

## II.

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# BAVLI TEMURAH CHAPTER TWO

## FOLIOS 14A-17B

### 2:1

- A. There are [rules] applying to offerings of an individual, which do not apply to offerings of the community.
- B. And there are [rules] applying to offerings of the community which do not apply to offerings of an individual.
- C. (1) For offerings of an individual impose the status of substitute, but offerings of the community do not impose the status of substitute.
- D. (2) Offerings of an individual pertain to male and female [beasts], but offerings of the community pertain only to male ones.
- E. (3) 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,
- F. but they are liable to be answerable for their drink offerings once the animal sacrifice is offered.
- G. There are [rules] applying to offerings of the community which do not apply to offerings of the individual.
- H. 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.
- I. 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?
- J. “But [the reason is that] their time is fixed.” [The reason both offerings of the community and the aforementioned offerings of an individual override the Sabbath and the prohibitions of uncleanness is that their time is fixed.]

Our Mishnah-paragraph continues where the prior one, at the end of Chapter One, concluded, the distinction between public and private offerings. Now the two classes of offerings are systematically compared, the comparisons extending beyond the range of the topical program of our tractate.

**I.1 A. For offerings of an individual impose the status of substitute, but offerings of the community do not impose the status of substitute:**

- B. *Does that serve as an encompassing rule? But lo, [by way of an exception], 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!*
- C. *When the Tannaite authority formulated the rule, it was solely in connection with beasts.*
- D. *But lo, there is the offspring of a consecrated beast, which is the offering brought by an individual, and yet it does not impose the status of substitute on that for which it is exchanged.*
- E. *Lo, who is the authority for this formulation? It is R. Judah, who has said that the offspring of a consecrated beast does impose the status of substitute on that for which it is exchanged.*
- F. *And lo, there is the beast that has been substituted for a consecrated beast and so is itself consecrated, and that is the offering of an individual, and the substituted beast does not impose the status of substitute on that for which it is exchanged.*
- G. *When the Tannaite authority formulated the rule, it was to the principal animal that has been designated as a sacrifice [that is, the first animal that was consecrated, and none that came afterward, e.g., in substitution].*
- H. *Now that you have reached this point, then you may say that the rule represents even the position of rabbis, for it speaks solely of the principal [and initial] animal that has been designated as a sacrifice.*

**II.1 A. Offerings of an individual pertain to male and female [beasts], but offerings of the community pertain only to male ones:**

- B. *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. *Lo, there is the burnt offering made of a bird, for it has been taught on Tannaite authority [that it can be female]: the requirement that the beast be unblemished and that it be male are required only in the case of beasts but those same requirements do not pertain to birds!*
- C. *And lo, there is the case of the animal designated as a sin offering, which is an offering brought for an individual, and it is to be female, but it is not to be male!*
- D. *And lo there is the case of the goat brought for the rule, which is brought as a male only!*
- E. *And lo, there is the case of the guilt offering brought for an individual, which is to be male, but not female!*
- F. *When rabbis made that statement [Offerings of an individual pertain to male and female beasts], it concerned a beast that may be brought by either an individual or the community, and the guilt offering can be brought only by an individual, not by the community.*

- G. *If you prefer, I shall say, does the Tannaite authority frame matters as “all offerings”? The language that is used is, **There are [rules] applying to offerings...***
- H. *Then, all having been said and done, precisely to what is reference made here? It is to peace-offerings, for, if one wants, he may bring a female, and if one wants, he brings a male.*

**III.1 A. 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:**

- B. *What is the scriptural foundation for this rule?*
- C. *It is in accord with that which our rabbis have repeated on Tannaite authority:*
- D. *“These are the appointed feasts of the Lord, which you shall proclaim as times of holy convocation, for presenting to the Lord offerings by fire, burnt offerings and cereal offerings, sacrifices and drink offerings, each on its proper day [besides the sabbaths of the Lord and besides your gifts and besides all your votive offerings and besides all your freewill offerings, which you give to the Lord]” (Lev. 23:37-38):*
- E. *The language “each on its proper day” teaches that the entire day is suitable for the offering of the additional offerings.*
- F. *The language “each on its proper day” teaches that if the day has passed and one has not presented the beasts, one is no longer liable to make up the loss.*
- G. *Might one think that one might not be liable to make up the drink offerings, even though the actual animal-sacrifices have already been offered up?*
- H. *Scripture says, “and their meal offering and their drink offerings” (Num. 29:18). [This means that, if necessary, one offers] “their meal offering and their drink offerings” by night, and “their meal offering and their drink offerings” the next day.*
- I. *R. Simeon b. Laqish said, “The proof derives from here: ‘besides the sabbaths of the Lord and besides your gifts and besides all your votive offerings and besides all your freewill offerings, which you give to the Lord.’ And such a statement is absolutely required.*
- J. *“For if Scripture had stated only, ‘besides the sabbaths of the Lord,’ I might have thought that on the day it is proper, but by night it is not proper, to offer drink offerings [in which case one cannot make up what has been lost or omitted], but Scripture has said, ‘and their meal offering and their drink offerings.’*
- K. *“Now, if Scripture had said, ‘and their meal offering and their drink offerings,’ but not said, ‘besides the sabbaths of the Lord and besides your gifts and besides all your votive offerings and besides all your freewill offerings, which you give to the Lord,’ I might have thought that it is all right to do so by night, but not the following day. And what would the point of differentiation have been? It is because as to Holy Things, the night follows the day [and not vice versa, and that would have explained that drink offerings can be brought by night but not on the following day]. Therefore both verses of Scripture are required.”*

