours** another's wine as a libation before an idol, **whether** he did so **unintentionally or**

intentionally, he is liable to pay for the damage he caused; this is the statement of Rabbi Meir. Rabbi Yehuda says: If he acted unintentionally, he is exempt; if he acted intentionally, he is liable to pay.

מאי לאו בְּהָא קָמִיפְלָגִי דְּמָר סָבַר הָיִזְק שְׁאִינוּ נִיכָר שְׁמִיָּה הָיִזְק וּמָר  
סָבַר לֹא שְׁמִיָּה הָיִזְק

6

The Gemara suggests: What, is it not that they disagree about this very issue? As one Sage, Rabbi Meir, holds that damage that is not evident is nevertheless categorized as damage. Consequently, one is liable to pay even if he caused the damage unintentionally. And one Sage, Rabbi Yehuda, holds that such damage is not categorized as damage, and consequently one is liable to pay only if he caused the damage intentionally, as this is a rabbinically instituted fine.

אָמַר רַב נַחֲמָן בַּר יִצְחָק דְּכוּלֵּי עֲלָמָא הָיִזְק שְׁאִינוּ נִיכָר לֹא שְׁמִיָּה  
הָיִזְק וְהָכָא בְּקִנְסוֹ שְׁוִיגָא אִטּוּ מִזִּיד קָא מִיפְלָגִי דְּמָר סָבַר קִנְסוֹ שְׁוִיגָא  
אִטּוּ מִזִּיד וּמָר סָבַר לֹא קִנְסוֹ שְׁוִיגָא אִטּוּ מִזִּיד

7

Rav Nahman bar Yitzhak said that it is possible to say that everyone, including Rabbi Meir, agrees that damage that is not evident is not categorized as damage. And here, they disagree with regard to this question: Did the Sages penalize an unintentional offender due to an intentional offender? As one Sage, Rabbi Meir, who states that the one who caused the damage is liable even if he acted unintentionally, holds that the Sages penalized an unintentional offender due to an



**intentional** offender. And one Sage, Rabbi Yehuda, who states that one is liable only if he acted intentionally, **holds that they did not penalize an unintentional offender due to an intentional offender.**

8  
וְרַמִּי דְרַבִּי מֵאִיר אֶדְרַבִּי מֵאִיר וְרַמִּי דְרַבִּי יְהוּדָה אֶדְרַבִּי יְהוּדָה דִּתְנִיָא  
הַמְבַּשֵּׁל בְּשַׁבָּת בְּשׁוּגִג יֹאכֵל בְּמִזִּיד לֹא יֵאָכֵל דְּבַרִּי רַבִּי מֵאִיר רַבִּי  
יְהוּדָה אוֹמֵר בְּשׁוּגִג יֹאכֵל לְמוֹצָאֵי שַׁבָּת בְּמִזִּיד לֹא יֵאָכֵל עוֹלָמִית

The Gemara comments: **But** then it is possible to **raise a contradiction between this statement of Rabbi Meir and another statement of Rabbi Meir; and** it is also possible to **raise a contradiction between this statement of Rabbi Yehuda and another statement of Rabbi Yehuda.**

The other statements are **as it is taught** in a *baraita* (*Tosefta, Shabbat 2:5*): With regard to **one who cooks on Shabbat**, if he did so **unintentionally**, **he may eat** what he cooked. If he acted **intentionally**, **he may not eat** what he cooked; this is **the statement of Rabbi Meir. Rabbi Yehuda says:** If he cooked the food **unintentionally**, **he may eat** what he cooked, but only **at the conclusion of Shabbat**. If he cooked it **intentionally**, **he may never eat** what he cooked.

9  
רַבִּי יוֹחָנָן הַסַּנְדֵּלָר אוֹמֵר בְּשׁוּגִג יֹאכֵל לְמוֹצָאֵי שַׁבָּת לְאַחֲרִים וְלֹא לוֹ  
בְּמִזִּיד לֹא יֵאָכֵל עוֹלָמִית לֹא לוֹ וְלֹא לְאַחֲרִים קִשְׁיָא דְרַבִּי מֵאִיר אֶדְרַבִּי  
מֵאִיר קִשְׁיָא דְרַבִּי יְהוּדָה אֶדְרַבִּי יְהוּדָה

The *baraita* continues: **Rabbi Yohanan HaSandlar says:** If he acted **unintentionally**, what he cooked **may be eaten at the conclusion of Shabbat by others, but not by him**, as the food is forbidden to him

forever. If he cooked the food **intentionally**, what he cooked **may never be eaten, neither by him nor by others**. Consequently, there is a **contradiction between** one statement **of Rabbi Meir and** the other statement **of Rabbi Meir**, and there is also a **contradiction between** one statement **of Rabbi Yehuda and** the other statement **of Rabbi Yehuda**.

דַּרְבֵּי מַאִיר אֶדְרָבִי מַאִיר לֹא קָשִׁיָּא כִּי קִנִּים בְּדַרְבָּנָן בְּדִאֲוִרִיָּתָא לֹא קִנִּים

10

The Gemara answers: There is no contradiction **between** one statement **of Rabbi Meir and** the other statement **of Rabbi Meir**, because one can draw a distinction between them. **When** Rabbi Meir **penalizes** an offender for even an unintentional offense, it is where the offender violated **a rabbinic law**, e.g., he rendered food impure. But where he violated **a Torah law**, e.g., he cooked on Shabbat, **he does not penalize** him. The reason for this distinction is that people treat Torah prohibitions more seriously, and consequently there is no need to impose a fine for unintentional transgression in order to distance people from the transgression.

וְהָא מִנְסַף דִּאֲוִרִיָּתָא הוּא וְקָא קִנִּים מְשֻׁם חוּמְרָא דְעֵבֻדָּה זָרָה קִנִּים לִיה

11

The Gemara asks: **But isn't pouring** wine as a libation before an idol prohibited **by Torah law**, and even so Rabbi Meir **penalizes** the offender, even if his transgression is unintentional? The Gemara answers: This is an exception to the principle. **Due to the severity** of the prohibition against

**idol worship**, Rabbi Meir **penalizes** the offender even if he acts unintentionally.

דַּרְבֵּי יְהוּדָה אֲדַרְבֵּי יְהוּדָה לָא קָשִׁיָא כִּי לָא קִנִּים בְּדַרְבָּנָן בְּדַאֲוֲרֵייתָא  
קִנִּים וְהָא מְנִסֵּף דַּאֲוֲרֵייתָא וְלָא קִנִּים מְשֻׁם חוּמְרָא דַּעֲבוּדָה זָרָה  
מִיבָדֵל בְּדִילִי מִינֵיהּ

12

The Gemara continues: And there is also **no contradiction** between one statement of **Rabbi Yehuda** and the other statement of **Rabbi Yehuda**. When Rabbi Yehuda **does not penalize** an offender for an unintentional offense, it is where he violated a **rabbinic law**. But where he violated a **Torah law**, he **penalizes** him even if he transgressed unintentionally, owing to the severity of the transgression. The Gemara asks: **But isn't pouring** wine as a libation before an idol prohibited by **Torah law**, and even so Rabbi Yehuda **does not penalize** the offender if he acted unintentionally? The Gemara answers: The argument raised previously can be reversed: **Due to the exceptional severity** of the prohibition against **idol worship** people **avoid it** on their own, and so there is no need to impose a fine for unintentional transgression in order to distance people from it.

וְרַמִּי דַּרְבֵּי מַאִיר אֲדַרְבֵּי מַאִיר בְּדַאֲוֲרֵייתָא דְתַנָּיָא הַנוּטֵעַ בַּשָּׂבֶת בְּשׁוּגָג  
יִקְיִים בְּמִזִּיד יַעֲקֹר וּבְשִׁבְעִיעִית בֵּין בְּשׁוּגָג בֵּין בְּמִזִּיד יַעֲקֹר דְּבַרֵּי רַבִּי  
מַאִיר

13

The Gemara comments: **But** then it is possible to **raise a contradiction** between one statement of **Rabbi Meir** and another statement of **Rabbi**

**Meir** even with respect to matters that are prohibited by Torah law, as it is taught in a *baraita* (*Tosefta, Shabbat 2:11*): With regard to one who plants a tree on Shabbat, if he does so unintentionally, he may keep the tree. If he acted intentionally, it must be uprooted. And if he planted the tree during the Sabbatical Year, then whether he did so unintentionally or intentionally, it must be uprooted; this is the statement of Rabbi Meir.

רבי יהודה אומר בשביעית בשוגג יקיים במזיד יעקר ובשבת בין בשוגג  
בין במזיד יעקר

14

**Rabbi Yehuda says:** With regard to planting a tree in the Sabbatical Year, if one does so unintentionally, he may keep the tree. If he acted intentionally, it must be uprooted. And if he planted the tree on Shabbat, then whether he did so unintentionally or intentionally, it must be uprooted. Although it is prohibited by Torah law to plant a tree in the Sabbatical Year, Rabbi Meir penalizes the offender and requires that the tree be uprooted, even if he acted unintentionally. This seems to contradict Rabbi Meir's ruling in the previously mentioned *baraita*, that one who unintentionally cooked on Shabbat is not penalized.

ולטעמיה תקשה לך היא גופה מכדי הא דאורייתא והא דאורייתא מאי  
שנא שבת ומאי שנא שביעית

15

The Gemara asks: **And according to your reasoning**, that you raise such a contradiction, **raise a contradiction in this *baraita* itself.** Since this prohibition of planting on Shabbat is by Torah law and this prohibition

of planting in the Sabbatical Year is by Torah law, what is different about Shabbat and what is different about the Sabbatical Year, that both Sages distinguish between the two *halakhot*.

אֵלָא הָתָם כְּדִקְתָּנִי טַעְמָא אָמַר רַבִּי מֵאִיר מִפְּנֵי מָה אָנִי אוֹמֵר בַּשַּׁבָּת  
בְּשׁוּגָג יָקִיִּים בְּמִזִּיד יַעֲקֹר וּבַשְּׁבִיעִית בֵּין בְּשׁוּגָג בֵּין בְּמִזִּיד יַעֲקֹר מִפְּנֵי  
שְׂשִׁירָאֵל מוֹנִין לַשְּׁבִיעִית

16

Rather, there the reason is as is taught explicitly: Rabbi Meir said: For what reason do I say: If one planted a tree on Shabbat unintentionally, he may keep the tree, but if he did so intentionally, it must be uprooted; but in the Sabbatical Year, whether the tree was planted unintentionally or intentionally, it must be uprooted? It is because Jews count the years of the tree, with regard to the prohibition against eating the fruit of a tree during the first three years after its planting [*orla*] and with regard to the *halakha* of fourth-year produce, from the Sabbatical Year. Therefore, if the tree was planted in the Sabbatical Year, people will remember, and they might come to think planting a tree in the Sabbatical Year is permitted. For this reason, Rabbi Meir imposed a fine and required that the tree be uprooted.

54a

וְאֵין מוֹנִין לַשַּׁבָּתוֹת

1

But they do not count from Shabbat, as there is no significance to the day of the week on which the tree was planted, and consequently no one



remembers that the tree was planted on Shabbat.

דָּבָר אַחֵר נֶחֱשְׁדוּ יִשְׂרָאֵל עַל הַשְּׁבִיעִית וְלֹא נֶחֱשְׁדוּ עַל הַשַּׁבָּתוֹת

2

**Alternatively**, the difference between Shabbat and the Sabbatical Year can be explained as follows: **Jews are suspected of desecrating the Sabbatical Year, but they are not suspected of desecrating Shabbat.** Therefore, Rabbi Meir imposes a penalty for the unintentional desecration of the Sabbatical Year, but he imposes no such penalty for the unintentional desecration of Shabbat.

