

# III.

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## BAVLI TEMURAH CHAPTER THREE

### FOLIOS 17B-21B

#### 3:1A-E

- A. These are the consecrated animals, the offspring, and the substitutes of which are deemed of equivalent status:
- B. (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,
- C. to infinity —
- D. lo, these are deemed equivalent to peace offerings.
- E. And [like the animal for which they have been substituted or from which they derive], they require laying on of hands, drink offerings, and waving of the breast and thigh [M. Zeb. 10:2].
- I.1** A. *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?*
- B. *The Tannaite authority before us heard, R. Eliezer says, "The offspring of peace offerings is not offered as peace offerings [but is left to die]" [M. 3:1F], and our Tannaite authority said to him, "It is not necessary to say that, with respect to their offspring, I do not concede your view, but even 'to infinity' I do not concede your view."* [Miller: "I even do not agree with you with regard to the young born until the end of time" since I hold that it has the same status as the mother.]
- I.2.** A. *What is the scriptural source of this rule?*
- B. *It is in accord with that which our rabbis have taught:*
- C. "[If a man's offering is a sacrifice of a peace offering, if he offers an animal from the herd,] male or female, [he shall offer it without blemish before the Lord]" (Lev. 3: 1) — this serves to encompass the offspring [of the peace offering]. [Miller: It would have sufficed if Scripture had said simply, "from the herd," which would have implied male and female.]
- D. Now does this not yield an argument *a fortiori*: if an animal that has been declared a substitute, which has not been raised in a condition of consecration, is offered up,

the offspring, which has been raised in a condition of consecration, surely should be offered up.

- E. But the distinctive trait of the animal declared a substitute is that the same rule pertains as to substitution to all classes of Holy Things, but will you say the same of the offspring of a beast, for the law that pertains to the offspring of a beast does not pertain to all classes of Holy Things [since the animals that are designated to be sacrifice under the law of the burnt offering and guilt offering must be male], in which case the young would not be offered.
- F. Since the same rule does not pertain to all Holy Things, Scripture has said, “[If a man’s offering is a sacrifice of a peace offering, if he offers an animal from the herd,] male or female, [he shall offer it without blemish before the Lord]” (Lev. 3: 1) — this serves to encompass the offspring [of the peace offering].
- G. [And when Scripture says,] “female,” that serves to encompass the beast that has been declared a substitute [which retains the status of the mother].
- H. I know only the law that pertains to the offspring of unblemished animals and the substitution of unblemished animals [in which cases the offspring follows the status of the mother]. But what about the offspring of blemished animals and the beast declared an exchange for blemished animals?
- I. Scripture has said, “[If a man’s offering is a sacrifice of a peace offering,] if he offers an animal from the herd, male [or female, he shall offer it without blemish before the Lord]” (Lev. 3: 1) — this serves to encompass the offspring this serves to encompass the offspring of blemished animals. “...or female...” serves to encompass the offspring of a blemished beast that has been declared a substitute.

**I.3.** A. *Said R. Safra to Abbaye, “I can reverse this [and show that “if it is a male” encompasses the beast declared an exchanged for a blemished animal, while “if it be female” serves to encompass the offspring of a blemished animal]. It stands to reason that from the passage that serves to encompass the exchange of unblemished animals, we may also encompass the beasts exchanged for blemished animals [indicating that their offspring are to be offered up].” [Miller: Therefore from the words ‘if it be’ which are next to the words ‘a female,’ we derive the case of an exchange of blemished animals, but not from the words ‘if it be’ that stand next to the word ‘a male.’]*

- B. *He said to him, “Did I tell you to reverse the reading of the ‘if...,’ which stands next to the male and the ‘if’ which stands next to the female? What I said is this: reverse the reading of the whole verse, stating matters as follows: “‘male’ serves to encompass the case of an exchange [Miller, and the phrase, ‘if it be’ will include the exchange of blemished animals], and ‘female’ includes the young [Miller: and its phrase, if it be’ will include the young of blemished animals].”*
- C. He said to him, “But the word ‘offspring is male [and therefore we include it in the text ‘a male’], and the word ‘exchange’ is female [and therefore we include it within the text ‘a female’].”