- L. *But are drink offerings brought by night? And has it not been taught on Tannaite authority:*
- M. I can derive from the text [“It is the burnt offering because of the burning upon the altar all the night” (Lev. 6: 2), which means one can put that offering on the altar at sun set and leave it burning all night long] only the rule covering things that are ordinarily offering by night, for example, limbs, pieces of fat, and the like, which are put on the altar at sunset and burned up through the night. But as to things that one ordinarily offers by day, for example, the fistful of meal offering, frankincense, and drink-offerings — how do I know that one may bring them up to the altar and burn them at sunset?
- N. *Are you thinking “at sunset”? But have you not said, “But as to things that one ordinarily offers by day”? Rather, formulate matters as, “before sunset.”*
- O. [And] how on the basis of Scripture do we know that these may be left to be burned up all night?
- P. Scripture says, “This is the law of the burnt offering” (Lev. 6: 2), which serves to encompass them [Miller: since Scripture in this text makes no distinction and includes all things that go up on the altar to be burned].
- Q. *In any case, the passage is explicit in referring to drink-offering as that which is offered by day [while the cited passage speaks of drink offerings that are offered even by night].*
- R. *Said Rami b. Hama, “There is no contradiction. The text that speaks of offering the drink offerings by night speaks of the act of consecration [so if one put drink offerings in a holy utensil by night they are deemed to have been consecrated and cannot be treated as common], the other text, which pertains prohibits the night, refers actually to offering up the drink offerings [and that is not done].”*
- S. *Said to him Raba, “If drink offerings can be consecrated by night, they can be offered by night as well. For has it not been taught on Tannaite authority: this is the governing principle: whatever is offered up by day can be consecrated only by day, and whatever is offered by night can be consecrated only by night, and whatever can be offered day or night may be consecrated day or night.”*
- T. *Rather, said R. Joseph, “Delete the words ‘drink offerings’ from the cited Mishnah-passage.”*
- U. *When R. Dimi went up, he found R. Jeremiah in session and stating in the name of R. Joshua b. Levi, “How do we know that drink offerings that are brought together with sacrifices are brought only by day? Scripture states, ‘And for your drink offerings and for your peace offerings’ (Num. 29:39), just as peace offerings are brought only by day, so drink offerings are brought only by day.”*
- V. *He said, “If I could have found someone to write a letter, I should have sent word to R. Joseph [14B] not to delete the words ‘drink offerings.’ But there still will be no contradiction. In the one case [where drink offerings are offered by day] we deal with drink offerings that are brought together with a sacrifice [Miller: offering up the sacrifice consecrates the drink offerings so that they cannot be offered by night, like the sacrifice itself], and the other case speaks of drink offerings that are brought all by themselves [since they were consecrated after the*

sacrifice has been offered up. In such a case, drink offerings may be offered for ten days encompassing the nights (Miller)].”

- W. *So if he had had occasion to produce such a letter, could he have sent it?*
- U. And lo, R. Abba b. R. Hiyya bar Abba said R. Yohanan said, “Those who write down the decided laws are in the classification of one who burns the Torah, and one who learns from them receives no reward.”
- X. R. Judah bar Nahmani, the interpreter of R. Simeon b. Laqish, expounded, “One version of Scripture says, ‘Write these words’ Exo. 34:27), and another verse of Scripture says, ‘for in accord with these words’ (Exo. 34:27). [Since the word ‘in accord’ can be translated, ‘by the oral version...,’] it means to tell you, matters that are to be memorized you have not got the right to state in writing, and those that are to be in writing you have not got the right to state from memory.”
- Y. *And a Tannaite authority of the household of R. Ishmael [states],* “Scripture says, ‘Write these words for yourself,’ meaning, these are the words that you may write, but you may not write down laws.”
- Z. *By way of reply: perhaps the matter is exceptional when it comes to giving a new interpretation [which reconciles conflicting teachings].*
- AA. *For lo, R. Yohanan and R. Simeon b. Laqish were examining a book of lore on the Sabbaths, and they explained their doing so in this way:* “‘It is time for the Lord to work, they have made the Torah void’ (Psa. 119:126), meaning, it is better that a [law in the] Torah be uprooted, than that the [whole] Torah should be forgotten in Israel” [and that explains why it would have been all right to write such a letter].
- BB. *Said R. Pappa,* “Now that you have said, ‘Drink offerings that are presented on their own may be offered even by night, then it must follow, if drink offerings happen to come to hand at night, we may consecrate them at night and offer them at night.’”
- CC. *Said R. Joseph son of R. Shemaiah to R. Pappa,* “There is a Tannaite teaching that supports your opinion: this is the governing principle: whatever is offered up by day can be consecrated only by day, and whatever is offered by night can be consecrated only by night, and whatever can be offered day or night may be consecrated day or night.”
- DD. [Referring to BB,] said R. Adda bar Ahbah, “And the morning star’s appearance is the point at which drink offerings are disqualified, just as are the limbs of the daily evening sacrifice.”

