

VIII.

THE STRUCTURE AND SYSTEM OF BABYLONIAN TALMUD TEMURAH

Whether or not the Talmud of Babylonia is carefully organized in large-scale, recurrent structures and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. The preceding chapters therefore have pointed toward the presentation set forth here.

By “structure” I mean, a clearly-articulated pattern that governs the location of fully-spelled out statements. By “system,” I mean, a well-crafted and coherent set of ideas that explain the social order of the community addressed by the writers of a document, a social philosophy, a theory of the way of life, world view, and character of the social entity formed by a given social group. I see a collective, anonymous, and political document, such as the one before us, as a statement to, and about, the way in which people should organize their lives and govern their actions. At issue then in any document such as the remarkable one before us is simple: does this piece of writing present information or a program, facts to whom it may concern, or a philosophically and aesthetically cogent statement about how things should be?

The connection between structure and system is plain to see. From the way in which people consistently frame their thoughts, we move to the world that, in saying things one way rather than in some other, they wish to imagine the world in which they wish to live, to which they address these thoughts. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, arguments, viewpoints.

Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

I maintain that through the normal procedures of reasoned analysis we may discern in the tractate a well-crafted structure. I hold that the structure made manifest, we may further identify the purpose and perspective, the governing system of thought and argument, of

those who collected and arranged the tractate's composites and put them together in the way in which we now have them. By "structure" I mean, how is a document organized? and by "system," what do the compilers of the document propose to accomplish in producing this complete, organized piece of writing? The answers to both questions derive from a simple outline of the tractate as a whole, underscoring the types of compositions and composites of which it is comprised. Such an outline tells us what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. The purpose of the outline then is to identify the character of each component of the whole, and to specify its purpose or statement. The former information permits us to describe the document's structure, the latter, its system.

While the idea of simply outlining a Talmud-tractate beginning to end may seem obvious, I have never made such an outline before, nor has anyone else.* Yet, as we shall now see, the character of the outline dictates all further analytical initiatives. Specifically, when we follow the layout of the whole, we readily see the principles of organization that govern. These same guidelines on organizing discourse point also to the character of what is organized: complete units of thought, with a beginning, middle, and end, often made up of smaller, equally complete units of thought. The former we know as composites, the latter as compositions.

*I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well.

Identifying and classifying the components of the tractate — the composites, the compositions of which they are made up — we see clearly how the document coheres: the plan and program worked out from beginning to end. When we define that plan and program, we identify the facts of a pattern that permit us to say in a specific and concrete way precisely what the compilers of the tractate intended to accomplish. The structure realizes the system, the program of analysis and thought that takes the form of the presentation we have before us. From what people do, meaning, the way in which they formulate their ideas and organized them into cogent statements, we discern what they proposed to do, meaning, the intellectual goals that they set for themselves.

These goals — the received document they wished to examine, the questions that they brought to that document — realized in the layout and construction of their writing, dictate the points of uniformity and persistence that throughout come to the surface. How people lay out their ideas guides us into what they wished to find out and set forth in their writing, and that constitutes the system that defined the work they set out to accomplish. We move from how people speak to the system that the mode of discourse means to express, in the theory that modes of speech or writing convey modes of thought and inquiry.

We move from the act of thought and its written result backward to the theory of thinking, which is, by definition, an act of social consequence. We therefore turn to the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior system that defines the order. To the contrary, the possibility of forming a coherent outline out of the data we have examined defines the first test of whether or not the document exhibits a structure and realizes a system. So everything depends upon the

possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defined the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captured my attention derived from the deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

The experience of analyzing the document with the question of cogency and coherence in mind therefore yields a simple recognition. Viewed whole, the tractate contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. The tractate organizes these statements as commentary to the Mishnah. But large tracts of the writing do not comment on the Mishnah in the way in which other, still larger tracts do. Then how the former fit together with the latter frames the single most urgent question of structure and system that I can identify.

Since we have already examined enormous composites that find their cogency in an other than exegetical program, alongside composites that hold together by appeal to a common, prior, coherent statement — the Mishnah-sentences at hand — what justifies my insistence that an outline of the document, resting on the premise that we deal with a Mishnah-commentary, govern all further description? To begin with, the very possibility of outlining Babylonian Talmud tractate Temurah derives from the simple fact that the framers have given to their document the form of a commentary to the Mishnah. It is in the structure of the Mishnah-tractate that they locate everything together that they wished to compile. We know that is the fact because the Mishnah-tractate defines the order of topics and the sequence of problems.

Relationships to the Mishnah are readily discerned; a paragraph stands at the head of a unit of thought; even without the full citation of the paragraph, we should find our way back to the Mishnah because at the head of numerous compositions, laid out in sequence one to the next, clauses of the Mishnah-paragraph are cited in so many words or alluded to in an unmistakable way. So without printing the entire Mishnah-paragraph at the head, we should know that the received code formed the fundamental structure because so many compositions cite and gloss sentences of the Mishnah-paragraph and are set forth in sequence dictated by the order of sentences of said Mishnah-paragraph. Internal evidence alone suffices, then, to demonstrate that the structure of the tractate rests upon the Mishnah-tractate cited and discussed here. Not only so, but the sentences of the Mishnah-paragraphs of our tractate are discussed in no other place in the entire Talmud of Babylonia in the sequence and systematic exegetical framework in which they are set forth here; elsewhere we may find bits or pieces, but only here, the entirety of the tractate.

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Temurah is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general theory to explain the principles of selection ("making connections, drawing conclusions" meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

*This statement requires refinement. I do not know that all available compositions have been reproduced, and that the work of authors of compositions of Mishnah-exegesis intended for a talmud is fully exposed in the document as we have it. That is not only something we cannot demonstrate — we do not have compositions that were not used, only the ones that were — but something that we must regard as unlikely on the face of matters. All we may say is positive: the character of the compositions that address Mishnah-exegesis tells us about the concerns of the writers of those compositions, but we cannot claim to outline all of their concerns, on the one side, or to explain why they chose not to work on other Mishnah-sentences besides the ones treated here. But as to the program of the compositors, that is another matter: from the choices that they made (out of a corpus we cannot begin to imagine or invent for ourselves) we may describe with great accuracy the kinds of materials they wished to include and the shape and structure they set forth out of those materials. We know what they did, and that permits us to investigate why they did what they did. What we cannot know is what they did not do, or why they chose not to do what they did not do. People familiar with the character of speculation and criticism in Talmudic studies will understand why I have to spell out these rather commonplace observations. I lay out an argument based on evidence, not on the silences of evidence, or on the absence of evidence — that alone.

It follows that the same evidence that justifies identifying the Mishnah-tractate as the structure (therefore also the foundation of the system) of the Talmud-tractate before us also presents puzzles for considerable reflection. The exegesis of Mishnah-exegesis is only one of these. Another concerns the purpose of introducing into the document enormous compositions and composites that clearly hold together around a shared topic or proposition, e.g., my appendix on one theme or another, my elaborate footnote providing information that is not required but merely useful, and the like. My earlier characterization of composites as appendices and footnotes signalled the fact that the framers of the document chose a not-entirely satisfactory way of setting out the materials they wished to include here, for large components of the tractate do not contribute to Mishnah-exegesis in any way at all. If these intrusions of other-than-exegetical compositions were proportionately modest, or of topical composites negligible in size, we might dismiss them as appendages, not structural components that bear much of the weight of the edifice as a whole. Indeed, the language that I chose for identifying and defining these composites — footnotes, appendices, and the like — bore the implication that what is not Mishnah-commentary also is extrinsic to the Talmud's structure and system.

But that language served only for the occasion. In fact, the outline before us will show that the compositions are large and ambitious, the composites formidable and defining.

Any description of the tractate's structure that dismisses as mere accretions or intrusions so large a proportion of the whole misleads. Any notion that "footnotes" and "appendices" impede exposition and disrupt thought, contribute extraneous information or form tacked-on appendages — any such notion begs the question: then why fill up so much space with such purposeless information? The right way is to ask whether the document's topical composites play a role in the re-presentation of the Mishnah-tractate by the compilers of the Talmud. We have therefore to test two hypotheses:

[1] the topical composites ("appendices," "footnotes") do belong and serve the compilers' purpose, or

[2] the topical composites do not participate in the re-presentation of the Mishnah-tractate by the Talmud and do not belong because they add nothing and change nothing.

The two hypotheses may be tested against the evidence framed in response to a single question: is this topical composite necessary? The answer to that question lies in our asking, what happens to the reading of the Mishnah-tractate in light of the topical composites that would not happen were we to read the same tractate without them? The outline that follows systematically raises that question, with results specified in due course. It suffices here to state the simple result of our reading of the tractate, start to finish: the question of structure, therefore also that of system, rests upon the position we identify for that massive component of the tractate that comprises not Mishnah-commentary but free-standing compositions and composites of compositions formed for a purpose other than Mishnah-commentary.

The principal rubrics are given in small caps. The outline takes as its principal rubrics two large-scale organizing principles.

The first is the divisions of the Mishnah-tractate to which the Talmud-tractate serves as a commentary. That simple fact validates the claim that the tractate exhibits a fully-articulated structure. But the outline must also underscore that the Mishnah-tractate provides both more and less than the paramount outline of the Talmud-tractate. It is more because sentences in the Mishnah-tractate are not analyzed at all. These untreated Mishnah-sentences are given in bold face lower case caps, like the rest of the Mishnah, but then are specified by underlining and enclosure in square brackets.

Second, it is less because the structure of the tractate accommodates large composites that address topics not defined by the Mishnah-tractate. That brings us to the second of the two large-scale modes of holding together both sustained analytical exercises and also large sets of compositions formed into cogent composites. These are treated also as major units and are indicated by Roman numerals, alongside the Mishnah-paragraphs themselves; they are also signified in small caps. But the principal rubrics that do not focus on Mishnah-commentary but on free-standing topics or propositions or problems are not given in boldface type. Consequently, for the purposes of a coherent outline we have to identify as autonomous entries in our outline those important composites that treat themes or topics not contributed by the Mishnah-tractate.

I. Mishnah-Tractate Temurah 1:1A-E

A. [2A] ALL EFFECT A VALID SUBSTITUTION [THAT IS, THROUGH A STATEMENT OF CONSECRATION OF A SECULAR BEAST PROPOSE TO SUBSTITUTE THAT BEAST FOR

ONE THEY HAVE FIRST DESIGNATED AS A SACRIFICE, SO THAT, BY MAKING A STATEMENT OF SUBSTITUTION, THAT SECOND BEAST ENTERS THE STATUS OF THE ORIGINALLY-CONSECRATED ONE] —ALL THE SAME ARE MEN AND WOMEN:

1. I:1: The very statement of the Mishnah's rule contains an internal contradiction. You first say, All effect a valid substitution, which means, to begin with. But then you go on, But if one has effected a substitution, it [that which is designated instead of the beast already consecrated] is deemed a substitute [and also consecrated], and that means, only after the fact!

B. ALL EFFECT:

1. II:1 [=I:2]: What does the language, "all," serve to encompass?

2. II:2 [=I:3]: What is the law as to a minor's effecting a valid act of substitution? That is, who is excluded within the framework of "all effect..."? And if you take the position that a minor can make a valid act of substitution, since he will eventually reach the status of being subject to the sanctions of the Torah, what is the law as to a gentile's effecting a valid act of substitution?

a. II:3 [=I:4]: Secondary expansion of a detail of the foregoing.

b. II:4 [=I:5]: as above.

c. II:5 [=I:6]: as above

d. II:6 [=I:7]: as above.

e. II:7 [=I:8]: as above.

f. II:8 [=I:9]: as above.

C. NOT THAT A PERSON IN ANY EVENT IS PERMITTED TO EFFECT A SUBSTITUTION. [FOR IT IS FORBIDDEN TO MAKE SUCH A STATEMENT OF SUBSTITUTION OF A NOW-SECULAR BEAST FOR ONE ALREADY CONSECRATED.] BUT IF ONE HAS EFFECTED A SUBSTITUTION, IT [THAT WHICH IS DESIGNATED INSTEAD OF THE BEAST ALREADY CONSECRATED] IS DEEMED A SUBSTITUTE [AND ALSO CONSECRATED].

AND THE PERSON [WHO DOES SO MOREOVER] INCURS THE PENALTY OF FORTY STRIPES.