מֵאִי דָּבָר אַחֵר הָכִי קָאָמַר וְכִי תִימָא שַׁבָּת נָמִי זִימְנִין דְּמִיקְלָע יוֹם  
שְׁלֵשִׁים בְּשַׁבָּת דָּאִי נָטַע הָהוּא יוֹמָא הוּא דְּסָלְקָא לִיה שְׁתָּא וְאִי לָא  
לָא סָלְקָא לִיה שְׁתָּא

3

The Gemara asks: **What** is the point of Rabbi Meir adding the second reason, introduced with the term **alternatively**? The Gemara answers: **This is what Rabbi Meir is saying: And if you would say** to contest the first reason: **Jews also** count from **Shabbat**, and unless the tree is uprooted, people will remember that it was planted on Shabbat, as at **times the thirtieth day** before Rosh HaShana **falls on Shabbat**. **As, if he planted** the tree **on that day**, the time from when he planted it **counts for him as** a full year with regard to the prohibition of fruit that grows during the first three years after the tree was planted. **And if he did not** plant it on that Shabbat, but rather on the next day, the twenty-ninth day before Rosh HaShana, **it does not count for him as** a full year. In such a

case people will remember that the tree was planted on Shabbat, and they might come to think that planting a tree on Shabbat is permitted.

תָּא שְׁמַע דְּבַר אַחֵר נִחְשְׁדוּ יִשְׂרָאֵל עַל הַשְּׁבִיעִית וְלֹא נִחְשְׁדוּ עַל  
הַשַּׁבָּתוֹת 4

Consequently, Rabbi Meir adds: **Come and hear that alternatively,** the difference between Shabbat and the Sabbatical Year can be explained as follows: **Jews are suspected of desecrating the Sabbatical Year, but they are not suspected of desecrating Shabbat.** Therefore, Rabbi Meir imposes a penalty for the unintentional desecration of the Sabbatical Year, but not for the unintentional desecration of Shabbat.

דְּרַבִּי יְהוּדָה אֲדַרְבִּי יְהוּדָה לָא קִשְׁיָא בְּאַתְרֵיהּ דְּרַבִּי יְהוּדָה תְּמִירָא לְהוּ  
שְׁבִיעִית 5

The Gemara continues: And there is also **no contradiction** between one statement **of Rabbi Yehuda** with regard to the Sabbatical Year **and** the other statement **of Rabbi Yehuda** with regard to Shabbat. This is because **in Rabbi Yehuda's place** the prohibition against desecrating **the Sabbatical Year was** regarded **by them** as a most **serious** one, and therefore there was no need to impose a penalty for its unintentional desecration, although it is a Torah law.

דִּהְוָא דְּאָמַר לִיהּ לְתַבִּירוֹ דִּייר בֵּר דִּיִּירְתָּא אָמַר לִיהּ אָנָּא לָא אָכְלִי  
פִּירִי דְּשְׁבִיעִית כְּוֹתֵךְ 6

The Gemara adduces proof that this is true: It once happened **that** there was **a certain person who said to another** to insult him: **Convert [dayyar], son of a convert**. In anger the second person **said to** the first in response: At least **I don't eat produce of the Sabbatical Year as you do**. This indicates that the Sabbatical Year was treated in that place as a very serious prohibition; therefore, Rabbi Yehuda deemed it unnecessary to impose a penalty for its unintentional desecration.

7  
תָּא שָׁמַע אָכַל תְּרוּמָה טְמֵאָה מִשְׁלֵם חוּלִין טְהוֹרִין שְׂיֵלִם חוּלִין טְמֵאִים  
מֵהוּ אָמַר סוּמְכּוֹס מְשׁוּם רַבִּי מֵאִיר בְּשׁוּגֵג תְּשְׁלוּמֵי תְּשְׁלוּמִין בְּמִזִּיד  
אֵין תְּשְׁלוּמֵי תְּשְׁלוּמִין וְחֻכָּמִים אוֹמְרִים אֶחָד זֶה וְאֶחָד זֶה תְּשְׁלוּמֵי  
תְּשְׁלוּמִין וְחוּזָר וּמְשַׁלֵּם חוּלִין טְהוֹרִים

The Gemara proceeds to discuss another apparent contradiction between rulings of Rabbi Meir with regard to penalties imposed for the unintentional transgression of a rabbinic law: **Come and hear** what was taught in a *baraita* (*Tosefta, Terumot* 7:7): If **one partook of *teruma***, which is the property of a priest, and it was ritually **impure**, **he pays** restitution with ritually **pure, non-sacred** produce. **What is the *halakha* if he paid** restitution with ritually **impure, non-sacred** produce? **Sumakhos said in the name of Rabbi Meir:** If he paid restitution with ritually impure, non-sacred produce **unintentionally, his payment is valid**. But if he did so **intentionally, his payment is not valid**. **And the Rabbis say:** Although **both in this case and in that case his payment is valid**, the Sages imposed a penalty and said that **he returns and pays** restitution a second time with ritually **pure, non-sacred** produce.

וְהוֹיֵנוּ בִּהּ בְּמִזֵּד אֲמַאי אֵין תְּשְׁלוּמֵי תְּשְׁלוּמִין תָּבֵא עָלָיו בְּרָכָה דְּאָכִיל  
מִיָּדָה מִיָּדָה דְּלֹא חָזִי לֵיהּ בִּימֵי טוּמְאַתּוֹ וְקָא מְשַׁלֵּם לֵיהּ מִיָּדָה דְּחָזִי לֵיהּ  
בִּימֵי טוּמְאַתּוֹ

And we discussed the following question concerning the opinion of Rabbi Meir: In the case where he paid restitution with ritually impure, non-sacred produce **intentionally, why is his payment not valid?** On the contrary, **blessing should come upon him, as he partook of something that is not fit for the priest to partake of even during the days of his impurity**, since it is prohibited for a priest to partake of impure *teruma*, whether he himself is pure or impure, **and he pays restitution to him with something**, i.e., impure, non-sacred produce, **which is at least fit for him to partake of during the days of his impurity.**

וְאָמַר רַבָּא וְאָמַר לֵהּ כְּדֵי חֲסוּרֵי מְחֻסָּרָא וְהָכִי קִתְּנִי אָכַל תְּרוּמָה  
טְמֵאָה מְשַׁלֵּם כָּל דֵּהוּ אָכַל תְּרוּמָה טְהוֹרָה מְשַׁלֵּם חוּלִין טְהוֹרִים שְׂלֵם  
חוּלִין טְמֵאִין מֵהוּ סוּמְכּוּס אֹמֵר מְשׁוּם רַבִּי מֵאִיר בְּשׁוּיָג תְּשְׁלוּמֵי  
תְּשְׁלוּמִין בְּמִזֵּד אֵין תְּשְׁלוּמֵי תְּשְׁלוּמִין וְחֻכָּמִים אֹמְרִים אֶחָד זֶה וְאֶחָד  
זֶה תְּשְׁלוּמֵי תְּשְׁלוּמִין וְחֻזֵּר וּמְשַׁלֵּם חוּלִין טְהוֹרִין

And Rava said, and some say it is **unattributed**: The *baraita* is **incomplete and this is what it is teaching**: If one **partook of ritually impure *teruma*, he can pay restitution with anything**, even impure, non-sacred produce. If he **partook of ritually pure *teruma*, he pays restitution with ritually pure, non-sacred produce**. The *baraita* continues: **What is the *halakha* if he paid restitution for ritually pure *teruma* with ritually**

impure, non-sacred produce? There is a tannaitic dispute about this. **Sumakhos said in the name of Rabbi Meir:** If he paid restitution with ritually impure, non-sacred produce **unintentionally, his payment is valid.** But if he did so **intentionally, his payment is not valid.** And the **Rabbis say: Both in this case and in that case, his payment is valid,** but the Sages imposed a penalty and said that **he returns and pays** restitution a second time with ritually **pure, non-sacred** produce.

וְאָמַר רַב אֶחָא בְרִיה דְּרַב אִיקָא הָכָא בְּקִנְסוֹ שׁוֹיֵג אָטוּ מִזִּיד אִיכָא  
 בִּינְיָהוּ (דְּרַבִּי מֵאִיר סָבַר לֹא קִנְסוֹ שׁוֹיֵג אָטוּ מִזִּיד וְחֻכָּמִים אוֹמְרִים  
 קִנְסוֹ)

10

**And Rav Aḥa, son of Rav Ika, said:** Here, the practical difference between Rabbi Meir and the Rabbis relates to the question of whether or not the Sages **penalized an unintentional offender due to an intentional offender.** **Rabbi Meir holds that they did not penalize an unintentional offender due to an intentional offender, and the Rabbis say that they penalized him.** Consequently, Rabbi Meir does not impose a penalty for an unintentional transgression of a rabbinic law, as by Torah law one can pay restitution to a priest with anything if he partakes of *teruma*. This contradicts what was stated previously, that in the case of a violation of rabbinic law, Rabbi Meir imposes a penalty even for an unintentional offense.

הָכִי הַשְׁתָּא הָתָם גְּבָרָא לְשִׁלּוּמֵי קָא מִכַּפּוּיִן אֲנִן נִיקוּם וְלִיקְנִסִּיה

11



The Gemara answers: **How can these cases be compared? There, the man intends to pay; should we arise and penalize him?** It is specifically with regard to this case that Rabbi Meir holds that no penalty is imposed, as his mistake was made in the course of performing a laudatory action. By contrast, in cases where one rendered another's produce impure and the like, there is a penalty, as the mistake was made while performing an action he should not have been performing.

תָּא שְׁמַע דָּם שְׁנַטְמָא וְזָרְקוּ בְּשׁוּגְגָה הוֹרְצָה בְּמִזִּיד לֹא הוֹרְצָה

12

The Gemara tries to bring proof concerning the previously stated opinion of Rabbi Meir that a penalty is imposed in a case of an unintentional transgression of a rabbinical law: **Come and hear** what was taught in a *baraita*: In the case of **blood** of an offering **that became impure and** a priest **sprinkled it** on the altar, if he did so **unintentionally**, the offering is **accepted** and achieves atonement for the owner of the offering. If he sprinkled the blood **intentionally**, the offering **is not accepted**. In any event, the *tanna* of this *baraita* did not penalize the unintentional offender due to an intentional offender, and this sprinkling of blood is prohibited by rabbinic law.

אָמַר לָךְ רַבִּי מֵאִיר הָכִי הַשְׁתָּא הָתָם גְּבָרָא לְכַפּוּרִי קָא מְכַוִּין אֲנִי נִיקוּם  
וְנִקְנְסִיהּ

13

The Gemara answers: **Rabbi Meir** could have **said to you: How can these cases be compared? There, the person intends to do a mitzva and atone; should we arise and penalize him?** Here too, the mistake was made while performing a laudatory act. In such a case, even Rabbi Meir agrees that

that an unintentional offender is not penalized due to an intentional offender.

תָּא שְׁמַע הַמַּעֲשֵׂר בַּשַּׁבָּת בְּשׁוּגָג יֹאכַל בְּמִזִּיד לֹא יֹאכַל הֵכִי הַשְׁתָּא  
הָתָם גְּבָרָא לְתַקּוּנִי קָא מִיכַוִּין אֲנִן לִיקוּם וְלִיקְנָסִיָּה

14

The Gemara attempts to adduce further proof: **Come and hear** what was taught in a mishna (*Terumot* 2:3): With regard to **one who tithes** produce **on Shabbat**, which is prohibited by rabbinic law because it appears as though he were repairing an article that requires repair, if he did this **unintentionally, he may consume** the produce, as it has been tithed and rendered fit for consumption. But if he did this **intentionally, he may not consume** it. Apparently, the Sages did not penalize the unintentional offender due to an intentional offender, although tithing produce on Shabbat is prohibited by rabbinic law. The Gemara answers: **How can** these cases **be compared?** **There, the man intends to** do a worthy deed and **repair** the produce by tithing it; **should we arise and penalize him?** As above, Rabbi Meir would agree that in such a case the unintentional offender is not penalized.