- III.2.** A. *When R. Dimi came, he said R. Yohanan in the name of R. Simeon b. Yehosedeq [said],* “[‘These you shall offer to the Lord at your appointed feasts, in addition to your votive offerings and your freewill offerings, for your burnt offerings and for your cereal offerings and for your drink offerings and for your peace offerings’ (Num. 29:39):]
- B. “‘These you shall offer to the Lord at your appointed feasts:’ this refers to obligatory offerings that are presented on the festival;
- C. “‘in addition to your votive offerings and your freewill offerings:’ this teaches that offerings brought in fulfillment of vows and free will offerings are offered on the intermediate days of a festival;

- D. “‘for your burnt offerings:’ concerning what offerings does Scripture speak? If it is the free will burnt offering, the verse has already referred to ‘your burnt offerings,’ and if it speaks of a burnt offering brought by reason of a vow, the verse has already referred to ‘your votive offerings’! So lo, the verse can speak only of the burnt offering brought by a woman after child birth and the burnt offering brought by a leper [which may be offered on the intermediate days of a festival].
- E. “‘and for your cereal offerings:’ concerning what cereal offerings does Scripture speak? If it is one that is brought as a gift by reason of a vow, lo, that has already been mentioned, and if it is a gift by reason of a freewill offering, lo, that too has already been mentioned. So it speaks only of the meal offering of a woman accused of adultery and one of jealousy [which may be offered on the intermediate days of a festival].
- F. “‘and for your drink offerings and for your peace offerings:’ an analogy then is established between drink offerings and peace offerings. Just as peace offerings are to be brought by day, so drink offerings are to be brought by day.
- G. “‘and for your peace offerings:’ this encompasses the peace offerings brought by a Nazirite [which may be offered on the intermediate days of a festival].”
- H. *Said to him Abbaye, “And let the master say in addition, ‘the peace offerings that are brought on Passover, for if the verse encompasses peace offerings of a Nazirite, these fall into the classification of that which is vowed or brought as a freewill offering.*
- I. *“For it has been taught on Tannaite authority: This is the governing principle: whatever is brought in the classification of a vow or a freewill offering may be offered on an individual’s high place, and whatever is not brought in the classification of a vow or a freewill offering may not be offered on an individual’s high place.”*
- J. *But has it not been taught on Tannaite authority: “Meal offerings and offerings brought by a Nazirite may be offered on a high place belonging to an individual,” the words of R. Meir?*
- K. *Remove from the passage the case of the Nazirite.*
- L. *But is there an authority who maintains that the Nazirite’s offerings do not fall into the classification of a vow or a freewill offering? And has it not been written, “And it came to pass after forty years that Absalom said to the king, I pray you, let me go and pay my vow that I vowed to the Lord in Hebron, for your servant vowed a vow” (2Sa. 15: 7). Does this not refer to the offering?*
- M. *No, it refers to the vow itself.*
- N. *But was the vow itself made in Hebron? Was it not made in Geshur?*
- O. *Said R. Aha, some say Rabbah b. R. Hanan, “Absalom went only in order to bring sheep from Hebron [so the vow was not made in Hebron, only that the sheep were to be gotten there]. And that view is reasonable, for if you say that it was to make an offering that he went, then would he conceivably have left Jerusalem to go and make an offering in Hebron? But what then is the point? Absalom went only in order to bring sheep from Hebron.”*

- P. Then the phrase, “and pay my vow that I vowed to the Lord in Hebron” — *should be rather, “from Hebron”!*
- Q. *Rather, in point of fact it was in Hebron that he went to make the offering, and as to your question, why leave Jerusalem and go and make an offering in Hebron? you may raise the same question with regard to Gibeon, which also was a holy place! But the point is, once it has become permitted to make offerings on high places, one can make the offering anywhere one wants.*

**III.3.** A. “And it came to pass after forty years:”

B. *Forty years from what?*

C. R. Nehorai says in the name of R. Joshua, “At the end of forty years from when the Israelites had asked for a king.”

D. *For it has been taught on Tannaite authority:*

E. That year in which the Israelites asked for a king marked the tenth year of Samuel’s **[15A]** governance. Samuel ruled for ten year, there was a year in which both Saul and Samuel ruled, there were the two years in which Saul ruled, and then the thirty-six years in which David ruled.

I.1 and II.1 clarify point of reference of the Mishnah’s rule. III.1 also serves as Mishnah-commentary, but a different, equally urgent question, concerning the scriptural authority for the Mishnah’s rule, is pursued. This proof shades over into a fresh question, clarifying the proof-text itself. No. 2 is then tacked on because of the secondary expansion of No. 1, and No. 3 is continuous with No. 2.

## 2:2

- A. **The sin offering of an individual, the owner of which has effected atonement [through another animal] [is left to] die.**
- B. **And that of the community [which has effected atonement through another animal] is not [left to] die.**
- C. **R. Judah says, “Let it be left to die.”**
- D. **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,**
- E. **“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.”**

At issue is the sin offering brought by an individual. If it is lost and replaced by another, but then turns up alive, the owner can offer whichever one he prefers. This is a case comparable to an act of substitution, though a legitimate one, and that is why the issue arises in our Mishnah-passage. The question of what is done with the other then is addressed in the Tannaite complement to the passage, and that directly intersects with our passage, since the position of Judah in our Mishnah



appears to contradict with the opinion presented in his name in the Tannaite complement.