1. III:1 [No. 10]: In the case of every prohibition that is mentioned in the Torah in which one transgresses through an affirmative and is punishable by a flogging, if one does not carry out an action in that regard, one is exempt from a flogging. And is this intended as a governing principle, that in the case of a prohibition in which one does not actually carry out an action, one is exempt from flogging? At issue is this: do we take account of the effect of such a prohibited, and penalized, action, or do we hold that, since the action is prohibited, it also produces null consequence?

2. III:2 [No. 11]: In any prohibition that is listed in the Torah, if one has actually done the deed, one is flogged; if there is no deed to be done in connection with violating that prohibition, one is exempt from a flogging except for three matters: [1] taking an oath, [2] effecting an act of substitution, and [3] cursing one's fellow with the divine name, in all three instances of which even though one has not done a concrete deed, he still will be flogged. [4] Also one who designates produce as heave-offering before identifying the first fruits [since the correct order is first the

designation of first fruits and then the food in the status of heave-offering]. Plus proof for proposition [1].

a. III:3 [No. 12]: Proof for proposition [2] of No. 11.

b. III:4 [No. 13]: Proof for proposition [3] of No. 11.

c. III:5 [No. 14]: Proof for proposition [4] of No. 11.

i. III:6 [No. 15]: Secondary expansion of the foregoing.

ii. III:7 [No. 16]: As above.

3. III:8 [No. 17]: Whether or not transgression of a negative commandment that involves no actual deed is penalized with a flogging represents] a dispute among Tannaite authorities.

4. III:9 [No. 18]: Abbaye: any action that the Torah has said one should not do, if one does it, it produces an effect of legal consequence, for if you should imagine that it does not produce an effect of legal consequence, then why should one be flogged? as against Raba's contention: "It produces no legal effect at all, and the reason that one is punished with a flogging on account of doing such an action is that one has violated a statement of the Torah."

5. III:10 [No. 19]: Clarification of the Tosefta's complement to the Mishnah-passage.

a. III:11 [No. 20]: Amplification of foregoing.

b. III:12 [No. 21]: As above.

c. III:13 [No. 22]: As above.

d. III:14 [No. 23]: As above.

II. Mishnah-Tractate Temurah 1:1F-O

A. PRIESTS EFFECT A SUBSTITUTION IN THE CASE OF WHAT BELONGS TO THEM. AND ISRAELITES EFFECT A SUBSTITUTION IN THE CASE OF WHAT BELONGS TO THEM, PRIESTS DO NOT EFFECT A SUBSTITUTION IN THE CASE EITHER OF A SIN OFFERING OR OF A GUILT OFFERING OR OF A FIRSTLING. [THEY OWN NO SHARE IN SIN- OR GUILT-OFFERING PRIOR TO THEIR BEING KILLED AND THEIR BLOOD'S BEING TOSSED ON THE ALTAR.] SAID R. YOHANAN BEN NURI, "AND ON WHAT ACCOUNT DO THEY [THE PRIESTS, WHO OWN FIRSTLINGS] NOT EFFECT A SUBSTITUTION IN THE CASE OF A FIRSTLING?" SAID R. AQIBA, "A SIN OFFERING AND A GUILT OFFERING ARE A GIFT TO THE PRIEST, AND A FIRSTLING IS A GIFT TO THE PRIEST. JUST AS, IN THE CASE OF A SIN OFFERING AND A GUILT OFFERING, THEY DO NOT EFFECT A SUBSTITUTION, SO IN THE CASE OF A FIRSTLING, THEY SHOULD NOT EFFECT A SUBSTITUTION." SAID TO HIM R. YOHANAN B. NURI, "WHAT DIFFERENCE DOES IT MAKE TO ME THAT ONE DOES NOT EFFECT A SUBSTITUTION IN THE CASE OF A SIN OFFERING AND A GUILT OFFERING? FOR IN CASE OF THESE, THEY [THE PRIESTS] HAVE NO CLAIM WHILE THEY [THE BEASTS] ARE ALIVE. "WILL YOU SAY THE SAME IN THE CASE OF THE FIRSTLING, TO WHICH THEY [THE PRIESTS] HAVE A CLAIM WHILE [THE FIRSTLING] IS STILL ALIVE?" SAID TO HIM R. AQIBA, "BUT HAS IT NOT ALREADY BEEN STATED, 'THEN BOTH IT

AND THAT FOR WHICH IT IS CHANGED SHALL BE HOLY' (LEV. 27:10)? AT WHAT POINT DOES SANCTITY DESCEND ON TO IT? IN THE HOUSE OF THE OWNER. SO THE SUBSTITUTE [BECOMES HOLY] IN THE HOUSE OF THE OWNER."

B. THE RIGHTS OF THE PRIESTS TO THE OWNERSHIP OF ANIMALS THAT ARE ASSIGNED TO THEM AT THE TIME THE TEMPLE STOOD, AS AGAINST THEIR RIGHTS TO THESE SAME ANIMALS NOW THAT THE TEMPLE HAS BEEN DESTROYED.

1. I:1: As to the firstling, priests sell it when the animal is unblemished and alive, and when the animal is blemished, whether alive or slaughtered, and they give it as a token of betrothal to women [M. **M.S. 1:2D-E**]. Said R. Nahman said Rabbah bar Abbuha, "This teaching was repeated only in regard to this time [when the Temple lies in ruins], since the priest has a claim of ownership of the beast, but when the Temple stood, since an unblemished beast was for offering on the altar, they may not sell them when it is unblemished and alive."

a. I:2: Secondary expansion of foregoing composition.

b. I:3: As above.

III. Mishnah-Tractate Temurah 1:2A-G

A. THEY SUBSTITUTE [= IMPOSE THE LAW OF SUBSTITUTION UPON] [AN ANIMAL] (1) FROM THE HERD FOR ONE FROM THE FLOCK, AND ONE FROM THE FLOCK FOR ONE FROM THE HERD, (2) FROM SHEEP FOR GOATS, AND FROM GOATS FOR SHEEP, (3) FROM MALES FOR FEMALES, AND FROM FEMALES FOR MALES, (4) FROM UNBLEMISHED FOR BLEMISHED ANIMALS, AND FROM BLEMISHED FOR UNBLEMISHED ANIMALS, SINCE IT IS SAID, "HE SHALL NOT SUBSTITUTE ANYTHING FOR IT OR EXCHANGE IT, A GOOD FOR A BAD, OR A BAD FOR A GOOD" (LEV. 27:10).

1. I:1: How on the basis of Scripture do we know that this is so?

B. WHAT IS A GOOD FOR A BAD? [SUBSTITUTING UNBLEMISHED ANIMALS FOR ALREADY CONSECRATED] BLEMISHED ONES, THE SANCTIFICATION OF WHICH TOOK PLACE BEFORE THEIR BLEMISH [M. BEKH. 2:2-3. THOSE SANCTIFIED WHEN ALREADY BLEMISHED ARE UNFIT FOR THE ALTAR AND EXEMPT FROM THE LAW OF SUBSTITUTION].

1. II:1: What is the exegesis that yields that rule?

2. II:2: "He shall not substitute anything for it:" for unconsecrated beasts that belong to other people. "or exchange it:" for unconsecrated beasts that belong to himself.

a. II:3: Amplification of foregoing.

IV. Mishnah-Tractate Temurah 1:2H-J

A. THEY SUBSTITUTE ONE FOR TWO AND TWO FOR ONE, ONE FOR A HUNDRED AND A HUNDRED FOR ONE.

1. I:1: What is the scriptural basis for this rule?

B. R. SIMEON SAYS, “THEY SUBSTITUTE ONLY ONE FOR ONE, SINCE IT IS SAID, ‘THEN BOTH IT AND THAT FOR WHICH IT IS SUBSTITUTED’ (LEV. 27:10) — JUST AS IT IS SINGULAR, SO ITS SUBSTITUTE IS SINGULAR.”

1. II:1: Amplification of the position of R. Simeon: can there be successive acts of substitution involving the same already-consecrated beasts?

2. II:2: Theoretical question flowing from II:1: From the viewpoint of the one who says, ‘They do not go and carry out another act of substitution,’ if one has designated a beast as a guilt-offering, intending to attain atonement through it, and then he performed an act of substitution with the beast, and then the original beast was blemished, and then he redeemed the original beast for another, what is the rule as to making an exchange for this beast?

a. II:3: Secondary proposition on sequential acts of consecration and redemption: When redeeming for a money payment something that someone has consecrated, in the case of the beast that one has consecrated first in a sequence, one adds the fifth that Scripture requires for such a transaction, but not for the animal consecrated second in sequence. A substituted beast would fall into the same classification as the second beast, and that is the point of relevance of the composition.

I. II:4: Secondary question concerning the foregoing: When the beast is redeemed, is it the one who consecrates it the one who adds the fifth, or is it the one who attains atonement through it the one who adds the fifth?

II. II:5: As above: Is it the one who consecrates it the one who has the power to effect a substitution, or is it the one who attains atonement through it the one who has the power to effect a substitution?

V. Mishnah-Tractate Temurah 1:3

A. THEY DO NOT SUBSTITUTE (1) LIMBS FOR FOETUSES, OR FOETUSES FOR LIMBS, OR (2) LIMBS AND FOETUSES FOR WHOLE BEASTS, OR WHOLE BEASTS FOR THEM.

1. I:1: At stake is whether or not an act of consecration has affect upon foetuses.

2. I:2: Secondary development of foregoing.

3. I:3: Tannaite dispute on the same matter of whether or not an act of consecration affects embryos.

4. I:4: Demonstration that an act of consecration has affect upon foetuses.

B. R. YOSÉ SAYS, “THEY SUBSTITUTE LIMBS FOR WHOLE BEASTS BUT NOT WHOLE BEASTS FOR LIMBS.” SAID R. YOSÉ, “AND IS IT NOT SO THAT IN THE CASE OF ANIMALS WHICH HAVE BEEN CONSECRATED, HE WHO SAYS, ‘THE FOOT OF THIS IS A BURNT OFFERING’ — THE WHOLE BEAST IS A BURNT OFFERING? SO WHEN ONE STATES, ‘THE FOOT OF THIS IS INSTEAD OF THAT’ — THE WHOLE OF IT SHOULD BE A SUBSTITUTE IN ITS STEAD.”

1. II:1: Tannaite dispute on the verses of Scripture that stand behind the two positions at hand.

a. II:2: Secondary gloss of the foregoing.

2. II:3: R. Judah [Yosé's opposition here] concedes that, where one has consecrated a part of the animal, the removal of which makes the animal terefah, [that holiness affects the whole animal].”

3. II:4: What is the law as to a bird, according to R. Yosé, who holds that the consecration of a limb spreads to the whole animal, what if one consecrated a limb of a bird? Does the holiness spread to the whole bird or not?

4. II:5: If one has consecrated a limb as to its value, directing the proceeds to the upkeep of the Temple house, what is the law as to treating the beast as subject to holiness?

5. II:6: If one has consecrated a single limb, what is the law as to shearing the beast?

6. II:7: If one has consecrated the hide of a beast, what is the law as to working with the beast?

7. II:8: If the mother is in the classification of a peace offering, and the embryo is in the classification of an unconsecrated beast, and he slaughtered the mother within the Temple court, what is the law?

8. II:9: If the beast is unconsecrated but the offspring has been consecrated as peace offerings, and one slaughtered the beast outside of the Temple court, what is the law?

VI. Mishnah-Tractate Temurah 1:4-5

A. THAT WHICH CONTAINS HEAVE OFFERING IMPARTS THE STATUS OF HEAVE OFFERING [TO OTHER PRODUCE] ONLY BY DUE MEASURE [IN THE PRESCRIBED PROPORTION].

1. I:1: Who is the Tannaite authority behind this rule? Not Eliezer.

B. THAT WHICH CONTAINS LEAVEN IMPARTS THE STATUS OF LEAVEN [TO SOMETHING ELSE] ONLY BY DUE MEASURE.

1. II:1: Who is the Tannaite authority behind this rule? Not Eliezer.

C. DRAWN WATER SPOILS THE IMMERSION POOL ONLY IN DUE MEASURE.

1. III:1: Who is the Tannaite authority behind this rule? Eliezer b. Jacob.

D. PURIFICATION WATER IS MADE PURIFICATION WATER ONLY WITH THE PUTTING IN OF THE ASHES [OF THE RED COW].

1. IV:1: Who is the Tannaite authority behind this rule? Not Simeon.

E. A GRAVE AREA DOES NOT MAKE [ANOTHER FIELD INTO] A GRAVE AREA.

1. V:1: Our Mishnah-passage does not accord with the position of Eliezer.

F. AND HEAVE OFFERING [DOES] NOT FOLLOW [THE TAKING OF] HEAVE OFFERING. [THERE IS NO VALID HEAVE OFFERING AFTER HEAVE OFFERING HAS BEEN REMOVED FROM A QUANTITY OF PRODUCE.]