תָּא שְׁמַע הַמַּטְבִּיל כֵּלִים בַּשַּׁבָּת בְּשׁוּגָג יִשְׁתַּמֵּשׁ בָּהֶן בְּמִזִּיד לֹא יִשְׁתַּמֵּשׁ  
בָּהֶן הֵכִי הַשְׁתָּא הָתָם גְּבָרָא לְטַהוּרֵי מְאֵי קָא מִיכַוִּין אֲנִן לִיקוּם  
וְלִיקְנָסִיָּה

15

The Gemara brings yet another proof: **Come and hear** what was taught in that same mishna (*Terumot* 2:3): With regard to **one who immerses** **utensils** in a ritual bath **on Shabbat**, which is also prohibited by the Sages

because it appears as if he were repairing an article that requires repair, if he immerses them **unintentionally, he may use them**. But if he immerses them **intentionally, he may not use them**. Here too the Sages did not penalize the unintentional offender due to an intentional offender. The Gemara answers as before: **How can these cases be compared? There, the man intends to do a praiseworthy act and purify the utensils; should we arise and penalize him?** The same distinction stated previously applies in this mishna as well.

וְרַמִּי דִּרְבִּי יְהוּדָה אֲדִרְבִּי יְהוּדָה בְּדִרְבָּנָן דִּתְנִיָא

16

The Gemara discusses the opinion of Rabbi Yehuda: **And they raised a contradiction between one statement of Rabbi Yehuda and another statement of Rabbi Yehuda** with regard to matters that are prohibited only by rabbinic law. As it is taught in a *baraita*:

54b

נִפְּלוּ וְנִתְפָּצְעוּ אֶחָד שׁוֹיֵג וְאֶחָד מִזִּיד לֹא יַעֲלוּ דְּבָרֵי רַבִּי מֵאִיר וְרַבִּי יְהוּדָה רַבִּי יוֹסִי וְרַבִּי שְׁמַעוֹן אוֹמְרִים בְּשׁוֹיֵג יַעֲלוּ בְּמִזִּיד לֹא יַעֲלוּ

1

If there are nuts from Perekh that are *orla*, and **they fell** into other nuts and became intermingled with them, the entire mixture is forbidden, even if the nuts that are *orla* are few in number. This is because they are deemed significant when they are whole and they are not nullified in a mixture. If the nuts **were broken** afterward, **whether** they were broken **unintentionally or** they were broken **intentionally, they are not**

**nullified** in the mixture, despite the fact that they are no longer regarded as significant and should therefore be subject to nullification; this is **the statement of Rabbi Meir and Rabbi Yehuda. Rabbi Yosei and Rabbi Shimon** disagree and **say**: If they were broken **unintentionally**, they are **nullified**, but if they were broken **intentionally**, they are **not nullified**.

וְהָאֵלֶּה הֵכָא דְּמִדְּאוּרֵייתָא חַד בְּתַרִּי בְּטֵל וְרַבֵּנָן הוּא דְּגִזְזוּר וְקָא קִנִּיִּס רַבִּי  
יְהוּדָה הָתָם הֵיִינוּ טַעְמָא דְּרַבִּי יְהוּדָה מְשׁוּם דְּאֵתִי לְאַיעְרוּמִי

2

The Gemara asks: **But here, by Torah law** the forbidden substance is **nullified** if its ratio in the mixture is not more than **one in two**, i.e., when the majority of the mixture is permitted, **and** it was **the Sages who decreed** that significant items are not subject to nullification. **And** nevertheless, **Rabbi Yehuda penalizes** an unintentional offender due to an intentional offender. This seems to contradict what was stated previously, that Rabbi Yehuda does not impose a penalty for an unintentional offense if the transgression involves the violation of a rabbinic law. The Gemara answers: **There, this is the reasoning of Rabbi Yehuda**, that a penalty was imposed in the case where he unintentionally broke the nuts **due to** the concern **that** without a penalty **he will come to employ artifice** and intentionally break the nuts in order to effect nullification of the Perekh nuts.

וְרַמִּי דְּרַבִּי יוֹסִי אֲדַרְבִּי יוֹסִי דִּתְנֹן נְטִיעָה שֶׁל עֶרְלָה וְשֶׁל כֶּלְאֵי הַכֶּרֶם  
שֶׁנִּתְעַרְבוּ בְּנְטִיעוֹת אֲחֵרוֹת הָרִי זֶה לֹא יִלְקֹט וְאִם לִיקֹט יַעֲלוּ בְּאֶחָד  
וּמֵאֵתִים וּבִלְבָד שֶׁלֹּא יִתְכַּוֵּין לִלְקֹט

3

The Gemara discusses the previous *baraita*: **And they raised a contradiction between one statement of Rabbi Yosei and another statement of Rabbi Yosei, as we learned in a mishna (*Orla* 1:6): If a sapling that has the status of *orla* or a grapevine sapling has the status of diverse kinds in a vineyard, e.g., one vine in a vineyard had grain planted near it and become prohibited, and the grain was then uprooted, became intermingled with other saplings, and one does not know which is the forbidden sapling, he may not gather the produce of any of the saplings. And if he gathered the produce, the forbidden produce is nullified if its ratio in the mixture is not more than one part forbidden produce in two hundred parts permitted produce, provided that he did not intend to gather the produce in order that the forbidden produce will become nullified.**

רַבִּי יוֹסֵי אוֹמֵר אִף הַמִּתְכַּוִּין לְלַקֵּט יַעֲלוּ בְּאַחַד וּמֵאֲחֵים 4

**Rabbi Yosei says: Even if he intentionally gathered the produce in order that the forbidden produce would become nullified, the forbidden produce is nullified if its ratio in the mixture is not more than one part forbidden produce in two hundred parts permitted produce.** This seems to contradict what Rabbi Yosei said in the *baraita* cited previously with regard to nuts, that if the nuts were broken intentionally, they are not nullified.

הָא אֲתֵמַר עָלֶיהָ אָמַר רַבָּא חֲזָקָה אֵין אָדָם אוֹסֵר אֶת כֶּרְמוֹ בְּנִטְיָעָה 5  
אֲחֵת וְכֵן כִּי אֲתָא רַבִּין אָמַר רַבִּי יוֹחָנָן חֲזָקָה אֵין אָדָם אוֹסֵר אֶת כֶּרְמוֹ  
בְּנִטְיָעָה אֲחֵת



The Gemara answers: **Wasn't it already stated with regard to that mishna** in explanation of Rabbi Yosei's opinion that **Rava says:** There is a **presumption that a person does not render his entire vineyard forbidden for the sake of one sapling.** Therefore, it can be assumed that one does not intentionally plant a sapling that has the status of *orla* or of diverse kinds in a vineyard among other saplings without properly marking it. If he did so, it is uncommon, and the Sages did not impose a penalty in an uncommon case. **And similarly, when Ravin came from Eretz Yisrael to Babylonia, he said that Rabbi Yohanan says:** There is a **presumption that a person does not render his vineyard forbidden for the sake of one sapling,** and therefore the Sages did not impose a penalty.

**מִתְנִי' הַכֹּהֲנִים שֶׁפָּגְלוּ בַּמִּקְדָּשׁ מִזִּידִין חִיִּבִּין**

6

**MISHNA:** If priests disqualified an offering with improper intention in the Temple, by expressing, while sacrificing the offering, the intention of sprinkling the blood of the offering, burning its fats on the altar, or consuming it, after its appointed time, and they did so **intentionally, they are liable** to pay the value of the offering to its owner, who must now bring another offering.

**גִּמְ' תָּנוּ רַבָּנַן הָיָה עוֹשֶׂה עֶמֶל בְּטֹהָרוֹת וְאָמַר לוֹ טֹהָרוֹת שְׁעָשִׂיתִי עִמָּךְ  
נִטְמָאוּ הָיָה עוֹשֶׂה עֶמֶל בְּזָבָחִים וְאָמַר לוֹ זָבָחִים שְׁעָשִׂיתִי עִמָּךְ נִתְפָּגְלוּ  
נֶאֱמַן אָבֵל אָמַר לוֹ טֹהָרוֹת שְׁעָשִׂיתִי עִמָּךְ בַּיּוֹם פְּלוֹנִי נִטְמָאוּ וְזָבָחִים  
שְׁעָשִׂיתִי עִמָּךְ בַּיּוֹם פְּלוֹנִי נִתְפָּגְלוּ אֵינוֹ נֶאֱמַן**

7

**GEMARA:** The Sages taught in a *baraita* (*Tosefta, Terumot 2:2*): If one was preparing ritually pure food with another, and he said to him: The ritually pure food that I prepared with you became ritually impure, or if he was preparing sacrifices with another person, and he said to him: The sacrifices that I prepared with you became disqualified due to improper intention, he is deemed credible with regard to these claims. But if he said to the other: The ritually pure food that I prepared with you on such and such a day became ritually impure, or the sacrifices that I prepared with you on such and such a day became disqualified due to improper intention, he is not deemed credible.

מֵאִי שְׁנָא רִישָׁא וּמֵאִי שְׁנָא סִיפָא אָמַר אַבִּי כֹל שְׁבִידוֹ נֶאֱמָן 8

The Gemara asks: What is different in the first clause of the *baraita* and what is different in the latter clause, that in the first clause he is deemed credible, whereas in the latter clause he is not? Abaye says that the principle is as follows: As long as it is still in his power to do what he said he had done, he is deemed credible. Therefore, while he is involved in the preparation of the ritually pure food or the sacrifices, and consequently he is still able to disqualify them, he is deemed credible when he says that they already became disqualified. But once he makes a statement about actions he performed in the past and he is no longer able to disqualify the objects of those actions, he is not deemed credible.

רַבָּא אָמַר כְּגוֹן דְּאַשְׁכַּחִיהּ וְלֹא אָמַר לִיהּ וְלֹא מִיַּדִּי וּלְבַתֵּר הָכִי  
אַשְׁכַּחִיהּ וְאָמַר לִיהּ 9

**Rava said:** Both the first clause and the latter clause deal with testimony about the past. The difference is that the latter clause is referring to a case **where he found him** a first time **and told him nothing** about disqualification, **and then afterward he found him** a second time **and told him** what had purportedly happened. In such a case he is suspected of lying, as, if it were true that the pure food had become impure or the offering had become disqualified, he would have imparted that information earlier. Since he had said nothing at the time, and he spoke up only later, it is assumed that he was lying and that his intention was merely to annoy the other.

הָהוּא דֹאמַר לִיה לְחֻבְרִיה טְהוֹרוֹת שְׁעָשִׂיתִי עִמָּךְ בְּיוֹם פְּלוּנִי נִטְמָאוּ  
 אֶתָּא לְקַמִּיָּה דְרַבִּי אָמִי אָמַר לִיה שׁוֹרֶת הֵדִין אֵינוּ נֶאֱמָן אָמַר לְפָנָיו  
 רַבִּי אָסִי רַבִּי אֶתָּה אוֹמֵר כֵּן הֵכִי אָמַר רַבִּי יוֹחָנָן מִשּׁוֹם רַבִּי יוֹסִי מָה  
 אֶעֱשֶׂה שֶׁהַתּוֹרָה הֶאֱמִינָתוֹ

10

§ It is related that there was a **certain person who said to another: The ritually pure food that I prepared with you on such and such a day became ritually impure.** The owner of the food **came before Rabbi Ami**, asking him what to do. **Rabbi Ami said to him:** You may continue to treat the food as ritually pure, as **in principle**, the other person **is not deemed credible.** **Rabbi Asi said before him:** My teacher, **do you say this?** **So said Rabbi Yohanan in the name of Rabbi Yosei:** What can I do when I see **that the Torah deemed him credible** in such a case?