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

- B. *Said Samuel, “It concerns whether or not the beast is offered, in line with the position of R. Eleazar [He who sets aside a female beast as a burnt offering, 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, “The beast itself is offered as a burnt offering.”** [Miller: Even though the mother is unfit to be a burnt offering, the offspring is fit and is offered. Here too, in the case of the offspring of a blemished beast, although the mother is not fit for the altar, the offspring is offered.]

- C. *“For what might you have supposed? When R. Eleazar made the rule in connection with the offspring of the burnt offering, it is because the mother falls into the category of a burnt offering [so that, while the beast is not offered, the sanctity of a burnt offering pertains, since a burnt offering can be a female, e.g., a bird], but these offspring [of a blemished animal] are not offered. The purpose of the author of the foregoing proof, then, is to indicate that that is not the case.]”*

**I.5. A.** [In reference to the rule of the Mishnah that **the offspring of peace offerings are deemed equivalent to peace offerings**] *said Bar Peda, “It is to indicate that these offspring are left to pasture, and this is in accord with the position of all authorities [even rabbis, who differ from Eleazar, concede that the young are consecrated as regards being put out to pasture; they are not unconsecrated].”*

- B. *[As to the extent to which the offspring of a blemished peace offering is holy,] Raba said, “It is that they are to be offered, and it is in accord with the position of R. Eleazar.”*

- C. *R. Pappa said, “It is that they are to be put out to pasture, and it is in accord with the position of all authorities.”*

**I.6. A.** *The following Tannaite authority derives [the rule covering the offspring of the peace offering, proving that it falls into the classification of the mother] from the following:*

- B. *“But the holy things that are due from you, and your votive offerings, you shall take and you shall go to the place which the Lord will choose and offer your burnt offerings, the flesh and the blood, on the altar of the Lord your God; the blood of your sacrifices shall be poured out on the altar of the Lord your God, but the flesh you may eat” (Deu. 12:26-27).*

- C. *“But the holy things:” this refers to beasts that have been declared substitutes.*

- D. *“that are due from you:” this refers to the offspring [of beasts that have been consecrated].*

- E. *“you shall take and you shall go to the place which the Lord will choose:” might one think that one should bring it into the chosen house but withhold water and food so that they will die? Scripture says, “and offer your burnt offerings, the flesh and the blood.” In the way in which you conduct matters with a burnt offering, so you conduct matters with the beast declared an exchange for it, and just as you conduct yourself in regard to peace offerings, you conduct yourself in regard to the offsprings of peace offerings and the exchange thereof.*

- F. *“Might one suppose that one is to offer [the offspring and the substitutions] even of all other animals that have been consecrated? Scripture says, ‘But....,’ which is a limiting clause,” the words of R. Ishmael.*

- G. *R. Aqiba says, “There is no need to prove it from there, since Scripture is explicit when it says, ‘It is a guilt offering’ (Lev. 5:19), bearing the implication, ‘it’ is*

offered, but a beast exchanged for it is not offered [and hence, substitutions for other beasts are not necessarily offered, though they are holy].”

**I.7.** A. The master has said:

- B. “you shall take and you shall go to the place which the Lord will choose:” might one think that one should bring it into the chosen house but withhold water and food so that they will die? Scripture says, “and offer your burnt offerings, the flesh and the blood.”
- C. *But on what basis might you have drawn such an inference, for, after all, it has been taught, “Five classifications of sin-offering are left to die,” indicating that these [the offspring of peace offerings and substitutions for them, omitted from that list] are to be offered up?*
- D. *What might you have thought? “Five classifications of sin-offering are left to die,” anywhere, but these are left to die only in the chosen house? So we are informed that that is not the case.*