1. VI:1: In accord with what Tannaite authority is our Mishnah's rule? It accords with the view of R. Aqiba.

G. AND A SUBSTITUTE [FOR A SUBSTITUTE] DOES NOT PRODUCE A SUBSTITUTE. [A SUBSTITUTE DOES NOT IMPART THE STATUS OF A SUBSTITUTE TO THAT ANIMAL PUT FORWARD IN ITS STEAD.]

1. VII:1: What is the scriptural basis for this ruling?

H. AND AN OFFSPRING [OF A CONSECRATED ANIMAL] DOES NOT IMPART THE STATUS OF A SUBSTITUTE [TO THAT ANIMAL PUT FORWARD IN ITS STEAD].

1. VIII:1: Scriptural basis for the ruling.

I. R. JUDAH SAYS, "AN OFFSPRING [OF A CONSECRATED ANIMAL] DOES PRODUCE A SUBSTITUTE." [AN OFFSPRING... DOES NOT IMPART THE STATUS OF A SUBSTITUTE TO THAT ANIMAL PUT FORWARD IN ITS STEAD.] THEY SAID TO HIM, "THAT WHICH HAS BEEN SANCTIFIED PRODUCES A SUBSTITUTE, BUT THE OFFSPRING AND THE SUBSTITUTE DO NOT PRODUCE A SUBSTITUTE."

1. IX:1: Scriptural basis for the ruling.

VII. Mishnah-Tractate Temurah 1:6

A. BIRDS AND MEAL OFFERINGS DO NOT PRODUCE A SUBSTITUTE [IMPOSE THE STATUS OF A SUBSTITUTE UPON BIRDS OR MEAL DESIGNATED AS THEIR REPLACEMENT]. FOR ONLY IN THE CASE OF CATTLE IS [SUBSTITUTE] MENTIONED [LEV. 27:10].

A CONGREGATION AND PARTNERS DO NOT PRODUCE A SUBSTITUTE, SINCE IT IS SAID, "HE SHALL NOT CHANGE IT" (LEV. 27:10) — THE INDIVIDUAL PRODUCES A SUBSTITUTE, AND NEITHER A CONGREGATION NOR PARTNERS PRODUCE A SUBSTITUTE.

OFFERINGS FOR THE UPKEEP OF THE TEMPLE [SUBJECTED TO AN ACT OF SUBSTITUTION] DO NOT PRODUCE A SUBSTITUTE.

1. I:1: Might one think that beasts that have been consecrated so that their value will go for the upkeep of the Temple house will be subject to the law of exchange? Scriptural proof for the Mishnah's proposition.

2. I:2: But what about the offering brought by the community, an offering of the altar, and an offering brought for the upkeep of the Temple house? Scriptural proof covering these items.

B. SAID R. SIMEON, "AND WAS NOT TITHE [OF CATTLE] INCLUDED [AMONG THE OFFERINGS FOR WHICH A SUBSTITUTE MAY BE BROUGHT] (LEV. 27:10)? AND WHY WAS IT EXCLUDED [AND THE TITHE OF HERDS AND FLOCKS... SHALL BE HOLY UNTO THE LORD. A MAN SHALL NOT INQUIRE WHETHER IT IS GOOD OR BAD, NEITHER SHALL HE EXCHANGE IT; AND 'IF HE EXCHANGES IT, THEN BOTH IT AND THAT FOR WHICH IT IS EXCHANGED SHALL BE HOLY; IT SHALL NOT BE REDEEMED (LEV. 27:32-33)]? TO ALLOW FOR AN ANALOGY: JUST AS THE TITHE [OF CATTLE] IS A SACRIFICE OF AN INDIVIDUAL [M. Bekh. 9:3], EXCLUDING SACRIFICES OF THE CONGREGATION [C], SO TITHE IS AN OFFERING OF THE ALTAR, EXCLUDING OFFERINGS TO THE TEMPLE TREASURY [F] [FOR THE UPKEEP OF THE TEMPLE]."

1. II:1: Extension of Simeon's statement, and the contrary position.
2. II:2: Continuation of foregoing.
3. II:3: As above.

VIII. Mishnah-Tractate Temurah 2:1

A. THERE ARE [RULES] APPLYING TO OFFERINGS OF AN INDIVIDUAL, WHICH DO NOT APPLY TO OFFERINGS OF THE COMMUNITY. AND THERE ARE [RULES] APPLYING TO OFFERINGS OF THE COMMUNITY WHICH DO NOT APPLY TO OFFERINGS OF AN INDIVIDUAL. FOR OFFERINGS OF AN INDIVIDUAL IMPOSE THE STATUS OF SUBSTITUTE, BUT OFFERINGS OF THE COMMUNITY DO NOT IMPOSE THE STATUS OF SUBSTITUTE.

1. I:1: Does that serve as an encompassing rule? But lo, there are fowl, which are offerings brought by an individual, but which do not impose the status of substitute on that for which they are exchanged.

B. OFFERINGS OF AN INDIVIDUAL PERTAIN TO MALE AND FEMALE [BEASTS], BUT OFFERINGS OF THE COMMUNITY PERTAIN ONLY TO MALE ONES.

1. II:1: Does that serve as an encompassing rule [that all animals brought as sacrifices in behalf of individuals can be either male or female]? But lo, there is the burnt offering, which is an offering brought by an individual and can be only male, not female.

C. FOR OFFERINGS OF AN INDIVIDUAL ARE THEY LIABLE TO BE ANSWERABLE [REPLACING ANIMALS SET ASIDE FOR THE INDIVIDUAL IF SAID ANIMALS ARE LOST] AND ANSWERABLE FOR THEIR DRINK OFFERINGS, BUT FOR OFFERINGS OF THE COMMUNITY THEY ARE LIABLE TO BE ANSWERABLE NEITHER FOR THEM NOR FOR THEIR DRINK OFFERINGS, BUT THEY ARE LIABLE TO BE ANSWERABLE FOR THEIR DRINK OFFERINGS ONCE THE ANIMAL SACRIFICE IS OFFERED.

THERE ARE [RULES] APPLYING TO OFFERINGS OF THE COMMUNITY WHICH DO NOT APPLY TO OFFERINGS OF THE INDIVIDUAL. FOR OFFERINGS OF THE COMMUNITY OVERRIDE THE SABBATH AND [THE PROHIBITIONS OF] UNCLEANNESS, AND OFFERINGS OF AN INDIVIDUAL OVERRIDE NEITHER THE SABBATH NOR [THE PROHIBITIONS OF] UNCLEANNESS. SAID R. MEIR, "AND ARE NOT THE BAKED CAKES [M. Men. 4:5] OF THE HIGH PRIEST AND THE BULLOCK OF THE DAY OF ATONEMENT THE OFFERING OF AN INDIVIDUAL, AND THEY OVERRIDE BOTH THE SABBATH AND [THE PROHIBITIONS OF] UNCLEANNESS? BUT [THE REASON IS THAT] THEIR TIME IS FIXED."

1. III:1: What is the scriptural foundation for this rule?

a. III:2: Footnote to foregoing.

i. III:3: Appendix to foregoing.

IX. Mishnah-Tractate Temurah 2:2

A. THE SIN OFFERING OF AN INDIVIDUAL, THE OWNER OF WHICH HAS EFFECTED ATONEMENT [THROUGH ANOTHER ANIMAL] [IS LEFT TO] DIE. AND THAT OF THE

COMMUNITY [WHICH HAS EFFECTED ATONEMENT THROUGH ANOTHER ANIMAL] IS NOT [LEFT TO] DIE. R. JUDAH SAYS, “LET IT BE LEFT TO DIE.”

1. I:1: In working out the position of Judah in our Mishnah and in an intersecting Tannaite formulation, resting on a scriptural exegesis, where R. Judah says the sin offering is left to pasture, in which the originally animal designated as a sin offering was lost when the separate animal had been designated as a sin offering, but here in our Mishnah-paragraph, we are dealing with a case in which the animal originally designated as a sin offering was lost at the time that atonement by means of the second animal was carried out and the first animal is no longer needed and is left to die. The composition therefore serves to clarify Judah's position.

B. THE GRAPE CLUSTERS: SAGES WHO WERE AS LEARNED AS MOSES. LAWS FORGOTTEN AT THE DEATH OF MOSES, INCLUDING THE RULE GOVERNING A SIN OFFERING NOT REQUIRED FOR ITS DESIGNATED PURPOSE. [INTERSECTS WITH THE FOREGOING AT I:5.]

1. I:2: Exposition of **WHEN YOSÉ B. YOEZER OF SEREDAH AND YOSÉ B. YOHANAN OF JERUSALEM DIED, THE GRAPE CLUSTERS WERE ENDED, SINCE IT IS SAID, “THERE IS NO CLUSTER TO EAT, MY SOUL DESIRES THE FIRST RIPE FIG” (MIC. 7: 1) [M. *Sot.* 9:9E-F]:** what is the meaning of “Grape clusters”?

2. I:3: In none of the grape clusters that arose for Israel from the time of Moses until Joseph b. Yoezer of Seredah died was found no flaw. From that time onward, there were flaws in them.

C. THREE THOUSAND LAWS WERE FORGOTTEN DURING THE PERIOD OF MOURNING FOR MOSES.

a. I:4: Clarification of a detail of I:2C: Three thousand laws were forgotten during the period of mourning for Moses.

b. I:5: Also the law on the disposition of a sin offering, the owner of which has day, was forgotten in the time of mourning for Moses

c. I:6: “When Moses, our master, was taking leave for the Garden of Eden, he said to Joshua, ‘Ask me any doubts that you have.

d. I:7: A thousand and seven hundred arguments a fortiori and arguments by analogy and scribal clarifications were forgotten in the time of the mourning for Moses. Othniel b. Kenaz restored them.

D. EXPOSITION OF THE PROPOSITION THAT OTHNIEL B. KENAZ RESTORED THEM BY MEANS OF HIS SHARP WIT: ‘AND OTHNIEL SON OF KENAZ THE BROTHER OF CALEB TOOK IT [THE CITY OF THE BOOK]’ (JOS. 15:17).

I. I:8: “and he gave him Achsah his daughter to wife” (Jos. 15:17): Why was she called “Achsah”?

II. I:9: “When she came to him she urged him to ask her father for a field, and she alighted from her ass” (Jos. 15:17-19): What is the meaning of the word translated “alighted”?

III. I:10: “‘give me also springs of water.’ [This refers to] a man who has only Torah alone in him.”

IV. I:11: “And Caleb gave her the upper springs and the lower springs” (Jos. 15:17-19): He said to her, “From him to whom all the secrets of the upper world and the nether world are revealed, ask food from him.”

V. I:12: Now was Caleb the son of Kenaz [“And Othniel son of Kenaz the brother of Caleb took it [the city of the book]” (Jos. 15:17)]? Was Caleb not the son of Jephunneh?

VI. I:13: Othniel was the same as Jabez, and he was called Othniel because God had answered him, and Jabez because he had advised and fostered Torah in Israel. “And God granted what he asked.”

A. I:14: Meditation on “And God granted what he asked.”

B. I:15: Amplification along the same lines.

C. I:16: Amplification along the same lines.

E. SAID R. SIMEON, “JUST AS WE FIND IN THE CASE OF THE OFFSPRING OF A SIN OFFERING, AND THE SUBSTITUTE OF A SIN OFFERING, AND A SIN OFFERING THE OWNER OF WHICH HAS DIED, [THAT] IT IS IN THE CASE OF AN INDIVIDUAL THAT MATTERS ARE STATED, BUT NOT IN THE CASE OF THE COMMUNITY, SO IN THE CASE OF THAT [ANIMAL], THE OWNER OF WHICH HAS EFFECTED ATONEMENT, OR THE YEAR OF WHICH HAS PASSED [AND WHICH HAS BECOME SUPERANNUATED (M. PAR. 1:3-4)], IT IS IN THE CASE OF AN INDIVIDUAL THAT MATTERS ARE STATED, BUT NOT IN THE CASE OF THE COMMUNITY.”