הֵיכָן הָאֱמִינָתוֹ אָמַר רַבִּי יִצְחָק בַּר בִּיסְנָא כֹהֵן גָּדוֹל בְּיוֹם הַכִּפּוּרִים  
 יוֹכִיחַ דְּכִי אָמַר פְּגוּל מִהֵימֶן וּמִנָּא יִדְעִינָן וְהַכְּתִיב וְכָל אָדָם לֹא יִהְיֶה  
 בְּאֵהָל מוֹעֵד אֶלָּא לָאוּ מִשּׁוּם דְּמֵהֵימֶן

The Gemara asks: **Where does it deem him credible?** Rabbi Yitzhak bar Bisna says: **The High Priest on Yom Kippur will prove this point, as when he says that he had improper intent, he is deemed credible. And from where do we know that he had improper intent? But isn't it written: "And no man shall be in the Tent of Meeting when he goes in to make atonement for the holy place" (Leviticus 16:17)? Rather, is it not because he is deemed credible in his testimony even after he performed the service, and it is no longer in his power to disqualify the offering?**

וְדִלְמָא דְשִׁמְעִינָה דְּפִגִּיל אִי לָאוּ דְּמֵהֵימֶן אֶף עַל גַּב דְּשִׁמְעִינָה נָמִי לֹא  
 מִהֵימֶן דְּדִלְמָא לְבִתְרָה הָכִי קָאָמַר

12

The Gemara rejects this argument: **But perhaps we heard that he disqualified the offering with improper intention, i.e., maybe he stated his intention out loud while performing the service and it was heard outside. The Gemara answers: Were he not deemed credible about the matter, then even if we heard him voice his intention, he would also not be deemed credible. Why? The reason is that perhaps he actually sprinkled the blood with the proper intention, and it was only afterward that he said what he said, and at that time he could no longer disqualify the offering. Rather, he is certainly deemed credible when he says that he disqualified the offering with improper intention.**

The Gemara raises another objection: **But perhaps we saw** what the High Priest was doing **through a small door**, through which it was possible to monitor his actions, and we saw that he sprinkled the blood with improper intention. The Gemara says: This is **difficult** for Rabbi Yitzhak bar Bisna, as his proof can be refuted.

הָהוּא דֵּאֲתָא לְקַמִּיָּה דְּרַבִּי אָמִי אָמַר לִיה סֵפֶר תּוֹרָה שְׁכַתְּבִתִּי לְפָלוֹנִי  
אֶזְכָּרוֹת שְׁלוֹ לֹא כְּתַבְתִּים לְשֹׁמֵן אָמַר לִיה סֵפֶר תּוֹרָה בְּיַד מִי אָמַר לִיה  
בְּיַד לֹקֵחַ אָמַר לִיה נֶאֱמַן אֶתָּה לְהַפְסִיד שְׁכָרְךָ וְאִי אֶתָּה נֶאֱמַן לְהַפְסִיד  
סֵפֶר תּוֹרָה

14

§ It is similarly related that there was a **certain person who came before Rabbi Ami and said to him: In the Torah scroll that I wrote for so-and-so, I did not write the mentions of God's name with the proper intention** that is required when writing a holy name, and therefore the scroll is not valid. Rabbi Ami **said to him: This Torah scroll is currently in whose possession?** The scribe **said to him: It is now in the buyer's possession.** Rabbi Ami **said to him: You are deemed credible to cause the loss of your wage**, as you admit that you wrote the Torah scroll in a faulty manner, and therefore the buyer can refuse to pay you. **But you are not deemed credible to cause a loss to, i.e., to invalidate, the Torah scroll.**

אָמַר לִיה רַבִּי יִרְמְיָה נְהִי דְּהַפְסִיד שְׁכָר אֶזְכָּרוֹת שְׁכָר דְּסֵפֶר תּוֹרָה  
כּוֹלִיָּה מִי הַפְסִיד אָמַר לִיה אֵין שְׁכָל סֵפֶר תּוֹרָה שְׂאִין אֶזְכָּרוֹת שְׁלוֹ

15



Rabbi Yirmeya said to him: Although he lost his wage with regard to the mentions of God's name that he wrote in a faulty manner, **did he lose his wage** with regard to the entire Torah scroll, which he wrote correctly? Rabbi Ami said to him: Yes, he lost his wage for the entire Torah scroll, **as any Torah scroll in which the mentions of God's name have not been written with the proper intention is not worth anything.**

וְלִיעֵבֶר עַל־יְהוָה קוֹלָמוֹס וְלִיקְדָּשִׁיהָ כִּמָּאן נִימָא דְלֹא כְּרַבִּי יְהוּדָה 16

The Gemara asks: **But let the scribe pass a reed pen [kulemos] with additional ink over instances of God's name and sanctify them,** going over the names with the proper intention. And since there is no option to correct the Torah scroll in this manner, **in accordance with whose opinion was this ruling issued? Shall we say that it is not in accordance with the opinion of Rabbi Yehuda?**

דִּתְנִן הָרִי שֶׁהָיָה צָרִיף לְכָתוּב אֶת הַשֵּׁם וְנִתְכַּוֵּן לְכָתוּב יְהוּדָה וְטָעָה 17  
וְלֹא הִטִּיל בּוֹ דָּלֶת מִעֲבִיר עָלָיו קוֹלָמוֹס וּמִקְדָּשׁוֹ דְּבָרֵי רַבִּי יְהוּדָה  
וְחֻכָּמִים אוֹמְרִים אֵין הַשֵּׁם מִן הַמּוֹבָחָר

This is **as we learned** in a *baraita*: If a scribe writing a Torah scroll was at a point in the text **that he needed to write the name** of God, spelled *yod, heh, vav, heh*; and he erred **and intended to write Yehuda**, spelled *yod, heh, vav, dalet, heh*, **but he made a mistake** when writing Yehuda **and did not place a dalet** in the word, thereby unintentionally writing the name

of God in the correct place, then **he should pass over it with a reed pen**. He writes over what was written **and sanctifies it** with the intention that he is writing the name of God. This is **the statement of Rabbi Yehuda**. **And the Rabbis say:** Even if he adds a second layer of ink, **the name has not been written in the optimal manner**. The fact that Rabbi Ami did not offer the option to rewrite the mentions of God's name to correct the scroll indicates that the *halakha* is in accordance with the opinion of the Rabbis, and not in accordance with that of Rabbi Yehuda.

אֶפִּילוּ תִּימָא רַבִּי יְהוּדָה עַד כָּאן לָא קָאָמַר רַבִּי יְהוּדָה אֶלָּא בְּחֶדָּא  
אֲזַכָּרָה אֲבָל דְּכוּלֵּי סֵפֶר תּוֹרָה לָא מְשׁוּם דְּמִיחָזִי כְּמִנוּמָר

18

The Gemara rejects this argument: **You can even say** that in general the *halakha* is in accordance with the opinion of **Rabbi Yehuda**, but there is a distinction between the cases. **Rabbi Yehuda states** his opinion **only with regard to a single mention** of God's name that was initially written without the proper intention. In such a case, it is possible to pass over the name with additional ink and thereby sanctify it. **But** passing over all of the holy names found in an **entire Torah scroll** is **not** possible. Why not? **Because** if the scribe would pass his pen over all the names of God found in a Torah scroll, **it would look speckled**, as the instances of Divine Name would be written with a thicker layer of ink and stand out.

הָהוּא דֵּאֲתָא לְקַמֵּיה דְּרַבִּי אָבָהוּ אָמַר לִיה סֵפֶר תּוֹרָה שְׁכַתְּבִתִּי לְפָלוּנִי  
גְּוִילִין שְׁלוֹ לֹא עִיבְדִּיתִים לְשֹׁמֵן אָמַר לִיה סֵפֶר תּוֹרָה בְּיַד מִי אָמַר לִיה

19

בֵּיד לֹקֶת אָמַר לוֹ מִתּוֹךְ שְׁאֵתָהּ נֶאֱמַן לְהַפְסִיד שְׂכָרָךְ אֶתָּה נֶאֱמַן  
לְהַפְסִיד סֵפֶר תּוֹרָה

It is further related that there was a **certain** person **who came before Rabbi Abbahu** and **said to him**: With regard to the Torah scroll that I wrote for so-and-so, I **did not process its parchment with the proper intention**. Rabbi Abbahu **said to him**: The Torah scroll is currently in whose possession? The scribe **said to him**: It is in the possession of the buyer. Rabbi Abbahu **said to him**: Since you are deemed credible to **cause the loss of your wage**, as you have admitted that the parchment upon which the Torah scroll was written is invalid, **you are deemed credible to cause a loss to, i.e., disqualify, the Torah scroll**.

55a

וַיֵּאמֶר שְׁנֵי מִדְּרָבֵי אֲמִי הָתָם אֵיכָּא לְמִימַר טְעִי בְּדִרְבֵּי יִרְמְיָה הֲכָא כִּיִּן  
דִּקָּא מִפְסִיד כּוּלִּיָּהּ אֶגְרִיָּה וְאַתָּא וְאָמַר אֵימּוֹר קוּשְׁטָא קֶאֱמַר

The Gemara asks: **And in what way is this case different from** the case in which **Rabbi Ami** said that the scribe is not deemed credible to disqualify the Torah scroll? The Gemara answers: **There it can be said** that the scribe was lying and merely wished to distress the purchaser of the Torah scroll. He claimed that he had written God's names without the proper intention because **he made the mistake of Rabbi Yirmeya**. He thought, as Rabbi Yirmeya did, that as a result of his purported admission he would lose only his wage for writing the holy names, but he would still receive payment for the rest of the scroll. **Here, by contrast, since the**

scribe knows **that** by claiming that he did not process the parchment with the proper intention, **he causes the loss of his entire wage, and** he nevertheless **comes and says** this, you should **say** that **he speaks** the **truth** and should be deemed credible. Since he is deemed credible and there is no concern that he merely wished to distress the purchaser, the Torah scroll is disqualified.

מִתְנִי' הָעֵיד רַבִּי יוֹחָנָן בֶּן גּוּדְגָדָא עַל הַחֲרָשֶׁת שֶׁהָשִׂיָּא אָבִיהָ שֶׁהָיָא  
יוֹצֵאָה בְּגִט

2

**MISHNA:** Rabbi Yohanan ben Gudgeda testified before the Sages **about** the case of a **deaf-mute woman who was married off by her father** when she was a minor, so that her marriage took effect by Torah law. He said **that she can be released** from her marriage **through a bill of divorce**, whether as a minor or after she reaches adulthood. Although as a deaf-mute woman she is not legally competent to give her consent, the divorce is effective because divorce does not require the woman's consent.

וְעַל קִטְנָה בֵּת יִשְׂרָאֵל שֶׁנִּשְׂאָת לָכֶּהֶן שְׂאוּכָלֶת בְּתֵרוּמָה וְאִם מֵתָה  
בְּעָלָהּ יוֹרָשָׁהּ

3

**And** similarly, he testified **about** the case of the **minor daughter of a non-priest who** was orphaned from her father and then **married off to a priest** by her mother or brother, so that her marriage took effect by rabbinic law. He said **that** nevertheless **she may partake of *teruma***, although by Torah law it is prohibited for one who is not in a priestly household to partake of *teruma*. **And** furthermore **if** this girl **dies**, then

**her husband inherits her** estate. It is not said that because the validity of the marriage is by rabbinic law and not Torah law he is not entitled to inherit from her.

וְעַל הַמַּרְיֵשׁ הַגְּזוּל שֶׁבָּנְאוֹ בְּבִירָה שִׁטּוֹל אֶת דָּמָיו מִפְּנֵי תַקְנַת הַשָּׂבִים

4

And Rabbi Yohanan ben Gudgeda further testified **about a stolen beam that was already built into a large building [bira]**, that the victim of the robbery **receives only the value** of the beam but not the beam itself, **due to an ordinance** instituted **for the penitent**. By Torah law, a robber is obligated to return any stolen item in his possession, provided that its form has not been altered. If one stole a beam and incorporated it into a building, then by Torah law he would have to destroy the building and return the beam. In order to encourage repentance, the Sages were lenient and allowed a robber to return the value of the beam.

וְעַל חֲטָאת הַגְּזוּלָה שֶׁלֹּא נִזְדָּעָה לְרַבִּים שֶׁהִיא מְכַפֶּרֶת מִפְּנֵי תִיקוֹן

5

הַמִּזְבֵּחַ

And lastly, Rabbi Yohanan ben Gudgeda testified **about a sin-offering that was obtained through robbery but that was not publicly known** to have been obtained in that manner. He said **that it effects atonement** for the robber who sacrifices it, **for the benefit of the altar**, as will be explained in the Gemara.