**I.8.** A. The master has said:

- B. “Might one suppose that one is to offer [the offspring and the substitutions] even of all other animals that have been consecrated? Scripture says, ‘But....,’ which is a limiting clause,” the words of R. Ishmael.
- C. *What classification of offspring? If it is the offspring of a burnt offering — but the burnt offering is a male and is not going to give birth! If it is to the offspring of a sin offering, we have learned that it is left to die. [18A] If it is to the offspring of a built offering, we have learned that it is put out to pasture. For in any case in which a sin offering is left to die, a guilt offering is put out to pasture.*
- D. *In point of fact the rule concerns a sin offering. The law speaks of its death, while Scripture eliminates the possibility of offering it up.*
- E. *But does not the one depend on the other? Since it is supposed to be left to die, it obviously is not going to be offered up on the altar [so why should we require a proof-text to exclude offering the offspring of a sin offering]?*
- F. *Rather, the law refers to a sin offering, and the verse of Scripture serves to eliminate the beast that has been declared a substitute for a guilt offering.*
- G. *Here too, we have learned the law that pertains: In any case in which the sin offering is left to die, the guilt offering is left to pasture.*
- H. *Rather the verse of Scripture is required to deal with a case in which one violated the law and made the offering, and the verse then imposes guilt for breaking a positive commandment [Miller: both in connection with a sin offering and a guilt offering there is a breach of a positive command if the offering actually took place, since the text says, “Only the holy things,” referring to the exchange of a burnt offering and a peace offering, their offspring and exchange, and the text continues, “and you shall offer your burnt offering,” implying, but not other dedications].*

**I.9.** A. R. Aqiba says, “There is no need to prove it from there, since Scripture is explicit when it says, ‘It is a guilt offering’ (Lev. 5:19), bearing the implication, ‘it’ is offered, but a beast exchanged for it is not offered [and hence, substitutions for other beasts are not necessarily offered, though they are holy].”

- B. *Why do I need a verse of Scripture to prove that point, since it is a received law that we have learned.*
- C. *Indeed so!*
- D. *And then why do I require a verse of Scripture?*
- E. *It is required for the purpose of R. Huna, for R. Huna has said, "In the case of a guilt offering [the animal was designated as a guilt offering and was lost, so a second guilt offering was set aside and offered up], that has been put out to pasture [until it dies], but the owner slaughtered it [the first beast designated as a guilt offering was found, and before it was blemished and unfit for the altar, the owner killed it] without further specification, — it is fit for a burnt offering [the proceeds go for a burnt offering]."*
- F. *The rule then covers that which has been condemned to pasture, but if it has not been condemned to pasture, that would not be the rule [Miller: although the owner has attained atonement. Since it had not yet been condemned to pasture and the owner slaughtered it without specifying the sacrifice it was to serve, it is entirely disqualified]. Why not? Scripture says, "it...", meaning, "it remains in the established status, a guilt offering, and it is not suitable to be sacrificed in the classification, so it is disqualified]."*

- I.10. A.** *And according to the Tannaite authority who derives from these verses the rules covering the case of the offspring of peace offerings, why not derive the rule from the verse, "If it be male or female" ["If a man's offering is a sacrifice of a peace offering, if he offers an animal from the herd, male or female, he shall offer it without blemish before the Lord" (Lev. 3: 1) — this serves to encompass the offspring of the peace offering]?*
- B. *He requires that verse of Scripture to deal with the cases of the offspring of a blemished beast and the substitute for a blemished beast [showing that these are to be offered up].*
- C. *And let him derive all of the cases [those concerning the offspring of unblemished animals and also blemished animals, the exchange of an unblemished and of a blemished animal, showing that they all are holy] from this verse ["if it be male"]?*
- D. *In his view the phrase "if it be" does not yield these results.*
- E. *And as to the Tannaite authority who derives the rule governing the offspring and exchange of a peace-offering from the verse, "If it be male or female," how does he interpret the verse, "But the holy things that are due from you, and your votive offerings, you shall take and you shall go to the place which the Lord will choose and offer your burnt offerings, the flesh and the blood, on the altar of the Lord your God; the blood of your sacrifices shall be poured out on the altar of the Lord your God, but the flesh you may eat" (Deu. 12:26-27)?*
- F. *Even if you have to take them away from their pastures [the festival having arrived, he must not say that he will not trouble to collect the animals that are scattered in the fields and wait for another occasion to offer them; he must take them as soon as possible and offer them (Miller)].*
- G. *Another version: "even if you have to take them away from their threshing sledges [one has to take them away and bring them to the Temple]."*