**I.1 A.** *Our rabbis have taught on Tannaite authority:*

- B. What is the meaning of the verse, “If he brings a lamb as his offering for a sin offering, he shall bring it as a female without blemish” (Lev. 4:32)?
- C. How on the basis of Scripture do we know that one who consecrates an animal to serve as his sin offering, and the animal was lost, and he designated another in its place, and the first was found alive, and lo, both of them are standing before us — how do we know that whichever of them he prefers he may offer up?
- D. Scripture says, “...for a sin offering.”
- E. Might one suppose that he may present both of them?
- F. Scripture states, “...he shall bring it...,” meaning, one, not two.
- G. And as to that second beast, what is to be done with it?  
This is the point at which we reach our Mishnah-passage, since the case is comparable to that involving the sin offering of the community of which our Mishnah-rule speaks.
- H. *Said R. Hamnuna, “It has been taught on Tannaite authority: ‘R. Judah says, “It is left to pasture.” R. Simeon says, “It is left to die.”’”*
- I. *Now has R. Judah stated, “It is left to pasture”? Lo, we have heard on tradition that **R. Judah says, “Let it be left to die.”***
- J. *Reverse the attributions:*
- K. **R. Judah says, “Let it be left to die.”**
- L. R. Simeon says, “Let it be left to pasture.”
- M. *But has R. Simeon said, “Let it be left to pasture”? And lo, R. Simeon has said, “Five classifications of animals [named in our Mishnah-paragraph] that have been designated as sin offerings are left to die.”*
- N. *Accordingly, under no circumstances should we reverse the attributions. But there is no contradiction. [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].*
- O. *And if you prefer, I shall explain that both rules pertain to the 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, but there still is no contradiction between the two versions, for the one speaks of the position of R. Judah vis à vis the opinion of Rabbi, and the other, the position of R. Judah vis à vis the opinion of rabbis., but there still is no contradiction between the two versions, for the one speaks of the position of R. Judah vis à vis the opinion of Rabbi, and the other, the position of R. Judah vis à vis the opinion of rabbis. [Miller: Rabbi Judah the Patriarch holds that if the first offering is lost at the time of the separation of the second, although it is found before atonement is obtained by*



means of the second animal, the first is left to die. The sin offering is left to pasture, by contrast, in the opinion of rabbis vis à vis Rabbi.]

- P. *But is there any authority who maintains that an animal serving as sin offering designated for use by the community, which has attained atonement by means of some other beast, is left to die? [15B] And has it not been taught on Tannaite authority:*
- Q. Along these same lines, R. Yosé said, “‘At that time those who had come from captivity, the returned exiles, offered burnt offerings to the God of Israel, twelve bulls for all Israel, ninety-six rams, seventy-seven lambs, and as a sin offering twelve he-goats; all this was a burnt offering to the Lord’ (Ezr. 8:35)”
- R. But can a sin-offering be offered as a burnt-offering [yielding no parts for the sacrificer and for the priest]?
- S. Said Raba, “It was like a burnt offering: just as a burnt offering is not eaten, so a sin offering is not eaten.”
- T. For R. Yosé would say, “They brought them on account of the idolatry.”
- U. And R. Judah said Samuel said, “It was on account of the idolatry that they practiced in the time of Zedekiah.”
- V. *Now, [finally responding to P] along the lines of one who maintains that in the case of a sin-offering of the community, the owners of which have attained atonement with some other beast, the originally-designated animal is left to die, if such a person also takes the view that a sin offering whose owners have died also is left to die, do we not now find a case in which the owners have died but the sin-offering is indeed offered anyhow?*
- W. *Said R. Pappa, “Even in the view of one who maintains that a sin-offering serving the congregation, the owners of which have attained atonement through another beast, is left to die, a sin-offering serving the community the owners of which have died is not left to die, for a community as such never dies.”*
- X. *How does R. Pappa know this?*
- Y. *Should we say that it is because Scripture has said, “...in place of your fathers your children shall be...” (Psa. 45:17)? If so, the same would pertain also to an individual!*
- Z. *Rather, here is the reason that the law governing the case of a sin offering the owner of which has died does not pertain to the community as such: it is based on the case of goats brought on Festivals and New Moons. The Torah says to bring them from offerings of the Temple treasury [which is public money]. Now perhaps those who own that money have died? So you must concede that the community never dies.*
- AA. *If you prefer, I shall offer an alternative reason, namely, when these goats designated as sin offerings were offered, they were offered in behalf of those who were still alive, for Scripture says, “But many of the priests and Levites and heads of fathers’ houses, old men who had seen the first house, wept with a loud voice when they saw the foundations of this house being laid, though many shouted aloud for joy” (Ezr. 3:12).*
- BB. *But maybe they were only a minority?*

- CC. *You cannot say so, for the verse goes on, “so that the people could not distinguish the sound of the joyful shout from the sound of the people’s weeping, for the people shouted with a great shout and the sound was heard afar” (Ezr. 3:13).*
- DD. *But how could they have brought an offering for idolatry, and were they not deliberate about it [but the offering serves only inadvertent sin]?*
- EE. Said R. Yohanan, “It was a decision made for that occasion only. *And that stands to reason. For if you do not maintain that view, there is no problem as regards the twelve bullocks and the twelve goats, which corresponds to the twelve tribes [since the congregational offering for idolatry is a bullock for a burnt offering and a goat for a sin offering], but as regards rams and lambs, with reference to whom were they presented? So you have to say that it was a decision made for a special occasion, and in this regard, the same situation pertains.*”

We now take up a vast composite, formulated in its own terms and around its own proposition, which is inserted here whole because at No. 5 it explicitly joins our program with the statement: “Also the law on the disposition of a sin offering, the owner of which has died, was forgotten in the time of mourning for Moses.” The disposition of a sin offering that is no longer needed is included among the laws forgotten and besought by sages. So far as I can see, it is solely on that account that the entire composite is set out here. In Chapter Eight we revert to the impact — if any — that the following composite makes upon the Talmud’s treatment of the Mishnah’s topic.