גַּמְ' אָמַר רַבָּא מַעֲדוֹתוֹ שֶׁל רַבִּי יוֹחָנָן בֶּן גּוּדְגָדָא אָמַר לְעֵדִים רָאוּ גִט

6

זֶה שֶׁאֲנִי נוֹתֵן לָהּ וְחֹזֵר וְאָמַר לָהּ כְּנִסִּי שִׁטְרָה חֹב זֶה הָרִי זֶה מְגוֹרְשֶׁת



מִי לֹא אָמַר רַבִּי יוֹחָנָן בֶּן גּוּדְגָדָא לֹא בְּעֵינָן דְּעֵתָהּ הָכָא נָמִי לֹא בְּעֵינָן  
דְּעֵתָהּ

**GEMARA: Rava says:** Learn from the testimony of Rabbi Yohanan ben Gudgeda in the mishna that if the husband secretly **says to witnesses: See this bill of divorce that I am about to give to my wife, and then he says** to his wife: **Take this promissory note**, then **she is divorced** even when she herself does not know that the document in her hand is a bill of divorce. **Didn't Rabbi Yohanan ben Gudgeda say that we do not require** the woman's **consent** for a bill of divorce, as the divorce takes effect even when she is a deaf-mute, who is not legally competent to give her consent? **Here too**, one should say that **we do not require** the woman's **consent**.

פְּשִׁיטָא מְהוּ דְּתִימָא כִּיּוֹן דְּאָמַר כְּנָסִי שְׂטֵר חוּב זֶה בְּטוּלִי בְּטָלִיָּה קָא  
מְשַׁמַּע לָן אִם אֵיתָא דְּבְטָלִיָּה לְעֵדִים הָוֵה אָמַר לְהוּ וְהָאִי דְּקָאמַר הָכִי  
מְשׁוּם כִּיסוּפָא

The Gemara asks: **Isn't this obvious?** Why would the divorce not be valid? The Gemara explains: **Lest you say: Since he said** to his wife: **Take this promissory note**, after talking to the witnesses, he meant to **cancel** the bill of divorce with these words, Rava therefore **teaches us: If it is so that** he meant to **cancel** the bill of divorce, **he would have told the witnesses** that this was his intention. The fact that he did not do so indicates that he had no intention of canceling it. **And the reason he said** to his wife that he was handing her a promissory note is **due to embarrassment**, as he was ashamed to tell her that he was giving her a bill

of divorce. Consequently, he gave it to her in such a way that she did not immediately know that it was a bill of divorce that she received.

וְעַל קִטְנָה בֵּת יִשְׂרָאֵל וְאִילוּ תִּרְשָׁתָּהּ לֹא אָכְלָה מֵאֵי טַעֲמָא גְזִירָה שְׂמָא  
יֹאכִיל חֵרֶשׁ בְּחִרְשָׁתָּהּ 8

§ The mishna teaches that Rabbi Yohanan ben Gudgeda testified **about the case of a minor daughter of a non-priest** who was married to a priest, and said that she may partake of *teruma*. The Gemara comments: This indicates that only the minor daughter can partake of *teruma*, **while** one can infer from this that **a deaf-mute woman** who was married to a priest **may not partake** of *teruma*. The Gemara explains: **What is the reason** for this? The Sages **decreed** that a deaf-mute woman married to a priest may not partake of *teruma* **lest a deaf-mute** priest come to **feed *teruma* to his deaf-mute** wife, as it is common for deaf-mute men to marry deaf-mute women, but their marriage is not effective by Torah law.

וְלִיכּוֹל קָטָן אוֹכֵל נְבִלוֹת הוּא 9

The Gemara asks: Why does this matter? **And let him feed** her *teruma*. Isn't she like **a minor** who **eats** forbidden **animal carcasses**? Since the deaf-mute woman is not considered to be legally competent, she is not subject to the prohibition against partaking of *teruma*. As in the case of a minor who is eating forbidden food, there is no requirement to prevent her from doing so.

גְזִירָה שְׂמָא יֹאכִיל חֵרֶשׁ בְּפִיקְחָתָהּ 10

The Gemara answers: Rather, the Sages **decreed** that a deaf-mute woman married to a priest may not partake of *teruma* **lest a deaf-mute** priest come to **feed *teruma*** to his halakhically **competent** wife. Since the validity of their marriage is by rabbinic law, it is therefore prohibited for the woman to partake of *teruma*, as by Torah law, she is not the wife of a priest. There is a concern that a distinction will not be made between the marriage of a halakhically competent man and deaf-mute woman, in which case the woman is permitted to partake of *teruma*, and the marriage of a deaf-mute man and a halakhically competent woman, in which case the woman is prohibited from partaking of *teruma*. Owing to this error, a deaf-mute man might come to feed his wife something that is forbidden to her.

וְלֹאֲכֹל בְּתֵרוּמָה דְּרַבָּנָן גִּזְזִיהָ שֶׁמָּא אֵתִי לְאוֹכְלֵי בְּתֵרוּמָה דְּאוֹרֵייתָא 11

The Gemara asks: **But let her partake of *teruma*** that is defined as such **by rabbinic law**, as marriage that is valid by rabbinic law should suffice to permit partaking of such *teruma*. The Gemara answers: The Sages **decreed** that he may even not feed her *teruma* by rabbinic law, **lest he come to feed her *teruma* by Torah law**.

וְעַל הַמָּרִישׁ הַגָּזוּל שֶׁבָּנְאוּ תָּנוּ רַבָּנַן גִּזְזִי מָרִישׁ וּבָנְאוּ בְּבִירָה בֵּית שִׁמְעִי  
אוֹמְרִים מְקַעְקָע כָּל הַבִּירָה כּוּלָּהּ וּמַחֲזִיר מָרִישׁ לְבַעֲלָיו וּבֵית הַלֵּל  
אוֹמְרִים אֵין לוֹ אֶלָּא דְּמִי מָרִישׁ בְּלִבָּד מְשׁוּם תְּקִנַּת הַשָּׁבִין 12

§ The mishna teaches that Rabbi Yohanan ben Gudgeda further testified **about a stolen beam that was** already **built** into a building and said that

the injured party receives the value of the beam but not the beam itself. With regard to this, **the Sages taught** in a *baraita* (*Tosefta, Bava Kamma* 10:5): If **one robbed** another of a beam and built it into a building, **Beit Shammai say:** He must **destroy the entire building and return the beam to its owners.** And **Beit Hillel say:** The injured party receives **only the value of the beam** but not the beam itself, **due to an ordinance instituted for the sake of the penitent.** In order to encourage repentance, the Sages were lenient and required the robber to return only the value of the beam. The mishna was taught in accordance with the opinion of Beit Hillel.

וְעַל חֵטְאֵת הַגְּזוּלָה כּוּי אָמַר עוֹלָא דְּבַר תּוֹרָה בֵּין נוֹדָעָה וּבֵין לֹא נוֹדָעָה  
אֵינָהּ מְכַפֶּרֶת 13

§ The mishna teaches that Rabbi Yoḥanan ben Gudgeda testified **about a sin-offering** that was obtained **through robbery**, and said that provided that it was not publicly known to have been obtained in that manner, it effects atonement for the robber. **Ulla says:** By Torah law, the *halakha* is as follows: **Whether it is known or whether it is not known** that the sin-offering was obtained through robbery, **it does not effect atonement** for the robber who sacrifices it.

מֵאִי טַעְמָא יֵאוּשׁ כְּדִי לֹא קָנִי וּמָה טַעַם אָמְרוּ לֹא נוֹדָעָה מְכַפֶּרֶת שְׁלֹא  
יְהוּ כְּהָנִים עֹצְבִין 14

**What is the reason** for this? The owner's **despair** of recovering an article that was stolen from him **does not by itself** enable the robber to **acquire**

the stolen item. Since the stolen animal was not altered in any way, it does not belong to the robber, and he cannot sacrifice it as an offering and achieve atonement through it. **And what is the reason** that the Sages **said** that if **it was not** publicly **known** that the sin-offering was obtained through robbery **it effects atonement**? It is **so that the priests not be distraught** about having sacrificed an animal unfit for the altar.

אָמְרִי לִיה רַבֵּנּוּ לְעוּלָא וְהָאֲנִי מִפְּנֵי תִיקוּן הַמִּזְבֵּחַ תֵּנּוּ אָמַר לָהֶם כִּיּוֹן  
דְּלִהָנִים עֲצָבִין נִמְצָא מִזְבֵּחַ בְּטֵל

15

**The Rabbis said to Ulla:** How can you explain the issue in this manner? **But didn't we learn** in the mishna: It effects atonement **for the benefit of the altar**, which indicates that the *halakha* was enacted for the benefit of the altar, not for the benefit of the priests? Ulla **said to them:** **When the priests are distraught, the altar is found idle.** The priests will not sacrifice all of the offerings when they are distraught.

וְרַב יְהוּדָה אָמַר דְּבַר תּוֹרָה בֵּין נוֹדָעָה בֵּין לֹא נוֹדָעָה מְכַפֶּרֶת מֵאִי  
טַעֲמָא יְאוּשׁ כְּדִי קִנִּי

16

This is one explanation, **but Rav Yehuda says:** **By Torah law, whether it is known or it is not known** that the sin-offering was obtained through robbery, **it effects atonement** for the robber who sacrifices it. **What is the reason** for this? The owner's **despair** of recovering an article that was stolen from him **by itself** enables the robber to **acquire** the stolen item. Once the owner despairs of regaining possession, the stolen item becomes



the robber's property and he can consecrate it. Therefore, the offering was sacrificed in a fitting manner, and it effects atonement for the robber.

55b

וְמָה טַעַם אָמְרוּ נוֹדְעָה אֵינָהּ מִכִּפּוּרַת שְׁלֹא יֹאמְרוּ מִזִּבְחֵ אוֹכֵל גְּזֵילוֹת <sup>1</sup>

**And what is the reason** that the Sages **said** that if it is **known** that the sin-offering was obtained through robbery, **it does not effect atonement?** It is so that people **not say** that **the altar consumes stolen property.**

בְּשִׁלְמָא לְעוֹלָא הֵיִינוּ דְקִתְנֵי חֲטָאת אֶלָּא לָרַב יְהוּדָה מַאי אִירִיא חֲטָאת  
אֶפִּילוּ עוֹלָה נְמִי <sup>2</sup>

The Gemara attempts to clarify the two explanations. **Granted**, according to the opinion of **Ulla**, that the concern stems from the fact that the priests will be distraught, **this is the reason that the *tanna* teaches the *halakha* with regard to a sin-offering:** The priests partake of the meat of a sin-offering. If they find out that they ate an animal that was forbidden to them, i.e., an offering slaughtered counter to *halakha*, they are likely to become distraught. **But according to** the opinion of **Rav Yehuda**, that the concern is about the honor of the altar, **why** does the mishna mention **specifically** the case of a **sin-offering**; shouldn't the same concern apply to a **burnt-offering, as well**, as it too is burned on the altar?