I.1 deals with what is an apparent redundancy, a good piece of Mishnah-criticism, and No. 2 proceeds to investigate the scriptural basis for the rule at hand. We show that a logical argument will not have served, and a proof-text is required. Nos. 3, 4, 5 amplify and complete the first exercise. Then at I.6 we go over the same ground, proving the proposition from a different verse. Once more, at Nos. 7, 8, 9, and 10, we fully work out the implications of the proof, with a set of secondary inquiries. The composition is unitary and well put together.

### 3:1F-N

- F. R. Eliezer says, “The offspring of peace offerings is not offered as peace offerings [but is left to die].”**
- G. And sages say, “It is offered.”**
- H. 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.**
- I. “Concerning what did they dispute?**
- J. “Concerning the offspring [itself], for:**
- K. “R. Eliezer says, ‘It is not offered.’**
- L. “And sages say, ‘It is offered.’”**
- M. Testified R. Joshua and R. Pappas concerning the offspring of peace offerings, that it is offered as peace offerings [= Sages, G].**
- N. Said R. Pappas, “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].”**
- I.1 A. Said R. Ammi said R. Yohanan, “What is the scriptural basis for the position of R. Eliezer?** Scripture says, ‘And if a man’s offering is a sacrifice of peace offering, if he offers an animal from the herd, male or female, he shall offer it without blemish before the Lord’ (Lev. 3: 1) — [since the words for ‘and if’ can be read, ‘and the mother,’ the meaning is] the mother, and not the offspring.”
- B. Said R. Hiyya bar Abba to R. Ammi, “Then how about the following:** ‘If he offer it for a thanksgiving’ (Lev. 7:12) — *here too, is it the mother, not the offspring? And if you say that that is indeed the fact, has it not been taught on Tannaite authority, ‘How do we know that the offspring, substitute, and the substitute thereof, all are offered? Scripture says, “if he offer it for a thanksgiving” — under all circumstances?’*”
- C. Rather, said R. Hiyya bar Abba said R. Yohanan, “This is the basis for the ruling of R. Eliezer:** it is a precautionary decree, lest we rear herds of them.” [Miller: if you say that the offspring of a consecrated beast has a remedy then one may detain the mother so that it will give birth and rear herds from the offspring. But such a prohibition did not pertain to the animal designated as a sacrifice, for rabbis deemed it less common than the peace offering.]
- II.1 A. 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:’”**

- B. *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. *Said Rabbah, “It is reasonable to suppose that the sense is, there is no dispute that they are not offered, for they are offered. What is the reason? The extent to which R. Eliezer differs with rabbis is only in the case of the offspring, but as to the offspring of the offspring, it is a mere chance [so that while we do not want the farmer to hold on to the mother in order to produce offspring, it would be unusual for him to hold the mother for such a long time].”*
- D. *But R. Joshua b. Levi said, “[The sense is,] there is no dispute that the offspring of offspring are offered, all concurring that they are not offered. What is the reason? The extent to which R. Eliezer differs with rabbis is only in regard to the offspring, but as to the offspring of the offspring, from the deeds that are done with the beast [by the farmer,] the intention of the farmer to raise it will be discerned.” [Miller: the very fact that he has retained the mother until the second generation proves that he is detaining them in order to rear them.]*
- E. **[18B]** *A Tannaite teaching of R. Hiyya supports the view of R. Joshua b. Levi:*
- F. *“If he offers a lamb for his offering” (Lev. 3: 7) — the offspring of the first generation is offered, but the offspring of the second generation is not offered; it [the offspring] is offered, but not the offspring of any other consecrated beast.*
- G. *Now the offspring of what sort of consecrated beast is in mind here? If reference is made to a burnt offering or a guilt offering, they are male and are not going to have offspring. If it is a sin offering, do we not have in hand the ruling that it is left to die?*
- H. *Said Rabina, “[The exclusion encompasses] the offspring of a female animal that was designated a tithe”*
- I. *And why is it necessary to locate a verse of Scripture to exclude the offspring of a beast that has been designated as tithe? Does that rule not come from the analogy between the sense of the word “passing” used in connection with tithing the herd, and the same usage in connecting with a firstling [Lev. 27:32, Exo. 13:12, respectively]? [The offspring of a firstling is not offered, since the firstling can only be male!]*
- J. *A verse of Scripture indeed is required. For you might otherwise suppose that we cannot form an argument by analogy from a case where there can be an alternative for a case in which there is none [Miller: as is the case with a firstling, which is restricted to males, for it is not possible to have the offspring of a firstling]. So we are informed that that is not the case.*