1. II:1: Simeon: Five classifications of animals designated as sin-offerings are left to die. Note the further reference to the theme introduced in the foregoing: At Sinai four classifications of sin offerings were spelled out to the Israelites to be left to die [the fifth was to be left to pasture], and the rule was extended to five. They forgot which of the five was to be left to pasture.

X. Mishnah-Tractate Temurah 2:3

A. A MORE STRICT RULE APPLIES TO CONSECRATED ANIMALS THAN TO A SUBSTITUTE, AND [A MORE STRICT RULE] APPLIES TO A SUBSTITUTE THAN TO CONSECRATED ANIMALS. FOR CONSECRATED ANIMALS IMPART THE STATUS OF A SUBSTITUTE [TO THAT ANIMAL DECLARED BY ITS OWNER TO BE A SUBSTITUTE IN THEIR STEAD]. BUT A SUBSTITUTE DOES NOT IMPART [TO ANOTHER ANIMAL, DESIGNATED IN ITS STEAD] THE STATUS OF A SUBSTITUTE [M. 1:5]. A COMMUNITY OR PARTNERS DECLARE [ANIMALS] TO BE SANCTIFIED, BUT DO NOT EFFECT A DECLARATION OF SUBSTITUTION [SO THAT SHOULD A GROUP OF PEOPLE OR PARTNERS DECLARE AN ANIMAL SUBSTITUTE FOR ONE ALREADY CONSECRATED, THE FORMER IS NOT DEEMED CONSECRATED] [M. 1:6]. AND THEY SANCTIFY LIMBS AND FOETUSES, BUT DO NOT EFFECT SUBSTITUTION [FOR LIMBS OR FOETUSES] [M. 1:3]. A MORE STRICT RULE APPLIES TO THE SUBSTITUTE. FOR SANCTITY APPLIES TO [A SUBSTITUTE] WHICH IS AFFLICTED WITH A PERMANENT BLEMISH [M. 1:2], SO THAT IT DOES NOT GO FORTH FOR UNCONSECRATED PURPOSES, FOR SHEARING AND FOR LABOR.

R. YOSÉ B. JUDAH SAYS, “[THE LAW] HAS TREATED THAT WHICH IS DONE UNINTENTIONALLY AS EQUIVALENT TO THAT DONE INTENTIONALLY IN THE CASE OF THE SUBSTITUTE. BUT IT HAS NOT TREATED THAT WHICH IS DONE UNINTENTIONALLY AS EQUIVALENT TO THAT WHICH IS DONE INTENTIONALLY IN THE CASE OF CONSECRATED BEASTS.”

1. I:1: What is the scriptural basis for the position of R. Yosé b. R. Judah

2. I:2: With reference to, **THE LAW HAS TREATED THAT WHICH IS DONE UNINTENTIONALLY AS EQUIVALENT TO THAT DONE INTENTIONALLY**, what would define the case in which the one who does the deed deliberately is equivalent to one who does the deed of consecration inadvertently?

B. R. ELEAZAR SAYS, “A BEAST THAT IS CROSSBRED AND A TEREFAH AND ONE BORN FROM THE SIDE, A BEAST LACKING IN CLEAR-CUT SEXUAL CHARACTERISTICS AND ONE WHICH BEARS BOTH MALE AND FEMALE CHARACTERISTICS ARE NOT MADE HOLY AND DO NOT IMPART [TO A SUBSTITUTE] THE STATUS OF HOLINESS.”

1. II:1: Explaining why an act of substitution is null in these instances, since only the value, but not the body, of these beasts can be consecrated, it follows that in respect to making an exchange, they are not deemed consecrated, and they do not confer consecration on another beast in an exchange with others.

2. II:2: As above: What is the reasoning of R. Eliezer? They are comparable to an unclean beast. Just as an unclean beast is not actually offered, nor does consecration ever affects its body, so these too are not offered, and consecration never affects their bodies.

a. II:3: He who consecrates a terefah-beast — there has to be a permanent blemish if it is to be redeemed. That yields the inference that people may redeem animals that have been consecrated, so as to feed the meat to the dogs. Introduced because the Mishnah-passage is cited at 3.I as part of the solution to the problem.

XI. Mishnah-Tractate Temurah 3:1A-E

A. THESE ARE THE CONSECRATED ANIMALS, THE OFFSPRING, AND THE SUBSTITUTES OF WHICH ARE DEEMED OF EQUIVALENT STATUS: (1) THE OFFSPRING OF PEACE OFFERINGS, (2) AND THEIR SUBSTITUTE, (3) AND THEIR [THE OFFSPRING’S AND THE SUBSTITUTE’S] OFFSPRING, (4) AND THE OFFSPRING OF THEIR OFFSPRING, TO INFINITY — LO, THESE ARE DEEMED EQUIVALENT TO PEACE OFFERINGS. AND THEY REQUIRE LAYING ON OF HANDS, DRINK OFFERINGS, AND WAVING OF THE BREAST AND THIGH [M. [Zeb. 10:2](#)].

1. I:1: Since the Tannaite authority repeats the language, and their [the offspring’s and the substitute’s] offspring, (4) and the offspring of their offspring, why then add the apparently redundant, to infinity?

2. I:2: What is the scriptural source of this rule?

3. I:3: Continuation and analysis of foregoing.

4. I:4: What is the practical law that is at stake?

5. I:5: [In reference to the rule of the Mishnah that the offspring of peace offerings are deemed equivalent to peace offerings] Bar Peda said, “It is to indicate that these offspring are left to pasture, and this is in accord with the position of all authorities

6. I:6: Scriptural source for the rule covering the offspring of the peace offering, proving that it falls into the classification of the mother.

a. I:7: Secondary comment on a detail of the foregoing scriptural exegesis.

b. I:8: Same as above.

c. I:9: As above.

d. I:10: As above.

XII. Mishnah-Tractate Temurah 3:1F-N

A. R. ELIEZER SAYS, “THE OFFSPRING OF PEACE OFFERINGS IS NOT OFFERED AS PEACE OFFERINGS [BUT IS LEFT TO DIE].” AND SAGES SAY, “IT IS OFFERED.”

1. I:1: What is the scriptural basis for the position of R. Eliezer?

B. SAID R. SIMEON, “THEY DID NOT DISPUTE CONCERNING THE OFFSPRING OF AN OFFSPRING OF PEACE OFFERINGS AND CONCERNING THE OFFSPRING OF AN OFFSPRING OF A SUBSTITUTE, THAT IT SHOULD NOT BE OFFERED. CONCERNING WHAT DID THEY DISPUTE? CONCERNING THE OFFSPRING [ITSELF], FOR: R. ELIEZER SAYS, ‘IT IS NOT OFFERED.’ AND SAGES SAY, ‘IT IS OFFERED.’”

1. II:1: What is the sense of the statement, They did not dispute? Is it, there is no dispute that they are not offered, for they are offered, or perhaps the sense is, there is no dispute that the offspring of offspring are offered, all concurring that they are not offered?

C. TESTIFIED R. JOSHUA AND R. PAPAYAS CONCERNING THE OFFSPRING OF PEACE OFFERINGS, THAT IT IS OFFERED AS PEACE OFFERINGS [= SAGES, G]. SAID R. PAPPYAS, “I BEAR WITNESS THAT WE HAD A COW DERIVING FROM SACRIFICES OF PEACE OFFERINGS AND WE ATE IT ON PASSOVER AND WE ATE ITS OFFSPRING A PEACE OFFERINGS ON THE [NEXT] FESTIVAL [SUKKOT].”

1. III:1: Now from the viewpoint of Raba, who has said that in the case of Holy Things, once a single festival has passed [and the consecrated beasts have not been offered], one is liable day by day for violating a positive commandment, not to postpone making an offering, why did they not eat the consecrated beast on the festival of Weeks?

XIII. Mishnah-Tractate Temurah 3:2A-D

A. (1) THE OFFSPRING OF A THANK OFFERING, AND (2) ITS SUBSTITUTE, (3) THEIR OFFSPRING, AND (4) THE OFFSPRING OF THEIR OFFSPRING, TO INFINITY, LO, THESE ARE DEEMED EQUIVALENT TO A THANK OFFERING, BUT WITH THE PROVISIO THAT THEY DO NOT REQUIRE BREAD.

1. I:1: What is the scriptural basis for this ruling?

XIV. Mishnah-Tractate Temurah 3:2E-H, 3:3A-C

A. (1) THE SUBSTITUTE OF A BURNT OFFERING, AND (2) THE OFFSPRING OF THE SUBSTITUTE, AND (3) THEIR OFFSPRING, AND (4) THE OFFSPRING OF THEIR OFFSPRING, TO INFINITY, LO, THESE ARE DEEMED EQUIVALENT TO A BURNT OFFERING. AND THEY REQUIRE FLAYING AND CUTTING UP AND ARE WHOLLY BURNED UPON THE ALTAR FIRES. HE WHO SETS ASIDE A FEMALE BEAST AS A BURNT OFFERING [AND A BURNT OFFERING CAN BE MADE ONLY OF A MALE BEAST], WHICH BORE A MALE — [THE OFFSPRING] PASTURES UNTIL IT IS BLEMISHED, THEN IT IS TO BE SOLD, AND [THE OWNER] BRINGS WITH ITS PROCEEDS A BURNT OFFERING. R. ELEAZAR SAYS, “IT ITSELF IS OFFERED AS A BURNT OFFERING.”

1. I:1: What is the difference between the first rule [the substitute of a burnt offering], in which rabbis do not differ [concurring that the substitute is itself a burnt offering] and the second rule [where a female beast designated as a burnt offering produces a male offspring], in which they do differ [and do not treat the beast itself as a burnt offering]?

XV. Mishnah-Tractate Temurah 3:3D-F

A. HE WHO SETS ASIDE A FEMALE BEAST AS A GUILT OFFERING — [THE BEAST] PASTURES UNTIL IT IS BLEMISHED, THEN IT IS TO BE SOLD, AND [THE OWNER] BRINGS WITH ITS PROCEEDS A GUILT OFFERING, IF HIS GUILT OFFERING HAS BEEN OFFERED, THEN ITS PROCEEDS FALL [TO THE TEMPLE TREASURY] AS A FREEWILL OFFERING.

1. I:1: Since a female cannot serve as a guilt offering, why wait to sell it until it is blemished? Since to begin with it is not suitable for the purpose for which it is designated, lo, that is the blemish that disqualifies the beast anyhow.

2. I:2: If one has consecrated a male beast only for the purpose of assigning its proceeds to the upkeep of the Temple — is it holy as to the body as well?

B. R. SIMEON SAYS, “IT IS SOLD [EVEN] WITHOUT A BLEMISH.”

1. II:1: Since sanctification as to the value of the beast has taken hold, should not sanctification of the body of the beast also have taken hold? R. Simeon is consistent with his principles, for he has said, “In any case in which a beast is not in its body suitable for an offering, consecration of the body does not take hold of it.”

2. II:2: Tannaite replay of the same issue involving Simeon’s principle: The beast designated for his burnt offering can effect an act of substitution, the beast set aside for his Passover- and his guilt-offering cannot effect an act of substitution. You have nothing that imparts the status of substitute except something that may be put out to pasture until it is blemished.

a. II:3: Intersecting Mishnah-rule is compared to the present rule, showing how Simeon’s principle operates in another case.

XVI. Mishnah-Tractate Temurah 3:3G-N, 3:4

A. THE SUBSTITUTE OF A GUILT OFFERING, THE OFFSPRING OF ITS SUBSTITUTE, AND THEIR OFFSPRING, AND THE OFFSPRING OF THEIR OFFSPRING, TO INFINITY, ARE TO PASTURE UNTIL THEY ARE BLEMISHED. THEN THEY ARE TO BE SOLD. AND THEIR PROCEEDS ARE TO FALL [TO THE TEMPLE TREASURY] AS A FREEWILL OFFERING. R. ELEAZAR SAYS, “LET THEM BE LEFT TO DIE.” R. ELIEZER SAYS, “LET HIM PURCHASE WITH THEIR PROCEEDS A BURNT OFFERING.” A GUILT OFFERING, THE OWNER OF WHICH DIED, OR THE OWNER OF WHICH EFFECTED ATONEMENT [WITH ANOTHER ANIMAL], IS SET OUT TO PASTURE UNTIL IT SUFFERS A BLEMISH. THEN IT IS SOLD. AND THE PROCEEDS ARE TO FALL [TO THE TEMPLE TREASURY] AS A FREEWILL OFFERING. R. ELIEZER SAYS, “LET IT BE LEFT TO DIE.” R. ELEAZAR SAYS, “LET HIM PURCHASE WITH ITS PROCEEDS A BURNT OFFERING.”