לֹא מִיִּבְעִיא קָאָמַר לָא מִיִּבְעִיא עוֹלָה דְכָלִּיל הִיא אֶלָּא אֶפִּילוּ חֲטָאת  
נְמִי דִחֲלָב וְדָם הוּא דְסָלִיק לְגַבִּי מִזִּבְחֵ וְאִידֵּךְ כֹּהֲנִים אֹכְלֵי לִיהּ אֶפִּילוּ <sup>3</sup>

הָכִי גָזוּר שֶׁלֹא יֵאמְרוּ מִזֵּבֶה אוֹכֵל גְּזֵילוֹת

The Gemara answers: The mishna **is speaking** utilizing the style of: **It is not necessary**, and the mishna should be understood as follows: **It is not necessary** to teach the *halakha* in the case of a **burnt-offering, which is entirely** consumed on the altar. In that case, people will certainly say that the altar consumes stolen property. **But even** in the case of a **sin-offering, where only the fat and the blood go up** to be consumed **on the altar and the rest is consumed by the priests, even so they issued a decree** and said that the stolen sin-offering does not effect atonement, **so** that people **should not say that the altar consumes stolen property.**

תָּנוּ עַל חֲטָאת הַגְּזוּלָה שֶׁלֹא נִזְדָּעָה לְרַבִּים שֶׁהִיא מִכַּפֶּרֶת מִפְּנֵי תִיקוּן  
הַמִּזְבֵּחַ בְּשִׁלְמָא לְעוֹלָא נִיחָא אֵלָא לְרַב יְהוּדָה אִיפְכָּא מִיבְעִי לִיה

4

The Gemara further clarifies the two understandings: **We learned** in the mishna: Rabbi Yoḥanan ben Gudgeda testified **about a sin-offering that** had been obtained **through robbery** but **that is not publicly known** to have been obtained in that manner, and said **that it effects atonement** for the robber who sacrifices it, **for the benefit of the altar. Granted,** **according to** the opinion of Ulla, it **works out well**, as he understands that the Sages instituted that if it was not publicly known that the sin-offering was obtained through robbery, it does effect atonement. **But according to** the opinion of Rav Yehuda, it **should have** stated just **the opposite**, namely, that if it was publicly known that the sin-offering was obtained through robbery, it does not effect atonement.

הָכִי נָמִי קֹאֲמַר לֹא נֹדָעָה מְכַפֶּרֶת נֹדָעָה אֵינָה מְכַפֶּרֶת מִפְּנֵי תִיקוּן  
הַמִּזְבֵּחַ

The Gemara answers: **That is also what the mishna is saying:** If it is not known that the sin-offering was obtained through robbery, it effects atonement, but if this is known, it does not effect atonement, for the benefit of the altar.

מִתִּיב רַבָּא גָּנֵב וְהִקְדִּישׁ וְאַחֵר כֶּךָ טִבַּח וּמָכַר מְשֻׁלָּם תְּשֻׁלוּמֵי כֶּכֶל  
וְאֵינוּ מְשֻׁלָּם תְּשֻׁלוּמֵי אַרְבָּעָה וַחֲמִשָּׁה וְתָנִי עָלֶיהָ בַּחוּץ כִּי הֵאֵי גִוּוּנָא  
עָנוּשׁ כֶּרֶת וְאֵי אֲמַרְתָּ יֹאשׁ כְּדִי לֹא קָנִי כֶּרֶת מֵאֵי עֲבִידְתִּיהָ

Rava raises an objection from what was learned in a mishna (*Bava Kamma* 74a): If one stole an animal and consecrated it, and afterward he slaughtered or sold it, he pays double payment like a thief (see Exodus 22:3), but he does not pay fourfold or fivefold payment, as one must ordinarily pay when he slaughters or sells an ox or a sheep that he stole from another person (Exodus 21:37). And it is taught in a *baraita* with regard to this mishna: If one slaughtered an animal outside the Temple in a case like this, he is punishable by *karet* for having sacrificed an offering outside the Temple. And if you say that the owner's despair of recovering an item that was stolen from him does not by itself enable the thief to acquire the stolen item, what is the relevance of mentioning *karet*? The punishment of *karet* should not apply, as the thief cannot consecrate an animal that does not belong to him.

אָמַר רַב שֵׁיזְבִי כָּרַת מִדְּבָרֵיהֶם אַחֲיוֹ עָלֶיהָ כָּרַת מִדְּבָרֵיהֶם מִי אֵיכָּא  
אָמַר לְהוּ רָבָא גִבְרָא רַבָּה אָמַר מִלְתָּא לָּא תַּחֲוּכוּ עָלֶיהָ כָּרַת שְׁעַל יְדֵי  
דְּבָרֵיהֶן בָּאתָה לוֹ אוֹקְמוּהָ רַבֵּנן בְּרִשְׁוִיתֶיהָ כִּי הֵיכִי דְּלִיחֲיִיב עָלֶיהָ

**Rav Sheizevi said:** This means that he is liable to receive *karet* by **rabbinic law**. Those who heard this **laughed at him**. Is there such a thing as *karet* by rabbinic law? **Rava said to them:** A great man has spoken, **do not laugh at him**. What Rav Sheizevi means is *karet* that comes to him through the words of the Sages, who declared that the thief's consecration is valid. It is **the Sages** who **placed** the animal in his possession, so that he would become liable for it.

אָמַר רָבָא הָא וּדְאִי קָא מִיבְעִיָּא לִי כִּי אוֹקְמוּהָ רַבֵּנן בְּרִשְׁוִיתֶיהָ מְשַׁעַת  
גְּנִיבָהּ אוֹ מְשַׁעַת הֶקְדִּישָׁהּ לְמָאִי נִפְקָא מִינָּה לְגִיזוּתֶיהָ וּלְדוּתֶיהָ מָאִי  
הֵדַר אָמַר רָבָא מִסֵּתְבָרָא מְשַׁעַת הֶקְדִּישָׁהּ שְׁלָא יְהֵא חוּטָא נִשְׁכָּר

8

**Rava said:** Although I agree with Rav Sheizevi, **this matter is certainly a dilemma for me**. When the Sages placed the animal in his possession, did they do so **from the time of the theft or from the time of the consecration?** What is the difference between these possibilities? There is a difference **with regard to its wool and with regard to its offspring**. If the animal was placed in his possession from the time of the theft, the wool that it grows and the offspring that it births are his, and he is not required to return them to the animal's owner. But if the animal becomes his only when he consecrates it, he is required to return them. **What** is the *halakha*? **Rava then said**, in answer to his own question: **It stands to reason** that the Sages placed the animal in his possession **from the time**

of the consecration. This is so that the sinner not profit from his crime. Otherwise, the thief would benefit from the rabbinic decree that was instituted to increase his liability.

9  
מִתְנִי' לֹא הָיָה סִיקָרִיקוֹן בִּיהוּדָה בְּהַרְוֵגֵי מִלְחָמָה מִהַרְוֵגֵי הַמִּלְחָמָה  
וְאֵילּוּ יֵשׁ בָּהּ סִיקָרִיקוֹן כִּי־צַד לָקַח מִסִּיקָרִיקוֹן וְחִזָּר וְלָקַח מִבַּעַל הַבַּיִת  
מִקְחוֹ בָטֵל מִבַּעַל הַבַּיִת וְחִזָּר וְלָקַח מִסִּיקָרִיקוֹן מִקְחוֹ קָיָים

**MISHNA:** The law of Sicarii [*Sikarikon*] did not apply in Judea in the time that people were being killed in the war. From the time that people were being killed in the war and onward, the law of Sicarii did apply there. What is this law of Sicarii? If one first purchased land from a Sicarius, who extorted the field from its prior owners with threats, and afterward the buyer returned and purchased the same field a second time from the prior landowner, his purchase is void. The prior owner of the field can say that he did not actually mean to sell him the field. By contrast, if he first acquired the field from the prior owner and afterward he returned and purchased the same field from a Sicarius, his purchase stands.

10  
לָקַח מִן הָאִישׁ וְחִזָּר וְלָקַח מִן הָאִשָּׁה מִקְחוֹ בָטֵל מִן הָאִשָּׁה וְחִזָּר וְלָקַח  
מִן הָאִישׁ מִקְחוֹ קָיָים זֶה מִשְׁנָה רִאשׁוֹנָה

Similarly, if one first purchased from the husband the rights to use a field belonging to his wife, and afterward he returned and purchased the same field from the wife, so that if the husband were to predecease or divorce her, the purchaser would then own it fully, his purchase is void.



The woman can claim that she did not wish to quarrel with her husband and to object to the transaction but that in truth she did not agree to the sale. By contrast, if he first acquired the field **from the wife, and** afterward **he returned and purchased** the same field **from the husband,** **his purchase stands.** This is the **initial** version of this **mishna.**

בית דין של אחריהם אמרו הלוקח מסיקריקון נותן לבועלים רביע  
אימתי בזמן שאין בידו ליקח אבל יש בידו ליקח הו קודמין לכל אדם

11

Later, **the court of those** who came **after** the Sages who composed that mishna **said:** With regard to **one who purchased** a field **from a Sicarius,** **he must give the prior owner one-fourth** of the field's value. **When** does this apply? **At a time when** the prior owner **is unable to purchase** the field himself. **But if he is able to purchase** it himself, **he precedes anyone** else.

רבי הושיב בית דין ונמנו שאם שהתה בפני סיקריקון שנים עשר חדש  
כל הקודם ליקח זכה אבל נותן לבועלים רביע

12

**Rabbi Yehuda HaNasi** later **convened a court,** and **they counted** their votes and determined **that if** the field **remained before,** i.e., in the possession of, **the Sicarius for twelve months, whoever first purchases** the field **acquires possession** of it, **but he must give the prior owner one-fourth** of the field's value.

גמ' השתא בהרוגי המלחמה לא היה בה סיקריקון מהרוגי מלחמה  
ואילך יש בה סיקריקון

13

**GEMARA:** The Gemara challenges the mishna's assertion that the law of Sicarii did not apply in Judea in the time that people were being killed in the war: **Now if in the time that people were being killed in the war, there were no Sicarii stealing land, is it possible that from the time that people were being killed in the war and onward there were Sicarii?**

אָמַר רַב יְהוּדָה לֹא דָנוּ בָּהּ דִּין סִיקָרִיקוֹן קֹאֲמַר דְּאָמַר רַבִּי אָסִי שְׁלֹשׁ  
גְּזֵירוֹת גָּזְרוּ גְזֵרְתָּא קַמֵּיִתָּא כּל דְּלֹא קָטִיל לִיקְטְלוּהּ מְצִיעֶתָּא כּל  
דְּקָטִיל לִיִּיתִי אַרְבַּע זִוְזִי בְּתַרֵּיתָּא כּל דְּקָטִיל לִיקְטְלוּהּ הִלְכָּךְ קַמֵּיִתָּא  
וּמְצִיעֶתָּא כִּיּוֹן דְּקָטְלִי אֲגַב אוֹנִסְיָה גָּמַר וּמִקְנִי

14

**Rav Yehuda said:** The mishna **is saying** that in the time that people were being killed in the war **they did not apply the law of Sicarii**, but rather they would confirm the purchases of land made from the Sicarii. The reason for this is in accordance with what **Rabbi Asi said:** The gentile authorities **issued three decrees** during and in the aftermath of the war that ended in the destruction of the Temple. The **first decree** was that **anyone who does not kill a Jew should himself be killed**. The **second** decree was that **anyone who kills a Jew should pay four dinars** as a fine. The **last** decree was that **anyone who kills a Jew should himself be killed**. **Therefore**, during the time of the **first and second** decrees, the time when people were being killed in the war, **since** the gentile **would kill** Jews, then the owner of the field, **owing to the danger** posed to his life, **would fully transfer ownership** of his field to the Sicarius.

בְּתַרֵּיתָּא אָמַרִי הָאִידָנָא לִישְׁקוֹל לְמַחַר תְּבַעֲנָא לִיהּ בְּדִינָא

15

Then, during the time of **the last** decree, after the time when people were being killed in the war, anybody whose field was stolen by a Sicarius would **say** to himself: **Now let him take the field; tomorrow I will claim it from him in court.** Although the gentile had the advantage and could force the owner to give him the field, the assumption is that the owner did not fully transfer possession of the field to him, as he thought that he would still be able to recover it in court.

אָמַר רַבִּי יוֹחָנָן מֵאֵי דְכָתִיב אֲשֶׁרִי אָדָם מִפֶּחַד תָּמִיד וּמִקְשָׁה לְבוֹ יָפוּל  
בְּרָעָה אֶקְמָצָא וְבַר קָמָצָא חָרוּב יְרוּשָׁלַיִם אֶתְרַנְגּוּלָא וְתִרְנַגּוּלְתָא חָרוּב  
טוֹר מִלְכָּא אֲשָׁקָא דְרִיסְפָּק חָרוּב בֵּיתָר

16

§ Apropos the war that led to the destruction of the Second Temple, the Gemara examines several aspects of the destruction of that Temple in greater detail: **Rabbi Yohanan said:** What is the meaning of that **which is written:** “Happy is the man who fears always, but he who hardens his heart shall fall into mischief” (Proverbs 28:14)? Jerusalem was destroyed on account of Kamtza and bar Kamtza. The place known as the King’s Mountain was destroyed on account of a rooster and a hen. The city of Beitar was destroyed on account of a shaft from a chariot [*rispak*].