**III.1 A. Testified R. Joshua and R. Pappas concerning the offspring of peace offerings, that it is offered as peace offerings [= Sages, G]. Said R. Pappas, “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 [Tabernacles/Sukkot]:”**

- B. *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, which is, not to postpone making an offering [Deu. 12: 5-6 is read to mean that one must bring one's consecrated beast on the first festival after its consecration], why did they not eat the consecrated beast on the festival of Weeks?*
- C. *Said R. Zebid in the name of Raba, "For instance, he might have been sick on the festival of Weeks."*
- D. *R. Ashi said, "What is the meaning of the word **on the [next] Festival?** It means, on the Festival of Weeks."*
- E. *And the other [R. Zebid]?*
- F. *When the Tannaite authority uses the explicit term, Passover, he also uses the explicit term, the feast of Weeks. [Using the more general "Festival" means the festival of Tabernacles.]*
- G. *If so, then what is the point of the testimony [since the animal could not be eaten prior to that time on perfectly legitimate grounds]?*
- H. *It served to exclude the position of R. Eliezer, who has said, "**The offspring of peace offerings is not offered as peace offerings [but is left to die].**" So he gives testimony that it is offered.*

The analysis of the Mishnah concerns itself with the scriptural bases for the Mishnah's rulings, I.1, and the sense of the Mishnah's language, II.1. I find the latter a very plausible question, and the answer entirely compelling. III.1 accomplishes the same. The Mishnah-exegesis throughout is therefore important.

### 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,**
- B. **to infinity,**
- C. **lo, these are deemed equivalent to a thank offering,**
- D. **But with the proviso that they do not require bread.**

- I.1 A. *What is the scriptural basis for this ruling?*
- B. *It is in accord with that which our rabbis have taught on Tannaite authority:*
- C. *What is the meaning of Scripture's statement, "If he offer it for a thanksgiving offering" (Lev. 7:12)?*
- D. *If one has designated a beast as a thanksgiving offering, and it got lost, and then he designated another in its place, and the first was located, so that lo, both of them are available, how do we know that whichever one he prefers is the one he offers up, with its bread with it?*
- E. *Scripture states, "If he offer it for a thanksgiving offering" (Lev. 7:12).*
- F. *Might one suppose that the second one should also require the appropriate bread-offering?*
- G. *Scripture states, "If he offer it for a thanksgiving offering" (Lev. 7:12) — one, and not both [require a bread-offering].*
- H. *How do we know that the same rule encompasses the offspring of a thanksgiving offering, animals exchanged or substituted for animals in that status as well?*



- I. Scripture states, "If he offer it for a thanksgiving offering" (Lev. 7:12).
- J. Might one suppose that all of them should require bread-offerings?
- K. Scripture states, "If he offer it for a thanksgiving offering...."
- L. This means that the thanksgiving offering itself requires a bread offering, but the offspring of a thanksgiving offering, animals exchanged or substituted for animals in that status do not require a bread offering.

The exercise is standard, and the proof is coherent with the ones given earlier.