AND IS NOT ALSO [THAT WHICH FALLS TO THE TEMPLE TREASURY AS] A FREEWILL OFFERING A BURNT OFFERING? SO WHAT IS THE DIFFERENCE BETWEEN THE OPINION OF R. ELEAZAR AND THE OPINION OF SAGES [M. 3:31K]? BUT WHEN IT [A BURNT OFFERING] IS BROUGHT IN FULFILLMENT OF AN OBLIGATION, HE LAYS HIS HANDS ON IT AND BRINGS DRINK OFFERINGS ON ITS ACCOUNT AND THE DRINK OFFERINGS DERIVE FROM HIS OWN FUNDS. AND IF HE WAS A PRIEST, THE SERVICE OF OFFERING IT UP AND THE HIDE BELONG TO HIM. BUT WHEN IT [A BURNT OFFERING] IS BROUGHT AS A FREEWILL OFFERING, HE DOES NOT LAY HIS HANDS ON IT AND HE DOES NOT BRING DRINK OFFERINGS ON ITS ACCOUNT, AND ITS DRINK OFFERINGS DERIVE FROM PUBLIC FUNDS. EVEN THOUGH HE IS A PRIEST, THE SERVICE OF OFFERING IT UP AND THE HIDE BELONG TO THE MEN OF THAT PARTICULAR COURSE.

1. I:1: Both clauses of the Mishnah are required: It is necessary for the Mishnah to speak of the cases of the substitute of the guilt offer and also the case in which the owner of a guilt offering dies or attains atonement by another beast, 3:3G, L.

2. I:2: The dispute concerns the situation that prevails after the atonement has been attained, but as to the period prior to that point, all parties concur that the beast itself is offered as a guilt offering.

a. I:3: He who designated a female animal to serve as a guilt offering — what is the law as to offering up its offspring as a burnt offering.

XVII. Mishnah-Tractate Temurah 3:5

A. THE SUBSTITUTE OF A FIRSTLING OR OF A BEAST DESIGNATED AS TITHE, THEIR OFFSPRING, AND THE OFFSPRING OF THEIR OFFSPRING, TO INFINITY, LO, THEY ARE DEEMED EQUIVALENT TO A FIRSTLING OR TO A BEAST DESIGNATED AS TITHE, AND THEY ARE EATEN BY THE OWNERS AFTER THEY ARE BLEMISHED.

WHAT IS THE DIFFERENCE BETWEEN THE [BLEMISHED] FIRSTLING AND A BEAST DESIGNATED AS TITHE AND ALL [OTHER BLEMISHED] HOLY THINGS? FOR ALL OTHER HOLY THINGS [WHEN BLEMISHED] ARE SOLD IN THE MARKET AND ARE SLAUGHTERED IN THE MARKET AND ARE WEIGHED BY THE LITRA, EXCEPT FOR

THE FIRSTLING AND A BEAST DESIGNATED AS TITHE [M. Bekh. 5:1]. AND THEY ARE SUBJECT TO REDEMPTION, AND THEIR SUBSTITUTES ARE SUBJECT TO REDEMPTION, EXCEPT FOR THE FIRSTLING AND A BEAST DESIGNATED AS TITHE.

1. I:1: One who causes a blemish in the animal that has been substituted for a firstling or for a beast designated as tithe, what is the law? Do we rule that they are not offered up or perhaps, since they are nonetheless consecrated, one incurs a liability?

B. AND THEY ARE BROUGHT FROM ABROAD, EXCEPT FOR THE FIRSTLING AND A BEAST DESIGNATED AS THE TITHE [WHICH DERIVE ONLY FROM CATTLE RAISED IN THE LAND OF ISRAEL] [COMPARE M. Bekh. 9:1].

IF THEY ARE BROUGHT WITHOUT BLEMISH, THEY ARE OFFERED UP, AND IF THEY ARE BLEMISHED, THEY ARE EATEN BY THEIR OWNERS AFTER THEY ARE BLEMISHED.

SAID R. SIMEON, “WHAT IS THE REASON [FOR G]? FOR THE FIRSTLING AND A BEAST DESIGNATED AS TITHE HAVE A REMEDY IN THEIR ORIGINAL LOCATION [=I]. BUT ALL OTHER HOLY THINGS, EVEN THOUGH A BLEMISH AFFECTS THEM, LO, THEY REMAIN IN THEIR SANCTITY.”

1. II:1: An objection was raised through an intersecting Mishnah-rule concerning firstlings brought from abroad.

XVIII. Mishnah-Tractate Temurah 4:1

A. (1) THE OFFSPRING OF A SIN OFFERING, (2) THE SUBSTITUTE OF A SIN OFFERING, AND (3) A SIN OFFERING, THE OWNER OF [ANY OX] WHICH DIED ARE LEFT TO DIE. (4) ONE WHICH WAS SUPERANNUATED OR (5) ONE WHICH WAS LOST AND TURNED UP BLEMISHED, IF THIS IS AFTER THE OWNER HAS EFFECTED ATONEMENT, IS LEFT TO DIE.

AND IT DOES NOT IMPART THE STATUS OF SUBSTITUTE [TO AN ANIMAL DESIGNATED IN ITS STEAD]. PEOPLE DO NOT DERIVE BENEFIT FROM IT, BUT IT IS NOT SUBJECT TO THE LAWS OF SACRILEGE. IF THIS IS BEFORE THE OWNER HAS EFFECTED ATONEMENT, IT IS SET OUT TO PASTURE UNTIL IT IS BLEMISHED, THEN IS SOLD, AND [THE OWNER] BRINGS ANOTHER WITH ITS PROCEEDS. AND IT IMPARTS THE STATUS OF SUBSTITUTE [TO AN ANIMAL DESIGNATED IN ITS STEAD, AND IT IS SUBJECT TO THE LAWS OF SACRILEGE.

1. I:1: What is the reason that the Tannaite author of the passage does not state in a single paragraph all five categories of animals designated as sin offerings that are left to die?

2. I:2: And how come the Mishnah-paragraph is repeated both in tractate Meilah [as M. Meilah 3:1] and also here in tractate Temurah?

3. I:3: With reference to M. 4:1C, D: In the case of a beast designated as a sin offering that became superannuated, [wherever it is located] it is regarded as though it were standing in a cemetery [into which a priest cannot enter, by reason of not contracting cultic uncleanness, so he cannot slaughter the animal] and it is left to pasture.

B. A BEAST DESIGNATED AS A SIN OFFERING THAT WAS LOST AT NIGHT [AND THE OWNER OF WHICH HAS DESIGNATED ANOTHER BEAST IN ITS STEAD] DOES NOT FALL [WHEN AT DAWN IT IS FOUND] INTO THE CATEGORY OF A BEAST THAT HAS BEEN LOST.

1. I:4: Vis à vis which authority has he made this statement, Rabbi or rabbis?

2. I:5: Continuation of fore-going: We have a tradition in hand: lost but not stolen, lost but not seized by force. Only such an animal is condemned to die, and if the animal is restored to the owner, it is condemned to pasture and its value is used for a freewill offering.

3. I:6: What is the law if the animal designated as a sin offering was lost when the blood of the other beast was in the cup? Do we maintain that when rabbis made the ruling, if the lost sin offering was found when the animal that had been designated in its place had not yet been offered it is put out to pasture, that ruling applies only before the blood was received in the cup, but here, they take the view, whatever is ready to be sprinkled is considered as if it had been sprinkled?

XIX. Mishnah-Tractate Temurah 4:2-4

A. HE WHO SETS ASIDE HIS SIN OFFERING AND [THE ANIMAL] WAS LOST, AND [WHO] OFFERED ANOTHER IN ITS STEAD, AND AFTERWARD THE FIRST [ANIMAL, THAT HAD BEEN ORIGINALLY SET ASIDE] TURNED UP — [THE FIRST ANIMAL] IS LEFT TO DIE.

HE WHO SETS ASIDE COINS FOR A SIN OFFERING, WHICH WERE LOST, AND [WHO] OFFERED UP A SIN OFFERING IN THEIR STEAD, AND AFTERWARD THE COINS TURNED UP — LET THEM GO TO THE SALT SEA.

HE WHO SETS ASIDE COINS FOR HIS SIN OFFERING, WHICH WERE LOST, AND [WHO] SET ASIDE OTHER COINS IN THEIR STEAD — HE DID NOT SUFFICE TO BUY WITH THEM [THE REPLACEMENT COINS] A SIN OFFERING BEFORE THE FIRST COINS TURNED UP [THAT IS, THE PROCEEDS OF THE SALE OF THE BLEMISHED SIN OFFERING]. LET HIM BRING A SIN OFFERING WITH SOME OF THESE AND WITH SOME OF THOSE, AND LET THE OTHERS FALL [TO THE TEMPLE TREASURY] AS A FREEWILL OFFERING.

HE WHO SEPARATES COINS FOR HIS SIN OFFERING, WHICH WERE LOST, AND [WHO] SET ASIDE A SIN OFFERING IN THEIR STEAD — HE DID NOT SUFFICE TO OFFER IT UP BEFORE THE COINS TURNED UP — AND LO, THE SIN OFFERING IS BLEMISHED — LET IT BE SOLD AND LET HIM BRING A SIN OFFERING WITH SOME OF THESE AND WITH SOME OF THOSE [COINS, THE ORIGINAL ONES AS WELL AS THE ONES WHICH WERE THERE AND LET THE REST FALL [TO THE TEMPLE TREASURY] AS A FREEWILL OFFERING.

HE WHO SEPARATES HIS SIN OFFERING, WHICH WAS LOST, AND [WHO] SEPARATED COINS IN ITS STEAD — HE DID NOT SUFFICE TO PURCHASE A SIN OFFERING WITH THEM BEFORE HIS SIN OFFERING TURNED UP — AND LO, IT IS BLEMISHED — LET IT BE SOLD, AND LET HIM BRING A SIN OFFERING WITH SOME OF THESE AND WITH SOME OF THOSE [COINS]. AND LET THE REST FALL [TO THE TEMPLE TREASURY] AS A FREEWILL OFFERING. HE WHO SEPARATES HIS SIN OFFERING, WHICH WAS LOST, AND [WHO] SEPARATED ANOTHER IN ITS STEAD — HE DID NOT SUFFICE TO OFFER

IT UP BEFORE THE FIRST TURNED UP — AND LO, BOTH OF THEM ARE BLEMISHED — LET THEM BOTH BE SOLD. AND LET HIM BRING A SIN OFFERING WITH SOME OF THESE AND SOME OF THOSE [COINS RECEIVED FOR THE TWO BLEMISHED ANIMALS]. AND LET THE REST FALL [TO THE TEMPLE TREASURY] AS A FREEWILL OFFERING.

HE WHO SEPARATES HIS SIN OFFERING, WHICH WAS LOST, AND [WHO] SEPARATED ANOTHER IN ITS STEAD — HE DID NOT SUFFICE TO OFFER IT UP BEFORE THE FIRST TURNED UP — AND LO, BOTH OF THEM ARE TOTALLY UNBLEMISHED — ONE OF THEM IS TO BE OFFERED AS A SIN OFFERING. AND THE OTHER IS TO BE LEFT TO DIE,” THE WORDS OF RABBI. AND SAGES SAY, “ONLY THAT SIN OFFERING IS LEFT TO DIE IN THE CASE IN WHICH THE OWNERS HAVE EFFECTED ATONEMENT. AND COINS DO NOT GO TO THE SALT SEA EXCEPT IN THE CASE OF THOSE WHICH ARE FOUND AFTER THE OWNER HAS EFFECTED ATONEMENT.”

HE WHO SEPARATES HIS SIN OFFERING, AND LO, IT [TURNS OUT] TO BE BLEMISHED SELLS IT AND PURCHASES ANOTHER WITH ITS PROCEEDS. R. ELEAZAR B. R. SIMEON SAYS, “IF THE SECOND IS OFFERED BEFORE THE FIRST IS SLAUGHTERED, IT IS LEFT TO DIE. FOR THE OWNER ALREADY HAS EFFECTED ATONEMENT.”