**I.2. A.** *There we have learned in the Mishnah:*

- B. **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].**
- C. What is the meaning of “grape-clusters”? It means, “a man in whom all things are to be found” [the Hebrew letters of the word for grapecluster yielding such a meaning].
- D. And said R. Judah said Samuel, “All the grape-clusters who arose for Israel from the time of Moses until Joseph ben Yoezer died learned the Torah like Moses, our master. From that time onward, they did not learn the Torah like Moses our master.”
- E. But did not R. Judah say Samuel said, “Three thousand laws were forgotten during the period of mourning for Moses”?
- F. *The ones that were forgotten were indeed forgotten, but as to the ones that people did learn, they learned them as did Moses, our master.*
- G. *But has it not been taught on Tannaite authority:*
- H. Once Moses died, if those who declared an object susceptible to uncleanness, it was declared unclean, if those who declared it insusceptible to uncleanness formed the majority, it was declared insusceptible.
- I. *It is their heart that diminished, but their learning went on like the learning of Moses, our master.*

**I.3. A.** *A Tannaite authority has taught:*

- B. 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. *But has it not been taught on Tannaite authority:*
- D. There is the case of a certain pious man, who groaned because of heartburn, and they asked the physicians, who said, "There is no remedy unless he drink hot milk from a goat morning by morning." So they brought a goat and tied it to the foot of his bed, and he would suck hot milk from it.
- E. Some time later his friends came to visit him. When they saw the goat [a small beast, which it is forbidden to keep in the Land of Israel], they said, "Armed robbers are in his house, and are we going to visit him?"
- F. [When he died,] they went into session and examined his case and found that that sin involving the goat was the only sin that pertained to him. He too, when he was dying, said, "I know in my own regard that that sin involving the goat was the only sin that pertained to me, for in that case I violated the teachings of my colleagues. For sages have taught, 'People are not to raise small cattle in the Land of Israel.'"
- G. *Now it is an established fact that when we find a reference to "a certain pious man," it is either R. Judah b. Baba or R. Judah bar Ilai. Now these rabbis lived many generations after Joseph b. Yoezer of Seredah [and the text is explicit that they were unblemished]!*
- H. **[16A]** Said R. Joseph, "The flaw concerns disputes, e.g., a dispute concerning the laying on of hands [but prior to that dispute, recorded at M. Hag. 2:2, there was no dispute]."
- I. *But Yosé b. Yoezer himself is involved in that dispute concerning the laying on of hands?*
- J. *When he participated in the dispute, it was when he had come to the end of his years, at which time his heart was straitened."*

We now revert to I:2C and clarify that matter. The composite that follows clearly was formed in its own framework and inserted here for the explicitly-stated reason. The composite must be treated, as in the outline in Chapter Eight, as subordinated to the passage that it serves as a topical appendix, even though the composite also stands quite firmly on its own.

**I.4. A.** *Reverting to the text just now cited:*

- B. R. Judah said Samuel said, "Three thousand laws were forgotten during the period of mourning for Moses."
- C. They said to Joshua, "Ask."
- D. He said to them, "'It is not in Heaven' (Deu. 30:12)."
- E. They said to Samuel, "Ask."
- F. He said to them, "'These are the commandments' (Num. 36:13) — for a prophet [such as myself] has not got the right to innovate in any way from now on."

**I.5. A.** Said Isaac the smith, "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."

- B. They said to Phineas, "Ask."

- C. He said to them, “‘It is not in Heaven’ (Deu. 30:12).”
- E. They said to Eleazar, “Ask.”
- F. He said to them, “‘These are the commandments’ (Num. 36:13) — for a prophet has not got the right to innovate in any way from now on.”

- I.6.** A. Said R. Judah said Rab, “When Moses, our master, was taking leave for the Garden of Eden, he said to Joshua, ‘Ask me any doubts that you have.’
- B. “He said to him, ‘My master, have I ever left you, even for a single moment, and gone somewhere else? Did you not write concerning me, “But his servant Joshua the son of Nun did not depart from the tabernacle” (Exo. 33:11)?’
  - C. “Forthwith Joshua grew weak, and he forgot three hundred laws, and seven hundred doubts were born in his mind, and all of Israel arose to kill him. Said the Holy One, blessed be he, to him, ‘To tell you [what you have forgotten] is no longer possible, but go and preoccupy them with a patriotic war.’ For it is said, ‘Now after the death of Moses, servant of the Lord, it came to pass that the Lord spoke’ (Jos. 1: 1) and further, ‘Prepare food, for within three days...’ (Jos. 1:11).”

**I.7.** A. *In a Tannaite tradition it is taught:*

- B. 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.
- C. Said R. Abbahu, “Nonetheless , 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).”

The next set forms a systematic exposition of Jos. 15:17ff.