### 3:2E-H

- E. (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,**
- F. to infinity,**
- G. lo, these are deemed equivalent to a burnt offering.**
- H. And they require flaying and cutting up and are wholly burned upon the altar fires.**

### 3:3A-C

- A. 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 —**
- B. [the offspring] pastures until it is blemished, then it is to be sold, and [the owner] brings with its proceeds a burnt offering.**
- C. R. Eleazar says, "It itself is offered as a burnt offering."**

- I.1 A.** *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]?*
- B.** *Said Rabbah bar bar Hanah, "The opening rule itself has been repeated as a dispute and in point of fact represents the opinion only of R. Eliezer."*
- C.** *Raba said, "You may even take the view that it represents the position of rabbis. They differ with R. Eliezer only in respect to the case of one's designating a female beast as a burnt offering, since the mother is not offered for such a purpose [so the offspring also would not be offered], but in the cases of the offspring of a beast that has been declared a substitute for a burnt offering, in which case the mother is offered [Miller: not the mother but the animal that was first dedicated, the male burnt offering will be offered, and on account of the male both the beast that is substituted and its offspring will be holy,. If one set aside a female for a burnt offering, the animal first dedicated was not fit for an offering], rabbis will concur [that the offspring is treated as a burnt offering]."*
- D.** *But has R. Eliezer said that [the offspring of a substituted animal] is itself offered as a burnt offering? And objection is to be raised from the following: **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” [M. 3:3G-N].** [Eliezer then holds that the burnt offering is a private sacrifice, but the owner cannot buy guilt offerings. The same is the rule for the offspring of the substitute of a guilt offering, with the young sold after blemishing and a burnt offering bought with the proceeds (Miller)]. *So he brings an offering with the proceeds, but not the animal itself as a burnt-offering* [and Eliezer then holds that since the mother is unfit as a burnt offering, being a female, the offspring also cannot be offered as a burnt offering. Why does he say that a female animal designated as a burnt offering produces an offspring, a male, that can be offered as a burnt offering? (Miller)]

- E. *Said R. Hisda, “R. Eliezer was framing his statement within the premises of rabbis, saying to them, ‘In my opinion, I maintain that even the offspring too is offered as a burnt offering. But within your premise, in maintaining that it is put out to pasture, you must concede to me, nonetheless, that the surplus of the value of the offspring is applied to the purchase of a free-will offering of an individual [as a burnt offering]. And rabbis respond, ‘The surpluses go for free will offerings on behalf of the community.’”*
- F. *Raba said, “R. Eliezer maintains that the offspring itself is offered as a burnt offering only in the case in which the farmer has designated a female beast as a burnt offering, since, after all, the mother has been placed into the category of a burnt offering. [19A] But in respect to the substitute for the offspring of a guilt offering, in which case the mother has never been placed into the category of a burnt offering, R. Eliezer concedes that it is with the proceeds [that one purchases a burnt offering], but the beast itself is not offered.”*
- G. *Abbaye objected, “But does R. Eliezer in fact insist that the mother be classified as a burnt offering [for the beast itself to be offered]? Has it not been taught on Tannaite authority: **he who designates a female beast as a Passover offering — it pastures until it is blemished, then is sold, and with its proceeds let him bring another [male] Passover offering. If before Passover it gave birth, the offspring is to pasture until it is unfit for an offering, is then sold, and a Passover offering is bought with the money. If it remained until after Passover [Miller: if he brought another male Passover sacrifice, and this female Passover sacrifice was left over], it is put out to pasture until it is blemished and unfit, is then sold, and with the proceeds one brings a peace offering [for at other times of the year beside Passover, an animal designated as a Passover can be offered as a peace offering; but the animal itself cannot be brought as a peace offering, since its holiness as a Passover sacrifice is in suspense, and it cannot be fit for a peace offering either]. If the female Passover sacrifice gave birth, the offspring is left to pasture until it is unfit. It is sold and a peace offering is bought with the proceeds.***
- H. *“R. Eliezer says, ‘The beast itself is offered as a peace offering [even though the mother was not classified as a peace offering]’ [cf. T. Pisha 9:18]. [Compare the version in T. Temurah, which continues as follows: R. Simeon b. Judah says in the name of R. Simeon, ‘It may be sold even if it is not blemished.’ If it bore a male, it pastures until it is blemished, then is sold, and with its proceeds, let him bring another Passover offering. R. Eliezer says, ‘It itself is offered as a Passover offering’ [cf. T. Tem. 2:3A-E].*