1. I:1: Lo, if he had not offered up the other in its stead, it would have been left to pasture. Whose opinion does this rule represent? It is that of Rabbis, who maintain that if the animal that was lost turns up before the animal that had then been designated for the sin offering had been offered up, then it is put out to pasture.

a. I:2: Amplification of a detail of the foregoing.

b. I:3: As above.

2. I:4: He who designates two bundles of coins [doing so] for the sake of security is to attain atonement [through a beast purchased with] one of them, and the other is assigned for the purchase of a freewill-offering. Now in line with whose position is this rule?

3. I:5: He who designates animals for use as a sin-offering [that he has to bring], [doing so] for the sake of security is to attain atonement through one of them, and the other is put out to pasture [until blemished, and the proceeds for the sale of this beast are assigned for the purchase of a freewill-offering]. Now in line with whose position is this rule?

a. I:6: Gloss of foregoing.

4. 1:7: If an animal designated as a sin offering was lost at the time that another was designated in its place [and the owner attained atonement through the other beast], in the opinion of Rabbi, it is left to die, and in the opinion of rabbis, it is put out to pasture. If it was still lost when the owner had attained atonement through the other beast, in the view of rabbis, it is left to die, and in the opinion of Rabbi, it is put out to pasture.

B. THE DISPOSITION OF A FIRSTLING OR AN ANIMAL THAT HAS BEEN CONSECRATED BUT IS UNFIT FOR SACRIFICE

1. II:1: The authorities behind the position that On the festival day one must not flay an animal from the feet [this is done to keep the skin intact to make bellows with the hide]; along these same lines [even on a weekday] one must not flay from the feet a firstling or an animal that has been consecrated but is unfit for sacrifice.

XX. Mishnah-Tractate Temurah 5:1-2

A. HOW DO THEY [LEGITIMATELY] PRACTICE DECEPTION IN CONNECTION WITH THE FIRSTLING [THEREBY EVADING THE LAW AND USING THE ANIMAL FOR ANOTHER SACRIFICE WHICH ONE OWES]? [CONCERNING] A BEAST WHICH HAD NOT GIVEN BIRTH WHICH WAS PREGNANT, ONE SAYS, “WHAT IS IN THE WOMB OF THIS, IF IT IS MALE, IS A BURNT OFFERING.” [IF] IT GAVE BIRTH TO A MALE, IT IS TO BE OFFERED AS A BURNT OFFERING:

1. I:1: It is permitted to inflict a disqualifying blemish on a firstling before it comes forth into the air.

B. “AND IF IT IS FEMALE, IT IS SACRIFICES OF PEACE OFFERINGS.” [IF] IT GAVE BIRTH TO A FEMALE, IT IS TO BE OFFERED AS PEACE OFFERINGS.

IF ONE SAYS, “IF IT IS MALE, IT IS A BURNT OFFERING. IF IT IS FEMALE, IT IS SACRIFICES OF PEACE OFFERINGS,” [IF] IT GAVE BIRTH TO A MALE AND A FEMALE, THE MALE IS TO BE OFFERED AS A BURNT OFFERING, AND THE FEMALE IS TO BE OFFERED AS PEACE OFFERINGS.

1. II:1: But will the female offspring be deemed consecrated as a firstling anyhow? [Obviously not!]

C. [IF] IT GAVE BIRTH TO TWO MALES, ONE OF THEM IS TO BE OFFERED AS A BURNT OFFERING. AND THE SECOND IS TO BE SOLD TO THOSE WHO OWE A BURNT OFFERING. BUT ITS PROCEEDS ARE UNCONSECRATED.

[IF IN THE CASE OF C/F] IT GAVE BIRTH TO TWO FEMALES, ONE OF THEM IS TO BE OFFERED AS PEACE OFFERINGS, AND THE SECOND IS TO BE SOLD TO THOSE WHO OWE PEACE OFFERINGS. BUT ITS PROCEEDS ARE UNCONSECRATED.

1. III:1: The question was stated: if the animal was consecrated, then let the offspring that was consecrated as a burnt offering serve as a burnt offering, and the other offspring retain the condition of consecration of the mother [so why is the second male sold for a burnt offering]?

D. [IF] IT GAVE BIRTH TO AN OFFSPRING WHOSE SEXUAL TRAITS CANNOT BE DISCERNED OR TO ONE BEARING THE TRAITS OF BOTH SEXES — RABBAN SIMEON B. GAMALIEL SAYS, “SANCTITY DOES NOT APPLY TO THEM [AT ALL] .”

1. IV:1: Why is it the case that sanctity does not apply to them [at all]?

2. IV:2: Said R. Amram to R. Sheshet, “If when the greater part of a firstling has come forth, one says, ‘It is a burnt offering,’ is it a burnt offering or a firstling? Is it a burnt offering, because as each part came forth from the womb is wholly burnt on the offering, or is it a firstling, in that every portion that came forth from the womb retains its initial status as to consecration?”

XXI. Mishnah-Tractate Temurah 5:3

A. “HE WHO SAYS, ‘THE OFFSPRING OF THIS BEAST WILL BE A BURNT OFFERING, AND IT [ITSELF] IS PEACE OFFERINGS’ — HIS WORDS ARE CONFIRMED. [HE WHO SAYS], ‘IT IS PEACE OFFERINGS AND ITS OFFSPRING IS A BURNT OFFERING,’ LO, THIS IS THE OFFSPRING OF PEACE OFFERINGS [AND IN THE SAME STATUS (M. 3:1A)],” THE WORDS OF R. MEIR. SAID R. YOSÉ, “IF TO BEGIN WITH HE INTENDED THUS, SINCE IT IS NOT POSSIBLE TO DESIGNATE [THEM] BY TWO NAMES AT ONCE, HIS WORDS ARE CONFIRMED:”

1. I:1: If one has designated as a sin offering a pregnant beast and it gave birth, if he wanted, with the best itself he attains atonement, if he wants, with its offspring he attains atonement.

a. I:2: Continuation of analysis of the principle at issue in the foregoing: May we say that the question of whether or not, if one has omitted reference to the offspring, it is a valid action represents a dispute among Tannaite authorities?

2. I:3: Continuation of the discussion of I:1.

B. “BUT IF AFTER HE SAID, ‘LO, THIS IS PEACE OFFERINGS,’ HE CHANGED HIS MIND AND SAID, ‘HIS OFFSPRING IS A BURNT OFFERING,’ LO, THIS IS THE OFFSPRING OF PEACE OFFERINGS.”

1. II:1: This is self-evident, for the offspring falls into the classification of the offspring of a peace offering. For can someone change his mind whenever he wants? Surely one cannot be allowed to change his dedications at will.

XXII. Mishnah-Tractate Temurah 5:4

A. “[HE WHO WITH PEACE OFFERINGS AND BURNT OFFERINGS BEFORE HIM SAYS], ‘LO, THIS [UNCONSECRATED BEAST] IS THE SUBSTITUTE OF A BURNT OFFERING AND THE SUBSTITUTE OF PEACE OFFERINGS,’ LO, THIS IS THE SUBSTITUTE OF A BURNT OFFERING,” THE WORDS OF R. MEIR. SAID R. YOSÉ, “IF TO BEGIN WITH HE INTENDED THUS, SINCE IT IS NOT POSSIBLE TO DESIGNATE [THEM] BY TWO NAMES AT ONCE, HIS WORDS ARE CONFIRMED. BUT IF AFTER HE SAID, ‘IT IS THE SUBSTITUTE OF A BURNT OFFERING,’ HE CHANGED HIS MIND AND SAID, ‘IT IS THE SUBSTITUTE OF PEACE OFFERINGS,’ LO, THIS IS THE SUBSTITUTE OF A BURNT OFFERING.”

1. I:1: clarification of the terms of the dispute.

2. I:2: Tannaite complement to the Mishnah-dispute.

3. I:4: All parties [inclusive of Yosé] concur that in a case in which one has said, “Half of it will be a burnt offering and half of it tithe,” the opinion of all authorities is that it is a burnt offering. Note that I:3 intervenes.

B. THREE RULES OF CONSECRATION DERIVING FROM A CASE PERTINENT TO THE MISHNAH-PASSAGE BEFORE US

4. I:3: In the case of a beast that belongs to two partners, if one of them consecrated his own half, and then he went and bought the half belonging to the other party and consecrated that part, it is indeed deemed consecrated, but it is not

offered up. Still, it has the power to effect an act of substitution [with a secular beast with which it is exchanged], and the beast that is exchanged for it is in the same status. This composition is introduced because the case on which it is built runs along the lines of the case of our Mishnah-passage. But I do not understand why it intervenes between I:2 and I:4.

XXIII. Mishnah-Tractate Temurah 5:5

A. [HE WHO SAYS], “LO, THIS IS INSTEAD OF THAT,” “... THE SUBSTITUTE OF THAT” “... THE EXCHANGE OF THAT” — LO, THIS IS A SUBSTITUTE. [HE WHO SAYS, “LO,] THIS IS UNCONSECRATED THROUGH THAT,” — IT IS NOT A SUBSTITUTE.

1. I:1: Does this then contain the implication that when we say “instead,” we mean, “taking the place of”?

2. I:2: If before the farmer were two consecrated, blemished beasts, and two unconsecrated, unblemished beasts, and he said, “Lo, these are in place of those,” what is the law?

B. AND IF IT WAS A BLEMISHED CONSECRATED ANIMAL, IT GOES FORTH FOR UNCONSECRATED PURPOSES.

1. II:1: It is as a matter of the law of the Torah that it goes forth for unconsecrated purposes. But it is only on the authority of scribes that still one must make good its full value. vs: It is even a matter of the law of the Torah that still one must make good its full value.

C. BUT STILL ONE MUST MAKE GOOD ITS FULL VALUE:

1. III:1: The law that the individual must repay to the sanctuary whatever loss is incurred in redeemed the beast, that is, [But still one must make good its full value] speaks of a case in which only two people made the assessment of true value, but if three persons made the assessment, then even if later on a hundred people come and give a different assessment, one does not have to make up the difference.

XXIV. Mishnah-Tractate Temurah 5:6

A. [HE WHO SAYS,] “LO, THIS IS INSTEAD OF A SIN OFFERING,” “... INSTEAD OF A BURNT OFFERING,” — HE HAS SAID NOTHING. IF HE SAID], “... INSTEAD OF THIS SIN OFFERING,” “... INSTEAD OF THIS BURNT OFFERING” “... INSTEAD OF A SIN OFFERING,” OR “INSTEAD OF A BURNT OFFERING, WHICH I HAVE IN THE HOUSE,” [IF] HE HAD THEM, HIS WORDS ARE CONFIRMED. IF HE SAID CONCERNING AN UNCLEAN BEAST OR CONCERNING A BLEMISHED BEAST, “LO, THESE ARE A BURNT OFFERING” HE HAS SAID NOTHING.

1. I:1: The Mishnah-rule contradicts the principle of law that people do not talk merely to babble.

B. [IF HE SAID], “LO, THESE ARE FOR A BURNT OFFERING,” LET THEM BE SOLD, AND LET HIM BRING A BURNT OFFERING WITH THEIR PROCEEDS.

1. II:1: The operative consideration is that it is an unclean or a blemished animal, since such as these are unfit for the altar, and therefore they can be sold without their having a blemish.

XXV. Mishnah-Tractate Temurah 6:1

A. ALL [ANIMALS] WHICH ARE PROHIBITED FOR THE ALTAR PROHIBIT IN ANY NUMBER AT ALL [ANIMALS AMONG WHICH THEY ARE CONFUSED]:

1. I:1: for they are not neutralized in any larger number of animals. At issue is whether or not the same rule is repeated elsewhere.

2. I:2: Continuation of the problem introduced in M. 6:1, namely, the comparison of the rule of mixtures of such beasts here and the mixtures of such beasts in the matter of animals designated for use as sin offerings that have been confused with other animals.

B. (1) THE ONE WHICH HAS SEXUAL RELATIONS WITH A HUMAN BEING; (2) AND THE ONE WITH WHOM A HUMAN BEING HAS SEXUAL RELATIONS;

1. II:1: How do we know that the one which has sexual relations with a human being and the one with whom a human being has sexual relations are forbidden to the Most High?