**I.8.** A. “and he gave him Achsah his daughter to wife” (Jos. 15:17):

- D. Why was she called “Achsah”?
- E. Said R. Yohanan, “Because whoever saw her became dissatisfied with his wife.

**I.9.** A. “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):

- B. *What is the meaning of the word translated “alighted”?*
- C. Said Raba said R. Isaac, “She said to him, ‘Just as, when this ass has no food in its crib, it forthwith cries out, so a woman, when she has no food in her house, forthwith cries out.”

**I.10.** A. “and Caleb said to her, ‘What do you want?’ She said to him, ‘Give me a present, since you have set me in the land of the Negeb” (Jos. 15:17-19):

- B. “It is a house that is dry of all good [that you have given me].”
- C. “‘give me also springs of water.’ [This refers to] a man who has only Torah alone in him.”

**I.11.** A. “And Caleb gave her the upper springs and the lower springs” (Jos. 15:17-19):

- B. 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.”

- I.12.** A. 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?
- B. The meaning of the word Jephunneh is that he turned away from the advice of the spies [since the word “turn away from” shares consonants with the name Jephunneh].
- C. Still, was Caleb the son of Kenaz? He was the son of Hezron: “And Caleb the son of Hezron begat Azubah” (1Ch. 2:18).
- D. *Said Raba, “He was the step-son of Kenaz”* [Miller: and Othniel was his brother on the maternal side].

**I.13.** A. *A Tannaite authority repeated:*

- B. 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.
- C. But what was his real name? It was Judah, brother of Simeon.
- D. How do we know that God had answered him?
- E. “Jabez called on the God of Israel, saying, ‘Oh that you would bless me and enlarge my border and that your hand might be with me, and that you would keep me from harm so that it might not hurt me!’ And God granted what he asked” (1Ch. 4:10).
- F. “that you would bless me.” in Torah-learning.
- G. “and enlarge my border.” in disciples.
- H. “and that your hand might be with me.” that my learning should not be forgotten from my heart.
- I. “and that you would keep me from harm.” so that companions of my sort may be provided for me.
- J. “so that it might not hurt me.” that the inclination to do evil not have power over me so as to keep me from repeating my traditions.
- K. “If you do so, well and good, but if not, lo, I shall go to the grave with my grief.”
- L. Forthwith: “And God granted what he asked.”

**I.14.** A. Along these same lines, you may say:

- B. “The poor man and the man of medium means meet together, the Lord gives light to the eyes of both” (Pro. 29:13):
- C. When a disciple goes to his master and says to him, “Teach me Torah,” if he teaches him, then “the Lord gives light to the eyes of both” (Pro. 29:13).
- D. But if not, then: “The rich and the poor meet together, the Lord is the maker of them all” (Pro. 22: 2).
- E. He who made this one a sage can make him a fool, and who made a fool of this one can make him a sage.
- F. [Concluding **13.L.**] This is the teaching of R. Nathan.

- I.15.** A. R. Judah the Patriarch says, ““Oh that you would bless me and enlarge my border and that your hand might be with me, and that you would keep me from harm so that it might not hurt me!’ And God granted what he asked” (1Ch. 4:10) —
- B. ““Oh that you would bless me:’ in procreation.
  - C. ““and enlarge my border:’ with sons and daughters.
  - D. ““and that your hand might be with me:’ in the give and take of business.
  - E. ““and that you would keep me from harm:’ so that I not suffer head-aches, ear-aches, or eye-aches.
  - F. ““so that it might not hurt me:’ that the inclination to do evil not have power over me so as to keep me from repeating my traditions.
  - G. “If you do so, well and good, but if not, lo, I shall go to the grave with my Grief.”
  - H. Forthwith: “And God granted what he asked.”

**I.16.** A. Along these same lines:

- B. “The poor man and the man of medium means meet together, the Lord gives light to the eyes of both” (Pro. 29:13):
- C. When a poor man goes to a householder and says, “Feed me,” if he feeds him, well and good.[“the Lord gives light to the eyes of both” (Pro. 29:13)].
- D. But if not, then: “The rich and the poor meet together, the Lord is the maker of them all” (Pro. 22: 2).
- E. He who made this one rich can make him a poor, and who made this one poor can make him rich.

**II.1** A. 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:**”

- B. *Our rabbis have taught on Tannaite authority:*
- C. R. Simeon says, “Five classifications of animals designated as sin-offerings are left to die: **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)].**”

We now list items omitted from the foregoing list and explain the failure of their candidacies.