אֶקְמָצָא וְבַר קָמָצָא חָרוּב יְרוּשָׁלַיִם דִּהָהוּא גִבְרָא דְרַחֲמִיָּה קָמָצָא וּבָעַל  
דְּבִבִּיָּה בַר קָמָצָא עֶבֶד סְעוּדָתָא אָמַר לִיָּה לְשִׁמְעִיָּה זִיל אֵייתִי לִי  
קָמָצָא אֲזַל אֵייתִי לִיָּה בַר קָמָצָא

17

The Gemara explains: **Jerusalem was destroyed on account of Kamtza and bar Kamtza.** This is as there was a certain man whose friend was named **Kamtza** and whose enemy was named **bar Kamtza**. He once made a large feast and said to his servant: **Go bring me my friend Kamtza.** The servant went and mistakenly brought him his enemy **bar Kamtza**.

אַתָּא אֲשַׁכְחִיָּה דְהוּה יְתִיב אָמַר לִיה מְכַדִּי הָהוּא גִבְרָא בְּעַל דְּבָבָא  
 דְּהוּהוּא גִבְרָא הוּא מְאִי בְּעִית הָכָא קוּם פּוֹק אָמַר לִיה הוּאִיל וְאַתָּאִי  
 שְׂבָקוֹן וְיַהֲיִבְנָא לָךְ דְּמִי מָה דְּאָכִילְנָא וְשָׁתִּינָא

18

The man who was hosting the feast **came and found** bar Kamtza **sitting** at the feast. The host **said to** bar Kamtza. **That man is the enemy** [*ba'al devava*] **of that man**, that is, you are my enemy. **What then do you want here? Arise and leave.** Bar Kamtza **said to him: Since I have already come, let me stay and I will give you money for whatever I eat and drink.** Just do not embarrass me by sending me out.

56a

אָמַר לִיה לֹא אָמַר לִיה יַהֲיִבְנָא לָךְ דְּמִי פְּלָגָא דְּסְעוּדָתִךָ אָמַר לִיה לֹא  
 אָמַר לִיה יַהֲיִבְנָא לָךְ דְּמִי כּוֹלָה סְעוּדָתִךָ אָמַר לִיה לֹא נִקְטִיָּה בִּידֵיהּ  
 וְאוֹקְמִיָּה וְאַפְקִיָּה

1

The host **said to him: No**, you must leave. Bar Kamtza **said to him: I will give you money for half of the feast;** just do not send me away. The host **said to him: No**, you must leave. Bar Kamtza then **said to him: I**

**will give you money for the entire feast; just let me stay. The host said to him: No, you must leave. Finally, the host took bar Kamtza by his hand, stood him up, and took him out.**

2  
אָמַר הוֹאִיל וְהוּ יְתָבִי רַבָּנָן וְלֹא מַחוּ בֵּיה שְׁמַע מִינָה קָא נִיחָא לְהוּ  
אִיזִיל אֵיכּוּל בְּהוּ קוֹרְצָא בִּי מְלָכָא אָזַל אָמַר לִיה לְקִיסָר מְרִדּוּ בְּךָ  
יְהוּדָאִי אָמַר לִיה מִי יֵימַר אָמַר לִיה שְׂדֵר לְהוּ קוֹרְבָנָא חַזִּית אִי מְקַרְבִּין  
לִיה

After having been cast out from the feast, bar Kamtza **said** to himself:  
**Since the Sages were sitting there and did not protest** the actions of the  
host, although they saw how he humiliated me, **learn from it that they**  
**were content** with what he did. **I will therefore go and inform** [*eikhul*  
*kurtza*] **against them to the king. He went and said to the emperor:**  
**The Jews have rebelled against you. The emperor said to him: Who**  
**says that this is the case? Bar Kamtza said to him: Go and test them; send**  
**them an offering** to be brought in honor of the government, and **see**  
**whether they will sacrifice it.**

3  
אָזַל שְׂדֵר בִּידִיה עֲגָלָא תְּלָתָא בְּהֵדִי דְקֶאֱתִי שְׂדָא בֵּיה מוֹמָא בְּנִיב  
שְׁפָתִים וְאָמַרִי לֵה בְּדוּקִין שְׁבַעִין דּוּכָתָא דְלִדִּידָן הָוֵה מוֹמָא וּלְדִידָהּ  
לֹא מוֹמָא הוּא

The emperor **went and sent with him** a choice **three-year-old calf.**  
**While bar Kamtza was coming** with the calf to the Temple, **he made a**  
**blemish on the calf's upper lip. And some say** he made the blemish **on**  
**its eyelids, a place where according to us, i.e., *halakha*, it is a blemish,**



but according to them, gentile rules for their offerings, it is not a blemish. Therefore, when bar Kamtza brought the animal to the Temple, the priests would not sacrifice it on the altar since it was blemished, but they also could not explain this satisfactorily to the gentile authorities, who did not consider it to be blemished.

סְבוּר רַבָּנָן לְקַרְוֵיָהּ מַשּׁוּם שְׁלוֹם מַלְכוּת אָמַר לְהוּ רַבִּי זְכַרְיָה בֶּן  
אַבְקוּלָס יֹאמְרוּ בְּעָלֵי מוֹמִין קָרִיבִין לְגַבִּי מִזֵּבַח סְבוּר לְמִיקְטִילָה דְּלֹא  
לִיזִיל וְלִימָא אָמַר לְהוּ רַבִּי זְכַרְיָה יֹאמְרוּ מַטִּיל מוֹם בְּקִדְשִׁים יִהְיֶה

4

The blemish notwithstanding, **the Sages thought to sacrifice** the animal as an offering **due to** the imperative to maintain **peace** with the **government**. **Rabbi Zekharya ben Avkolas said to them:** If the priests do that, people **will say** that **blemished** animals **may be sacrificed** as offerings **on the altar**. The Sages said: If we do not sacrifice it, then we must prevent bar Kamtza from reporting this to the emperor. The Sages **thought to kill him so that he would not go and speak** against them. **Rabbi Zekharya said to them:** If you kill him, people **will say** that **one who makes a blemish on sacrificial animals is to be killed**. As a result, they did nothing, bar Kamtza's slander was accepted by the authorities, and consequently the war between the Jews and the Romans began.

אָמַר רַבִּי יוֹחָנָן עֲנוּתָנוּתוֹ שֶׁל רַבִּי זְכַרְיָה בֶּן אַבְקוּלָס הִחְרִיבָה אֶת  
בֵּיתֵנוּ וְשָׂרְפָה אֶת הַיְכָלֵנוּ וְהִגְלִיתָנוּ מֵאַרְצֵנוּ

5

**Rabbi Yohanan says:** The excessive humility of Rabbi Zekharya ben Avkolas destroyed our Temple, burned our Sanctuary, and exiled us

from our land.

6  
שֶׁדָּר עָלֵיהֶוּ לְגִירוֹן קִיסָר כִּי קָאֵתִי שְׂדָא גִירָא לְמִזְרַח אֶתָּא נָפֹל  
בִּירוּשָׁלַיִם לְמַעְרָב אֶתָּא נָפֹל בִּירוּשָׁלַיִם לְאַרְבַּע רוּחוֹת הַשָּׁמַיִם אֶתָּא  
נָפֹל בִּירוּשָׁלַיִם

The Roman authorities then **sent Nero Caesar against the Jews. When he came to Jerusalem, he wished to test his fate. He shot an arrow to the east and the arrow came and fell in Jerusalem.** He then shot another arrow **to the west and it also fell in Jerusalem.** He shot an arrow **in all four directions of the heavens, and each time the arrow fell in Jerusalem.**

7  
אָמַר לִיה לִינוּקָא פֶּסוּק לִי פֶּסוּקִיד אָמַר לִיה וְנִתְתִּי אֶת נִקְמָתִי בְּאֶדוֹם  
בְּיַד עַמִּי יִשְׂרָאֵל וְגו' אָמַר קוּדְשָׁא בְּרִיד הוּא בָּעִי לְחֲרוּבֵי בֵּיתִיה וּבָעִי  
לְכַפּוּרֵי יְדֵיה בְּהָהוּא גִבְרָא עָרַק וְאַזֵּל וְאַיְגִייר וְנִפְק מִיְיָה רַבִּי מֵאִיר

Nero then conducted another test: **He said to a child: Tell me a verse that you learned today. He said to him as follows: “And I will lay My vengeance upon Edom by the hand of My people Israel” (Ezekiel 25:14).** Nero said: **The Holy One, Blessed be He, wishes to destroy His Temple, and He wishes to wipe his hands with that man, i.e., with me.** The Romans are associated with Edom, the descendants of Esau. If I continue on this mission, I will eventually be punished for having served as God’s agent to bring about the destruction. So **he fled and became a convert, and ultimately Rabbi Meir descended from him.**

שְׂדֵרִיהָ עִלּוּיָהּ לְאַסְפִּסְיָנוּס קִיסָר אֶתָּא צָר עָלֶיהָ תִּלְתָּ שָׁנֵי הָווּ בָּהּ  
הִנֵּהוּ תִּלְתָּא עֲתִירִי נַקְדִּימוֹן בֶּן גּוּרִיּוֹן וּבֶן כַּלְבָּא שָׁבוּעַ וּבֶן צִיצִית הַכֶּסֶת  
נַקְדִּימוֹן בֶּן גּוּרִיּוֹן שָׁנְקָדָה לוֹ חֲמֵה בַּעֲבוּרוֹ בֶּן כַּלְבָּא שָׁבוּעַ שְׁכַל הַנִּכְנָס  
לְבֵיתוֹ כִּשְׁהוּא רָעַב כָּכָלֵב יוֹצֵא כִּשְׁהוּא שָׁבַע בֶּן צִיצִית הַכֶּסֶת שְׁהִיתָהּ  
צִיצָתוֹ נִגְרָרַת עַל גְּבִי כְּסָתוֹת אֵיכָּא דְאָמְרִי שְׁהִיתָהּ כְּסָתוֹ מוֹטְלָתָּ בֵּין  
גְּדוּלֵי רוּמִי

The Roman authorities then sent **Vespasian Caesar** against the Jews. He came and laid siege to Jerusalem for **three years**. There were at that time in Jerusalem **these three wealthy people: Nakdimon ben Guryon, ben Kalba Savua, and ben Tzitzit HaKesat**. The Gemara explains their names: **Nakdimon ben Guryon** was called by that name **because the sun shined [nakad] on his behalf**, as it is related elsewhere (see *Ta'anit* 19b) that the sun once continued to shine in order to prevent him from suffering a substantial loss. **Ben Kalba Savua** was called this **because anyone who entered his house when he was hungry as a dog [kelev] would leave satiated [save'a]**. **Ben Tzitzit HaKesat** was referred to by that name because **his ritual fringes [tzitzit] dragged along on blankets [keset]**, meaning that he would not walk in the street with his feet on the ground, but rather they would place blankets beneath him. **There are those who say that his seat [kiseh] was found among the nobles of Rome**, meaning that he would sit among them.