C. (3) AND THE ONE WHICH IS SET ASIDE [FOR IDOLATROUS WORSHIP]; (4) AND THE ONE WHICH HAS ACTUALLY BEEN WORSHIPED:

1. III:1: Scriptural proof for the proposition.

2. III:2: As above.

3. III:3: As above.

4. III:4: Continues foregoing.

D. (5) AND THE [HARLOT'S] HIRE; (6) AND THE PRICE OF A DOG [ONE GIVEN IN PAYMENT FOR A DOG]; (7) AND THE HYBRID; (8) AND THE TEREFAH; (9) AND THE ONE WHICH IS BORN FROM THE SIDE.

WHAT IS THE ONE WHICH IS SET ASIDE? THE ONE WHICH IS SET ASIDE FOR IDOLATROUS WORSHIP. IT IS PROHIBITED, BUT WHAT IS ON IT IS PERMITTED.

1. IV:1: What is forbidden for use on the altar is only a beast that has been set aside for idolatrous worship for a span of seven years.

2. IV:2: How do we know on the basis of the Torah that an animal that has been designated for idolatrous purposes is forbidden?

3. IV:3: A beast that has been set apart for idolatry is prohibited only until an act of labor has been done with it.

4. IV:4: Tosefta's allegation to the same effect as the foregoing.

E. WHAT IS THE ONE WHICH IS ACTUALLY WORSHIPED [A4]? ANY WHICH PEOPLE SERVE. [BOTH] IT AND WHAT IS ON IT ARE PROHIBITED. THIS AND THAT [HOWEVER] ARE PERMITTED FOR EATING.

1. V:1: How on the basis of Scripture do we know this rule?

XXVI. Mishnah-Tractate Temurah 6:2

A. WHAT IS THE HIRE [OF A HARLOT]? HE WHO SAYS TO A PROSTITUTE, “HERE IS THIS LAMB FOR YOU AS YOUR FEE.”

EVEN IF [THEY WERE] A HUNDRED [AMONG WHICH ONE SUCH ANIMAL IS CONFUSED], ALL OF THEM ARE PROHIBITED.

1. I:1: Now how can we envision a case in which Even if [they were] a hundred [among which one such animal is confused], all of them are prohibited? If we say that the whore took a hundred animals as her fee? Then it is obvious that all are forbidden, so what difference does it make to me whether it be one or a hundred?

2. I:2: If the john gave her the animal but did not come on top of her, or came on top of her but did not give her a fee, her fee is legitimately set on the altar.

3. I:3: If she went ahead and consecrated the animal prior [to having sex], what is the law?

a. I:4: Further examination of I:2: If he gave her an animal as a fee and afterward came upon her, or if he came upon her and afterward gave her an animal, her fee is permitted.

4. I:5: All the same is the fee [aid to a hustler and the fee paid to any woman with whom it is illegal to have sexual relations. Excepted from the rule is only the fee he paid to his wife when she was menstruating.

B. HE WHO SAYS TO HIS FELLOW, “HERE IS THIS LAMB FOR YOU, AND LET YOUR SERVANT GIRL SPEND THE NIGHT WITH MY SERVANT BOY”- RABBI SAYS, “IT IS NOT THE HIRE OF A HARLOT.” AND SAGES SAY, “IT IS THE HIRE OF A HARLOT.”

1. II:1: Lo, is it not the case that a slave-girl is permitted to a slave-boy?

XXVII. Mishnah-Tractate Temurah 6:3

A. WHAT IS THE PRICE OF A DOG? HE WHO SAYS TO HIS FELLOW, “HERE IS THIS LAMB FOR YOU, IN EXCHANGE FOR THIS DOG.”

1. I:1: Tannaite complement.

2. I:2: Might one say that “price” refers to the hire of a dog?

B. AND SO TWO PARTNERS WHO DIVIDED [PROPERTY] — ONE TOOK TEN [LAMBS], AND ONE TOOK NINE [LAMBS] AND A DOG. [ALL] THOSE WHICH ARE SET OVER AGAINST THE DOG ARE PROHIBITED. [BUT] THOSE WHICH ARE WITH THE DOG ARE PERMITTED.

1. II:1: But why not single out a single lamb for the dog, and let the rest of the lambs be available?

C. THE HIRE OF A DOG AND THE PRICE OF A PROSTITUTE, LO, THEY ARE PERMITTED, SINCE IT IS SAID, “EVEN BOTH THESE [TWO]” (DEU. 23:19) — BUT NOT FOUR. THEIR OFFSPRING [THAT IS, OF ANIMALS PAID FOR SUCH] ARE PERMITTED, SINCE IT IS SAID, “THEY” — AND NOT THEIR OFFSPRING.

1. III:1: What is the foundation for what our rabbis have said: the category of prostitution does not pertain to animals [for the Mishnah says that a fee paid for the use of a dog is permitted on the altar]?

2. III:2: Continuation of foregoing: The offspring of a beast that has been subjected to sexual relations with a man while pregnant is forbidden on the altar, for in this context both the mother and the offspring are deemed to have been subjected to sexual relations. A beast that gored while pregnant is disqualified for the altar, for in this context both the mother and the offspring are deemed to have gored. The offspring of a [pregnant] beast that has been designated for idolatry or actually used for idolatry is valid for the altar.

a. III:3: He who betroths a woman by handing over in exchange the cow-shit of a beast that has been condemned to be stoned — the woman is deemed to have been betrothed.

XXVIII. Mishnah-Tractate Temurah 6:4-5

A. [IF] ONE GAVE HER [PIECES OF] SILVER, LO, THEY ARE PERMITTED [E.G., FOR USE IN PURCHASING GIFTS FOR THE ALTAR]. [IF HE GAVE HER BOTTLES] OF WINE, [JARS OF] OIL, MEAL, OR ANYTHING THE LIKE OF WHICH IS OFFERED ON THE ALTAR, IT IS PROHIBITED.

1. I:1: Tannaite proof of the proposition.

2. I:2: “‘In the house of the Lord your God’ (Deu. 23:19) — means to include golden overlay [from use in covering the altar, if it derives from the fees paid to a prostitute or for a dog]

B. [IF] HE GAVE HER [ALREADY] CONSECRATED ANIMALS, LO, THEY ARE PERMITTED. [IF HE GAVE HER] FOWL, LO, THEY ARE PROHIBITED. FOR IT MIGHT HAVE BEEN LOGICAL [TO ARGUE THUS]: NOW IF TO THE CASE OF CONSECRATED ANIMALS, WHICH A BLEMISH INVALIDATES, THE CONSIDERATION OF THE HIRE OF A HARLOT AND THE PRICE OF A DOG DOES NOT APPLY, TO THE CASE OF FOWL, WHICH A BLEMISH DOES NOT INVALIDATE IN ANY EVENT, IS IT NOT LOGICAL THAT THE CONSIDERATION OF THE HIRE OF A HARLOT AND THE PRICE OF A DOG SHOULD NOT APPLY? SCRIPTURE STATES, “FOR ANY VOW” (DEU. 23:19) — TO ENCOMPASS FOWL.

1. II:1: And why, simply on the foundation of an argument a fortiori, should the prohibition of the harlot’s hire and the price of a dog not also cover the beasts that have already been consecrated?

C. ALL THOSE ANIMALS WHICH ARE PROHIBITED FOR THE ALTAR — THEIR OFFSPRING ARE PERMITTED.

1. III:1: R. Eliezer forbids using the offspring for such a purpose.

D. THE OFFSPRING OF A TEREFAH ANIMAL — R. ELIEZER SAYS, “IT IS NOT TO BE OFFERED ON THE ALTAR.” AND SAGES SAY, “IT IS TO BE OFFERED.”

1. IV:1: In the opinion of one who maintains that a terefah-beast can produce offspring, we may explain that the Mishnah-paragraph refers to a case in which the beast became terefah and then pregnant, and at issue here is that R. Eliezer holds

the view that if there were two efficient causes, one of which is subject to a prohibition, then the offspring is forbidden, while rabbis take the position that if there were two efficient causes, one of which is subject to a prohibition, then the offspring is permitted.

E. R. HANANIAH B. ANTIGONOS SAYS, “A VALID ANIMAL WHICH SUCKED FROM A TEREFAH ANIMAL IS INVALID ON THE ALTAR.”

1. V:1: What consideration is operative here? If we say that the criterion is that the offspring has sucked from the terefah-beast, then note the following: if one fed the beast with vetches that were designated for idolatrous purposes, here too would the beast be forbidden?

F. ALL HOLY THINGS WHICH BECAME TEREFAH — THEY DO NOT REDEEM THEM. FOR THEY DO NOT REDEEM HOLY THINGS MERELY TO FEED THEM TO THE DOGS.

1. VI:1: What is the scriptural source of this rule?

XXIX. Mishnah-Tractate Temurah 7:1-2

A. THERE ARE [RULES APPLYING] TO [ANIMALS] SANCTIFIED FOR THE ALTAR WHICH DO NOT [APPLY] TO THINGS SANCTIFIED FOR THE UPKEEP OF THE HOUSE [THE TEMPLE TREASURY]. AND THERE ARE [RULES APPLYING] TO THINGS SANCTIFIED FOR THE UPKEEP OF THE HOUSE WHICH DO NOT APPLY TO [ANIMALS] SANCTIFIED FOR THE ALTAR. FOR (1) [ALL ANIMALS] SANCTIFIED FOR THE ALTAR IMPART THE STATUS OF SUBSTITUTE [TO ANIMALS DESIGNATED IN THEIR STEAD].

1. I:1: Is it an encompassing principle that all animals sanctified for the altar impart the status of substitute to animals designated in their stead? Lo, there is the case of fowl, which are consecrated for the altar, and we have learned in the Mishnah: Birds and meal offerings do not produce a substitute

B. AND THEY ARE LIABLE ON THEIR ACCOUNT [ON ACCOUNT OF THINGS SANCTIFIED FOR THE ALTAR] BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNES.

THEIR OFFSPRING AND THEIR MILK ARE PROHIBITED AFTER THEY ARE REDEEMED [M. Hul. 10:2] .

AND HE WHO SLAUGHTERS THEM OUTSIDE [OF THE TEMPLE] IS LIABLE [M. Zeb. 14:1-2].

AND THEY DO NOT PAY ANY PART OF THEM TO CRAFTSMEN [WHO PERFORM TASKS FOR THE TEMPLE] AS THEIR SALARY [T TO M. Meilah 3:6] [M. Sheq. 4:5-6] WHICH IS NOT THE CASE OF THINGS SANCTIFIED FOR THE UPKEEP OF THE HOUSE.

1. II:1: But they do pay the craftsmen's salary from funds contributed for the upkeep of the Temple house.

C. THERE ARE [RULES APPLYING] TO THINGS SANCTIFIED FOR THE UPKEEP OF THE HOUSE WHICH DO NOT APPLY TO [ANIMALS] SANCTIFIED FOR THE ALTAR. FOR (1) THINGS WHICH ARE SANCTIFIED WITHOUT FURTHER SPECIFICATION GO FOR THE UPKEEP OF THE HOUSE [M. Sheq. 4:7].

1. III:1: Who is the authority behind this rule? It is not in accord with the position of R. Joshua.

D. (2) THE SANCTITY PERTAINING TO THE UPKEEP OF THE HOUSE APPLIES TO ANYTHING [NOT MERELY TO VALID ANIMALS].

1. IV:1: What does “anything” mean to encompass?

E. (3) AND THE LAWS OF SACRILEGE APPLY TO THAT WHICH IS PRODUCED BY THEM [THINGS WHICH ARE SANCTIFIED FOR THE UPKEEP OF THE HOUSE, E.G., TO MILK, WOOL, OR EGGS (M. **Me. 3: 5)]. (4) AND THE PRIESTS HAVE NO BENEFIT FROM THEM.**

1. V:1: What does this rule mean to encompass?

XXX. Mishnah-Tractate Temurah 7:3

A. ALL THE SAME ARE [ANIMALS] SANCTIFIED FOR THE ALTAR AND THINGS SANCTIFIED FOR THE UPKEEP OF THE HOUSE. (1) THEY DO NOT CHANGE THEM FROM ONE STATUS OF SANCTIFICATION TO ANOTHER STATUS OF SANCTIFICATION. (2) THEY SANCTIFY [IN THE CASE OF ANIMALS SANCTIFIED FOR THE ALTAR] THEIR ESTIMATED VALUE AS A SANCTIFIED THING [= VALUE DEDICATION, M. **Ar. 8:7]. (3) AND THEY DECLARE THEM DEVOTED [=HEREM. ASSIGNED SOLELY FOR THE BENEFIT OF THE PRIESTHOOD].**

1. I:1: [With reference to the rule, All the same are animals sanctified for the altar and things sanctified for the upkeep of the house — they declare them herem for the benefit of the priesthood] said R. Huna, “[In line with the rule, they do not change them from one status of sanctification to another status of sanctification] things that had been declared consecrated for the altar that one designated as devoted property of the priesthood — one has done nothing.