- D. You cannot list also the offspring of an animal that has been designated as a sin offering for the community in the case of the community, for the sin offering in behalf of the community cannot be female;
- E. and you cannot include on the list the animal declared by the community to be the substitute for the sin offering, for the community as such does not effect a valid act of substitution;
- F. and you cannot include on the list the sin offering the owner of which has died in the case of an animal belonging to the community, for the community as such does not die.
- G. With respect to **the case of that [animal], the owner of which has effected atonement, or the year of which has passed [and which has become superannuated]** we have not yet found any compelling arguments.
- H. Is it possible that these rules should apply whether to a beast belonging to an individual or to one belonging to the community?
- I. I shall tell you:
- J. Let the cases that are not articulated be derived by analogy from the ones that are stipulated, in the following way: just as in the cases of those that are stipulated, the law pertains to the individual but not to the community, so in the case of the animal the owner of which has attained atonement by means of another beast, and the one that has become superannuated, the rule pertains to the beast belong to the individual but not to the one belonging to the community.
- K. **[16B]** But do we form an argument based on the analogy between a case in which there is an alternative and one in which there is none? [Miller: The reason that in the first three cases the sin offerings are not left to die in the case of a congregation is that there cannot be an offering in such circumstances, for they can never occur in connection with a community; there is no alternative. But in the two cases the offering can be brought by both an individual and a community.]
- L. Said R. Simeon b. Laqish, “[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.] Now if you suppose that these were sin offerings brought by the community, are three of them ever brought by the community?* [Miller: The cases of a sin offering being left to die apply either all to a community or all to an individual. Does the community ever bring the offspring of a dedicated animal, the substitute of a sin offering, or a sin offering the owner of which has died? Obviously not.] Then you have to admit that we draw an analogy between the cases that are not stipulated and those that are.”
- M. R. Nathan says, “At Sinai one sin-offering was spelled out to the Israelites and the rule was extended to all five classifications of sin offerings. [Miller: One was specified as to being left to die, and the other four cases were to be left to pasture. But people forgot which was which.]”
- N. *But if so, then let us find out in what classification they repeated the case of the sin offering that was to be left to die, whether the sin offering of an individual or one of the community!* [Miller: Let us see to what class this sin offering that was to be left to die was remembered as belonging. If it was remembered as being the



sin offering both of a community and of an individual, then let us say that a sin offering the owners of which have attained atonement and a sin offering that is superannuated are left to die on the count of doubt, but in the other three cases, which are entirely different, since they could not occur in connection with a congregation, there would be no doubt that there is no death for the animals designated as sin offerings. And if the case of a sin offering being left to die was recalled only in connection with the offering of an individual, then let us say that these three sin offerings, substitute, offspring of a dedicated animal, and the like, since they can be presented only by an individual, are left to die. But about the other two sin offerings there can be no doubt, for they are in a different class altogether.]

- O. “There were two occasions of forgetfulness [one concerning the class of sin offering that was to die, the other, concerning which of the five sin offerings was to die]. *So they had the following problem [in regard to Simeon’s exposition in the Mishnah]: if you think that the rule governing the classification of the sin offering that was to be left to die pertains to the sin offering presented by the community, can these be presented by the community? And therefore it must be inferred that the cases that are not articulated are to be derived by analogy from the ones that are stipulated, in the following way: just as in the cases of those that are stipulated, the law pertains to the individual but not to the community, so in the case of the animal the owner of which has attained atonement by means of another beast, and the one that has become superannuated, the rule pertains to the beast belong to the individual but not to the one belonging to the community.*”

The inclusion of I.1 is not only because of the verbatim-reference to our Mishnah-paragraph, but because of the shared theme. Clearly No. 2 is distinct from the foregoing; No. 5, dragging behind it all of Nos. 2, 3, and 4, and in its aftermath, the further pertinent items accounts in part for its inclusion. But the main reason that we concern ourselves with this vast composite, already available, in the formation of our Talmud emerges only at II.1. The exposition of II.1 is cogent and thorough, with the basis for Simeon’s argument fully exposed. And now we see how the entire composite has been put together, since the critical point turns out to be the obliteration, by reason of the death of Moses, of important facts given at Sinai. This is another amazing composite, since, it is clear, every single detail has been included for an overriding consideration, and that consideration — however far fetched it seems by reason of the prior agglomeration of materials — proves *a propos*.

## 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.**
- B. **A more strict rule applies to consecrated animals than to a substitute: 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].**
- C. **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].

- D. And they sanctify limbs and foetuses, but do not effect substitution [for limbs or foetuses] [M. 1:3].
- E. A more strict rule applies to the substitute.
- F. 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, [17A] for shearing and for labor.
- G. 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.”
- H. 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
- I. “are not made holy and do not impart [to a substitute] the status of holiness.”

**I.1** A. *What is the scriptural basis for the position of R. Yosé b. R. Judah?*

- B. Scripture has said, “...shall be holy...” (Lev. 27:33) — which serves [in the case of a consecrated beast] to extend the rule covering the one who does the deed deliberately to the case of one who does the deed of consecration inadvertently.

**I.2.** A. [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. *Said Hezekiah, “If one was wrongly under the impression that it is permitted to make an exchange [of an unconsecrated beast for a consecrated one]. In the case of effecting a substitution he would be flogged, but in the case involving a consecrated beast, he would not be flogged.”*
- C. *Another version:*
- D. *In the case of making an exchange, the animal designated as a substitute is consecrated, but in the case of dedication, there is no issue of consecration.*
- E. R. Simeon b. Laqish and R. Yohanan say, “If one was thinking of saying, ‘An exchange for a burnt offering,’ but he has said, ‘an exchange for peace offerings, in the case of exchange the animal is consecrated, but in the case of a dedication it is not.’”
- F. *Another version:*
- G. If one was planning to say, “Black,” but said, “White,”
- H. *In the case of effecting a substitution he would be flogged, but in the case involving a consecrated beast, he would not be flogged.”*
- I. R. Yohanan said, “If one says, ‘Let this go forth from consecration and that enter into the state of consecration,’ so too, in the case of a consecrated beast, if he thought that if a blemish appears in a consecrated animal, it can be eaten without

redemption, *in the case of an exchange, he may be flogged, but in the case of a consecrated beast, he is not punishable with a flogging.*”