חַד אָמַר לֵהּ אֲנָא זִינָא לֵהּ בְּחִיטִי וּשְׁעָרִי וְחַד אָמַר לֵהּ בְּדַחְמָרָא  
וּבְדַמְלָחָא וּמִשְׁחָא וְחַד אָמַר לֵהּ בְּדָצִיבִי וּשְׁבָחוּ רַבָּנֵי לְדָצִיבִי דְרַב

חֲסֵדָא כּל אַקְלִידֵי הָהּ מָסַר לְשִׁמְעִיָּה בַּר מְדַצִּיבִי דְאָמַר רַב חֲסֵדָא  
 אַכְלָבָא דְחִיטִּי בָּעִי שְׂתִין אַכְלָבִי דְצִיבִי הָהּ לְהוּ לְמִיזֵן עֲשָׂרִים וְחָד  
 שְׁתָּא

These three wealthy people offered their assistance. **One** of them **said to** the leaders of the city: **I will feed** the residents **with wheat and barley**. **And one** of them **said to** leaders of the city: I will provide the residents **with wine, salt, and oil**. **And one** of them **said to** the leaders of the city: I will supply the residents **with wood**. The Gemara comments: **And the Sages gave special praise to he** who gave the **wood**, since this was an especially expensive gift. **As Rav Hisda would give all of the keys [aklidei] to his servant, except for the key to his shed for storing wood,** which he deemed the most important of them all. **As Rav Hisda said:** **One storehouse [akhleva] of wheat requires sixty storehouses of wood** for cooking and baking fuel. These three wealthy men **had** between them enough commodities **to sustain** the besieged **for twenty-one years**.

הָווּ בְּהוּ הִנֵּהוּ בְּרִינֵי אָמְרוּ לְהוּ רַבָּנָן נִפּוּק וְנַעֲבִיד שְׁלָמָא בְּהַדִּייהוּ לָא  
 שְׁבָקִינֵהוּ אָמְרוּ לְהוּ נִפּוּק וְנַעֲבִיד קֶרְבָּא בְּהַדִּייהוּ אָמְרוּ לְהוּ רַבָּנָן לָא  
 מְסַתִּיעָא מִלְתָּא קָמוּ קִלְנֵהוּ לְהִנֵּהוּ אִמְבְּרִי דְחִיטִּי וְשַׁעֲרֵי וְהָהּ כִּפְנָא

10

There were certain zealots among the people of Jerusalem. **The Sages said to them: Let us go out and make peace with** the Romans. But the zealots **did not allow them** to do this. The zealots **said to** the Sages: **Let us go out and engage in battle against** the Romans. But **the Sages said to them: You will not be successful**. It would be better for you to wait until the siege is broken. In order to force the residents of the city to

engage in battle, the zealots arose and burned down these storehouses [ambarei] of wheat and barley, and there was a general famine.

מִרְתָּא בַּת בֵּיתוֹס עֲתִירְתָּא דִּירוּשָׁלַיִם הָיָא שְׂדֵרְתָּהּ לְשְׁלוּחָהּ וְאָמְרָה  
לִיה זִיל אֵייתִי לִי סְמִידָא אֲדָאזֵל אִיזְדִּבֵּן אָתָּא אָמַר לָהּ סְמִידָא לֵיכָא  
חִיזְרְתָּא אִיכָּא אָמְרָה לִיה זִיל אֵייתִי לִי אֲדָאזֵל אִיזְדִּבֵּן אָתָּא וְאָמַר לָהּ  
חִיזְרְתָּא לֵיכָא גּוּשְׁקָרָא אִיכָּא אָמְרָה לִיה זִיל אֵייתִי לִי אֲדָאזֵל אִיזְדִּבֵּן  
אָתָּא וְאָמַר לָהּ גּוּשְׁקָרָא לֵיכָא קִימָחָא דְשַׁעְרֵי אִיכָּא אָמְרָה לִיה זִיל  
אֵייתִי לִי אֲדָאזֵל אִיזְדִּבֵּן

11

With regard to this famine it is related that **Marta bat Baitos** was one of the **wealthy women of Jerusalem**. She sent out her agent and said to him: **Go bring me fine flour [semida]**. By the time he went, the fine flour was already sold. He came and said to her: **There is no fine flour, but there is ordinary flour**. She said to him: **Go then and bring me ordinary flour**. By the time he went, the ordinary flour was also sold. He came and said to her: **There is no ordinary flour, but there is coarse flour [gushkera]**. She said to him: **Go then and bring me coarse flour**. By the time he went, the coarse flour was already sold. He came and said to her: **There is no coarse flour, but there is barley flour**. She said to him: **Go then and bring me barley flour**. But once again, by the time he went, the barley flour was also sold.

הָוָה שְׁלִיפָא מְסֵאנָא אָמְרָה אִיפּוֹק וְאַחֲזִי אִי מְשַׁכְּחָנָא מִיַּדִּי לְמִיכָל  
אִיתִיב לָהּ פְּרָתָא בְּכָרְעָא וּמָתָה

12



She had just removed her shoes, but she said: I will go out myself and see if I can find something to eat. She stepped on some dung, which stuck to her foot, and, overcome by disgust, she died.

קָרִי עָלֶה רַבֵּן יוֹחָנָן בֶּן זִכְאִי הֶרְכָּה בָּהּ וְהָעֲנוּגָה אֲשֶׁר לֹא נִסְתָּה כֹּף  
רַגְלָהּ אִיכָּא דְאָמְרִי גְרוּגָרַת דְּרַבִּי צְדוֹק אֲכָלָה וְאִתְנִיסָא וּמָתָה דְּרַבִּי  
צְדוֹק יְתִיב אַרְבַּעַין שָׁנִין בְּתַעֲנִיתָא דְלֹא לִיחָרֵב יְרוּשָׁלַיִם כִּי הָוָה אָכִיל  
מִיָּדֵי הָוָה מִיתְחַזִּי מֵאֲבָרַי וְכִי הָוָה בְּרִיא מִיִּתִּי לִיהּ גְרוּגָרוֹת מְיִיץ  
מִיָּהוּ וְשָׂדֵי לָהּ

13

Rabban Yohanan ben Zakkai read concerning her a verse found in the section of the Torah listing the curses that will befall Israel: “The tender and delicate woman among you who would not adventure to set the sole of her foot upon the ground” (Deuteronomy 28:56). There are those who say that she did not step on dung, but rather she ate a fig of Rabbi Tzadok, and became disgusted and died. What are these figs? Rabbi Tzadok observed fasts for forty years, praying that Jerusalem would not be destroyed. He became so emaciated from fasting that when he would eat something it was visible from the outside of his body. And when he would eat after a fast they would bring him figs and he would suck out their liquid and cast the rest away. It was one such fig that Marta bat Baitos found and that caused her death.

כִּי הָוָה קָא נִיחָא נִפְשָׁהּ אִפִּיקָתָהּ לְכָל דְּהֵבָה וְכִסְפָּה שְׂדִיתֶיהָ בְּשׁוּקָא  
אָמְרָה הֵאֵל לְמָאִי מִיבָעִי לִי וְהֵינֵנוּ דְּכָתִיב כִּסְפָּם בְּחֻצוֹת יִשְׁלִיכוּ

14

It is further related that **as she was dying, she took out all of her gold and silver and threw it in the marketplace. She said: Why do I need this? And this is as it is written: “They shall cast their silver in the streets and their gold shall be as an impure thing; their silver and their gold shall not be able to deliver them in the day of the wrath of the Lord; they shall not satisfy their souls, neither fill their bowels” (Ezekiel 7:19).**

אָבא סִקָּרָא רִישׁ בְּרִיּוֹנֵי דִירוּשָׁלַיִם בֶּר אַחֲתִיהָ דְּרַבָּן יוֹחָנָן בֶּן זַכַּאי הָוָה  
שְׁלַח לִיהָ תָא בְּצִינָעָא לְגַבְאֵי אַתָּא אָמַר לִיהָ עַד אֵימַת עֲבָדִיתוּ הָכִי  
וְקִטְלִיתוּ לִיהָ לְעִלְמָא בְּכַפְנָא אָמַר לִיהָ מַאי אֵיעֲבִיד דָּאֵי אָמִינָא לָהּ  
מִיָּדִי קִטְלוּ לִי אָמַר לִיהָ חֲזִי לִי תַקְנִתָּא לְדִידִי דְּאִפּוֹק אֶפְשָׁר דִּהְוִי  
הַצֵּלָה פּוֹרְתָא

15

§ The Gemara relates: **Abba Sikkara was the leader of the zealots [biryonei] of Jerusalem and the son of the sister of Rabban Yoḥanan ben Zakkai. Rabban Yoḥanan ben Zakkai sent a message to him: Come to me in secret. He came, and Rabban Yoḥanan ben Zakkai said to him: Until when will you do this and kill everyone through starvation? Abba Sikkara said to him: What can I do, for if I say something to them they will kill me. Rabban Yoḥanan ben Zakkai said to him: Show me a method so that I will be able to leave the city, and it is possible that through this there will be some small salvation.**

אָמַר לִיהָ נָקוּט נַפְשָׁךְ בְּקִצְרֵי וְלִיתוּ כּוּלֵי עֵלְמָא וְלִישְׁיִילוּ בָּךְ וְאַיִתִּי  
מִיָּדִי סְרִיא וְאַגְנִי גַבְּךָ וְלִימְרוּ דְּנַח נַפְשָׁךְ וְלִיעֵיִלוּ בָּךְ תַּלְמִידָךְ וְלֹא

16

לַיעוֹל בְּךָ אֵינִישׁ אַחֲרִינָא דְלֹא לְרַגְשׁוֹן בְּךָ דְקָלִיל אֶת דְּאִינְהוּ יְדַעִי  
דְּחִיָּא קָלִיל מִמִּיתָא

Abba Sikkara **said to him:** This is what you should do: **Pretend to be sick, and have everyone come and ask** about your welfare, so that word will spread about your ailing condition. Afterward **bring something putrid and place it near you, so that people will say that you have died and are decomposing. And then, have your students enter to bring you to burial, and let no one else come in so that the zealots not notice that you are still light. As the zealots know that a living person is lighter than a dead person.**

עֲבִיד הָכִי נִכְנָס בּוֹ רַבִּי אֱלִיעֶזֶר מֵצֵד אֶחָד וְרַבִּי יְהוֹשֻׁעַ מֵצֵד אַחֵר כִּי  
מָטוּ לְפִיתְחָא בְּעוֹ לְמִדְקָרִיהָ אָמַר לָהּ יֹאמְרוּ רַבָּן דְּקָרוּ בְּעוֹ לְמִדְקָפִיהָ  
אָמַר לָהּ יֹאמְרוּ רַבָּן דְּחָפּוּ פִתְחוּ לִיהָ בְּבֹא נִפְק

17

Rabban Yohanan ben Zakkai **did this. Rabbi Eliezer entered from one side and Rabbi Yehoshua from the other side to take him out. When they arrived at the entrance of the city on the inside, the guards, who were of the faction of the zealots, wanted to pierce him with their swords in order to ascertain that he was actually dead, as was the common practice. Abba Sikkara said to them:** The Romans **will say that they pierce even their teacher.** The guards then **wanted at least to push him to see whether he was still alive, in which case he would cry out on account of the pushing. Abba Sikkara said to them:** **They will say that they push even their teacher.** The guards then **opened the gate and he was taken out.**

כִּי מָטָא לְהֵתָם אָמַר שְׁלָמָא עֲלֶךְ מַלְכָּא שְׁלָמָא עֲלֶךְ מַלְכָּא אָמַר לִיה  
 מִיחִיבָתָּ תִּירִי (קְטָלָא) [קְטָלִי] חָדָא דְּלָאוּ מַלְכָּא אָנָּא וְקָא קִרִּית לִי  
 מַלְכָּא וְתוּ אִי מַלְכָּא אָנָּא עַד הָאִידָנָא אֲמַאי לָא אֲתִית לְגַבֵּאי אָמַר לִיה  
 דְּקָאמְרָתָּ לָאוּ מַלְכָּא אָנָּא

**When** Rabban Yoḥanan ben Zakkai **reached there**, i.e., the Roman camp,  
**he said: Greetings to you, the king; greetings to you, the king.**

Vespasian **said to him: You are liable for two death penalties, one**  
**because I am not a king and yet you call me king, and furthermore, if I**  
**am a king, why didn't you come to me until now?** Rabban Yoḥanan ben  
 Zakkai **said to him: As for what you said about yourself: I am not a**  
**king,**