2. I:2: Continuation of foregoing.

a. I:3: Gloss on a detail of the foregoing.

B. AND IF THEY DIE, THEY ARE TO BE BURIED [M. **Tem. 6:5G]. R. SIMEON SAYS, “THINGS SANCTIFIED FOR THE UPKEEP OF THE HOUSE, IF THEY DIE, ARE TO BE REDEEMED.”**

1. II:1: In the opinion of rabbis [**if they die, they are to be buried**], all the same are those things that have been consecrated to the altar and those things that have been consecrated for the upkeep of the Temple house: they all fall into the rule of having to be set up before the priest and appraised by the priest. Vs: In the opinion of rabbis, things that have been consecrated for the upkeep of the Temple house fall into the rule of having to be set up before the priest and appraised by the priest. Those things that have been consecrated to the altar do not fall into the rule of having to be set up before the priest and appraised by the priest.

2. II:2: Continuation of the foregoing.

3. II:3: As above.

4. II:4: As above.

5. II:5: As above.

6. II:6: As above.

7. II:7: As above.

8. II:8: As above.

XXXI. Mishnah-Tractate Temurah 7:4-6

A. AND THESE ARE THINGS WHICH ARE TO BE BURIED: SANCTIFIED ANIMALS WHICH PRODUCED A MISCARRIAGE — THEY [THE MISCARRIAGES] ARE TO BE BURIED. [IF] IT PRODUCED AN AFTERBIRTH, IT IS TO BE BURIED. (1) AN OX WHICH IS STONED TO DEATH, (2) AND A HEIFER THE NECK OF WHICH IS BROKEN, (3) AND THE BIRD OFFERINGS OF A *MESORA*, (4) AND THE HAIR OF A NAZIRITE [WHICH IS CUT OFF]: (5) AND THE FIRSTBORN OF AN ASS, (6) AND MEAT MIXED WITH MILK. AND UNCONSECRATED BEASTS THAT HAVE BEEN SLAUGHTERED IN THE TEMPLE COURTYARD. R. SIMEON SAYS, “UNCONSECRATED BEASTS SLAUGHTERED IN THE TEMPLE COURTYARD ARE TO BE BURNED. “AND SO: A WILD ANIMAL WHICH IS SLAUGHTERED IN THE TEMPLE COURTYARD.”

1. I:1: On the hair of a Nazirite, a contradictory Mishnah-rule is contrasted and the two are harmonized.

B. AND THOSE ARE THINGS WHICH ARE TO BE BURNED: LEAVEN ON PASSOVER IS TO BE BURNED.

1. II:1: The formulation of the passage anonymously frames the law to accord with R. Judah, who has said, “The removal of leaven on Passover takes place solely through burning.”

C. (1) AND UNCLEAN HEAVE OFFERING, AND (2) ORLAH FRUIT, AND (3) MIXED SEEDS IN A VINEYARD — THAT WHICH IS USUALLY BURNED IS TO BE BURNED. THAT WHICH IS USUALLY BURIED IS TO BE BURIED. AND THEY KINDLE [A FLAME] WITH [UNCLEAN] BREAD AND OIL OF HEAVE OFFERING.

1. III:1: How is this possible?

D. ALL SANCTIFIED ANIMALS WHICH WERE SLAUGHTERED [WITH IMPROPER INTENTION TO EAT WHAT IS USUALLY EATEN OR TO BURN WHAT IS USUALLY BURNED] OUTSIDE OF THEIR PROPER TIME OR OUTSIDE OF THEIR PROPER PLACE, LO, THESE ARE TO BE BURNED. A SUSPENSIVE GUILT OFFERING IS TO BE BURNED. R. JUDAH SAYS, “IT IS TO BE BURIED.”

THE SIN OFFERING OF FOWL WHICH IS BROUGHT IN A CASE OF DOUBT IS TO BE BURNED. R. JUDAH SAYS, “ONE TOSSES IT INTO THE GUTTER.”

1. IV:1: Tannaite complement.

E. ALL THINGS WHICH ARE TO BE BURNED ARE NOT TO BE BURIED, AND ALL THINGS WHICH ARE TO BE BURIED ARE NOT TO BE BURNED. R. JUDAH SAYS, “IF ONE WANTED TO IMPOSE A MORE STRICT RULE UPON HIMSELF, TO BURN THAT WHICH IS TO BE BURIED, HE IS PERMITTED [TO DO SO].” THEY SAID TO HIM, “ONE IS NOT PERMITTED TO CHANGE [THE

1. V:1: What is the operative consideration that explains why things that are buried are not to be burned?

Points of Structure

1. DOES BABYLONIAN TALMUD-TRACTATE TEMURAH FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?

The tractate serves as a commentary to the Mishnah-tractate of the same name. No important initiatives of program or form differentiate the Bavli- from the Mishnah-tractate.

2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?

We have noted a tendency to treat in an abstract way, by appeal to general principles or intersecting considerations, the concrete rulings of the Mishnah-tractate. But it would be wrong to propose that the Bavli's composition-authors and composite-framers have taken as their task the recasting of the Mishnah's statements into more abstract and general terms, since that is true only part of the time, and not in a predictable pattern, so far as I can discern.

3. WHAT IS THE RATIONALITY OF THE STRUCTURE?

It follows that the reasoned and orderly principle of structure finds its definition in the tractate's devotion to Mishnah-commentary.

4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?

The following important composites break up the systematic commentary to the Mishnah by introducing large-scale consideration of propositions not set forth in the Mishnah's own text: II.B; IX.B; IX.C; IX.D; XVIII.B; XIX.B; XXII.B. In the outline of the structure of the tractate, they disrupt the presentation of a systematic commentary upon the topics introduced by the Mishnah. In that sense they represent points of irrationality.

Points of System

1. DOES THE BABYLONIAN TALMUD-TRACTATE TEMURAH SERVE ONLY AS A REPRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?

Sizable passages of the Mishnah receive no Talmudic amplification or comment. I cannot explain why the Talmud should ignore such striking passages at II.A, VII.A, or X.A. We cannot speculate on the character of the materials upon which the Talmud's compilers drew, nor can we form a rough estimate of the contribution of the compilers, as distinct from that of the authors of already-available compositions and framers of completed composites. We therefore cannot form a theory of how the compilers of the Talmud determined which passages of the Mishnah do not require comment of any kind. Such a theory moreover would have to account for the difference between highly articulated and systematic, intellectually weighty compositions, on the one side, and rather routine comments, on the other. In the latter category we identify, e.g., the scriptural source of a rule, the identification of the authority behind an unattributed, therefore authoritative rule, the clarification of the wording of a passage, and the like. In the former are the magnificent composites represented by I.C and its many counterparts throughout the Talmud.*

Another generation will address precisely the question outlined here: the difference between the Talmud's large-scale, intellectually ambitious composites and its rather routine and everyday ones. In our tractate the classification of Mishnah-commentary within one or the other category proves uncomplicated. What I find puzzling is a somewhat different phenomenon. Where a Mishnah-passage is expounded in a simple manner, e.g., source of a rule in Scripture, meaning of words and phrases, simple logical procedures, intersecting rules that have to be harmonized, and the like, I see a consistent pattern through a chapter or the better part of a chapter of the Mishnah. Where a passage is given a huge and profound essay of a theoretical chapter, I note little interest in the simpler kind of Mishnah-exegesis. As a rough rule of thumb, it appears, where we find Mishnah-commentary of the one sort, we do not find that of the other. Why should we not find a systematic program running throughout, where we first deal with the simple issues of exegesis, then the profound questions of abstract theory, but rather the one or the other, I do not know. Perhaps in another age the source-criticism of the Bavli will take up this question in a systematic way. When it does, this academic commentary will be found helpful in identifying the distinct classes of evidence. I myself could not have raised this question without having conducted the exercise of making outlines of tractates. But it is becoming clear that two (or more) distinct programs of Mishnah-commentary are in operation here, and that is besides the quite separate program of introducing into a Mishnah-tractate the systematic and large-scale treatment of topics that the Mishnah-tractate never raises. These then prove two distinct problems that flow together in the interpretation of the exegetical program of a Talmud tractate, the types of Mishnah-commentary, elaboration, and theoretical inquiry; the transformation of a Mishnah-tractate's topic through the insertion of a large topical composite into the exposition of the Mishnah-tractate's topic, that is, the problem of the massive miscellany systematically worked out in these volumes.

2. HOW DO THE TOPICAL COMPOSITES FIT INTO THE TALMUD-TRACTATE TEMURAH AND WHAT DO THEY CONTRIBUTE THAT THE MISHNAH-TRACTATE OF THE SAME NAME WOULD LACK WITHOUT THEM?

II.B: Since II.A speaks of the priests' effecting a substitution in the case of what belongs to them, the question raised here, the rights of priests to animals now that the Temple is in ruins, is subordinate and the entire, fairly elaborate exposition, simply flows out of the context in which it is located. I see no "miscellany" here.

IX.B, C, and D: The grape clusters, the laws forgotten during the period of Moses, form a tightly-organized topical essay. That concerns the enormous loss of learning that took place when Moses died. The rules affecting the sin offering of an individual that is not needed for its designated purpose form a centerpiece of the lost laws, and that is the obvious explanation of the insertion of the entire, vast miscellany. What is the upshot of the insertion of this exposition — how our sages of blessed memory know much less than Moses, how much was forgotten when Moses died? It is to underscore the complexity of the law, on the one side, and the difficulty of mastering its details, on the other.

XVIII.B: I find it noteworthy that at issue here is precisely what is subject to concern in the foregoing, namely, a beast designated as a sin offering that was lost, then found, and how we resolved the problem.

XIX.B: This item continues the theme of the beast designated as a sin offering that cannot serve that purpose.

XXII.B: This strikes me as a truly miscellaneous entry, though it does carry forward the question of how we dispose of a beast that is consecrated but cannot be used for its designated purpose.

3. CAN WE STATE WHAT THE COMPILERS OF THIS DOCUMENT PROPOSE TO ACCOMPLISH IN PRODUCING THIS COMPLETE, ORGANIZED PIECE OF WRITING?

The answer to this question depends on what we make of the items in No. 2: the anomalies, the topical expositions that our Mishnah-tractate does not require for a full and complete presentation of its subject-matter. I am struck by the uniform concern of the massive miscellanies of our tractate, which is, the animal that has been designated for a sacred purpose but cannot serve. Now when we realize that such an animal forms the counterpart of the one that has been designated to serve as a substitute for an already-consecrated beast, we perceive how our topic has been broadened. That is to say, a substitute is an animal that has been set aside to replace an already-sanctified beast. That animal is given the status of the beast for which it is supposed to substitute, and the original beast retains its status as to sanctification. The upshot is, the second beast becomes as holy as was the original one: if the one was a sin offering, the other enters that status. Then we deal with a beast that is superfluous, and the classic source of such a problem is, two or more animals that are designated as sin offerings. Only one can serve. The rule is very strict. An animal must be designated for the very particular sin that the sinner discovers he has inadvertently committed. Then another animal entering that same status can be used only for the expiation of that particular sin.

The entire complex of massive miscellanies then investigates a very special problem in connection with the entire process of substitution, namely, the beast offered as a substitute for a sin offering — the one case in which the substitute is given a status of sanctification that will not yield a valid offering. So the effect of the massive miscellanies is vastly to deepen our understanding of the issues of the Mishnah-tractate — issues that Moses mastered, but others could not fully grasp. The upshot is to make a point that the

Mishnah-tractate invites but never articulates: when a beast has been substituted for another and takes on its status as to sanctification (a beast substituted for a sin-offering, in the present case), then a vast range of profound issues emerges, which our Mishnah-tractate only adumbrates. The inserted composites, moving so far beyond the limits of the Mishnah-tractate, form a commentary on the topic of the Mishnah, but not on any of its specific propositions — a stimulating and suggestive way of re-opening the closed borders of the Mishnah-tractates presentation of its own topic.