- J. R. Sheshet said, “If one says, ‘I shall go into this house, consecrated a beast, and exchange it, in full knowledge of what I am doing,’ but then he went into another house, exchanged a beast and consecrated it without knowing what he was doing, *in the case of effecting a substitution he would be flogged, but in the case involving a consecrated beast, he would not be flogged.*”

**II.1 A. 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:”**

- B. Said Samuel, “[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.”
- C. *It has been taught on Tannaite authority:*
- D. Said R. Meir, “Since they are themselves not holy, how in any event can they confer consecration on other beasts? So you find a possible case only when one has consecrated a beast and it afterward became terefah, or one consecrated an embryo in the mother’s womb and it was born through a caesarean section. But with respect to the cases of a beast lacking in clear-cut sexual characteristics and one which bears both male and female characteristics, you find these cases only with regard to embryos of dedicated beasts [Miller: which were consecrated in virtue of their mother before pregnancy. They are then obviously holy, like a limb of the mother. In these cases the Mishnah informs us that they do not effect an exchange.]”
- E. *And this accords with the position of R. Judah, who has said, “The offspring of a beast that is consecrated can effect an exchange [with other offspring of consecrated beasts].” [The Mishnah then tells us with reference to these classes of beasts that although they are holy through their mother, they cannot effect an exchange, in spite of the fact that Judah elsewhere maintains that the offspring of a dedicated animal effects an exchange (Miller)].*

**II.2. A. Said Raba, “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.”**

- B. Said R. Pappa to Raba, “But surely there is the case of a blemished beast, which is not offered, but the body of which is affected by consecration?”
- C. He said to him, “True enough, but the species of the blemished beast will be offered [even though this beast will not].”
- D. “If so, then a terefah-beast also belongs to a species that will be offered.”
- E. Rather, said Raba, “They are comparable to an unclean beast in the following way: just as an unclean beast is invalid in its very body, so whatever is unfit as to its body is subject to the same rule, *which excludes the blemished beast which is*

*disqualified by reason of a [Miller:] mere deficiency [but not the condition of the whole body].”*

- F. Said R. Ada to Raba, “But what about ‘anything too long or too short’ (Lev. 22:23), mentioned in the scriptural passage? *These are disqualifications that affect the whole body.*”
- G. Rather, said Raba, “They are comparable to an unclean beast in the following way: just as in the case of an unclean beast, *there is none in its classification that is offered [and the law of exchange does not pertain], so in the case of all beasts in which none in its classification is offered, [the law of exchange does not pertain], excluding then the case of the blemished beast, for in its classification others are offered. Now what will you say to this? The case of the terefah-beast, for in its classification others are offered? There is no parallel to the case of a blemished animal. An unclean animal cannot be eaten, and a terefah-animal cannot be eaten, which excludes a blemished animal, which can be eaten.*”

The following theoretical exercise is introduced because at 3.I, our Mishnah-paragraph contributes to a solution of the problem at hand. But we note that the issue of consecrating a terefah-beast falls into the same class as consecrating an unclean beast, so the sequence is natural, not fabricated for merely formal reasons.

- II.3.** A. Said Samuel, “He who consecrates a terefah-beast — there has to be a permanent blemish if it is to be redeemed.”
- B. That yields the inference that people may redeem animals that have been consecrated, **so as to feed the meat to the dogs!** [Surely that contradicts the Mishnah-clause before us.]
- C. Rather, say as follows: “It is dedicated in that it is left to die” [and may not be fed to the dogs].
- D. And R. Oshaia says, “It is only equivalent to the case of consecrating wood and stone alone.”
- E. *We have learned in the Mishnah:*
- F. **All Holy Things which became terefah — they do not redeem them. For they do not redeem Holy Things to feed them to the dogs [M. Tem. 6:5F-G].**
- G. *The operative consideration then is that they have become terefah; but if they were terefah to begin with, then we should be able to redeem them [so if one consecrated a terefah-beast, it can be redeemed so as to feed the meat to the dogs, contrary to Samuel’s opinion]!*
- H. *Perhaps the Tannaite authority of the Mishnah-passage just cited takes the view that in the case of any beast, the corpus of which is unsuitable, the consecration of the body does not apply anyhow.*
- I. *Come and take note of the following: 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.”*
- J. And Samuel said, “[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.”

- K. *It has been taught on Tannaite authority:* Said R. Meir, “Since they are themselves not holy, how in any event can they confer consecration on other beasts? So you find a possible case only when one has consecrated a beast and it afterward became terefah.”
- L. *Lo, if to begin with it was a terefah-beast, consecration of the body never affected that beast.*
- M. **[17B]** Samuel can say to you,”Perhaps this Tannaite authority takes the view that in any case in which the animal is not bodily offered or fit to be offered, consecration does not affect the body of the beast and all [Miller: and therefore if the animal were terefah at the outset, bodily holiness does not attach to it. But Samuel himself concurs with the view of rabbis that in the case of a terefah-beast, the animal receives bodily holiness and therefore cannot be redeemed unless it is permanently blemished merely in order to feed the dogs.]”
- The clarification of the Mishnah-paragraph occupies I.1, 2. We ask for a case, No. 2, that No. 1 has suggested we invoke. II.1, followed by No. 2, then clarifies the Mishnah-paragraph’s next principal clause. No. 3 is a secondary expansion of the foregoing. So the whole is worked out in response to the Mishnah-paragraph before us.