- I. *"Now here we have a case in which the mother has not been classified as a peace offering, and nonetheless R. Eliezer maintains that the offspring is to be sacrificed in the category of a peace offering!"*
- J. *Said Raba to him, "Now do you raise the case of the disposition of the beast after Passover? Indeed! The case of the disposition of the beast after the Passover is different, for after Passover, the beast purchased with the surplus of funds set aside for the purchase of a Passover animal itself is itself offered as a Passover."*
- K. *"If so [that the operative consideration is that the mother has been classified as a peace offering,] then let the dispute between R. Eliezer and rabbis be set forth also in the context of the opening rule here [If before Passover it gave birth, the offspring is to pasture until it is unfit for an offering, is then sold, and a Passover offering is bought with the money]."* [Miller: Let Eliezer maintain that the offspring itself is offered as a peace offering, since if he killed the mother at any time of the year, it would be classified as a peace offering, so the mother is classified as a peace offering.]
- L. *He said to him, "That is entirely correct [that Eliezer holds that where the animal gave birth before Passover, the beast is offered as a peace offering], and they do differ."*
- M. *Abbayye said, "There is in point of fact no difference [as to that matter, where the animal gave birth before Passover; Eliezer agrees that the animal is sold and a Passover sacrifice is bought with the money]. We have learned that the purpose for which the unused consecrated animal goes governs the utilization of the offspring as well. So if after the Passover, when an animal has not been used for a Passover sacrifice, it falls into the classification of a peace offering, and the same is the rule for the offspring, which serves as a peace offering. Prior to Passover, for what purpose was the mother designated? It was for the purpose of devoting the proceeds of that beast for the Passover sacrifice, and the offspring too will be used so that its value goes for a Passover sacrifice. [Miller: the reason for his position in the second part of the passage is not that the mother has not been classified as a peace offering. Where one set aside a female for a burnt offering, the young of the female burnt offering is treated in the same way, as a burnt offering. In the case of an unused guilt offering that is left to pasture, the offspring of the beast exchanged for the guilt offering also is left to pasture. As regards the Passover sacrifice after Passover, since the unused lamb is brought as a peace offering, the same law applies to the offspring. In regard to a Passover sacrifice prior to Passover, if there is an animal that is superfluous, they are not going to be peace offerings, since they are supposed to be used as Passover offerings. One of them is certainly superfluous and is not fit for a Passover sacrifice, since one is not going to offer two animals for that purposes. Since they cannot be used for any purpose, the offspring is not offered for any purpose but is in the status of the mother, that is to say, holy for its value.]*
- N. *Objected R. Uqba bar Hama, "But do we rule that if the mother serves only for its value in money, the offspring also serves only for its value in funds? Surely it has been taught on Tannaite authority: He who designates a female as a Passover offering — it and its offspring are put out to pasture until blemished, then sold, and with their proceeds a Passover offering is*

**purchased....R. Eliezer says, ‘It itself is offered as a Passover’ [T. Tem. 2:3].** *Now here is a case in which the mother serves only through its value, but R. Eliezer has said, ‘It itself is offered as a Passover’! Then we do not assign to the offspring the same rule as applies to the mother.”*

- O. *Said Rabina, “It is with a case in which one has designated a pregnant based that we deal. R. Eliezer adopts the principle of R. Yohanan, who has said, ‘If one has left over the embryo for a different dedication, the act is valid. [If one consecrates a pregnant beast and leaves over the embryo for a different classification of holiness, it is a valid action; the two are considered distinct bodies; therefore even if one did not leave over the dedication of the embryo, it is not considered part of the body of the mother, and consequently the consecration of the embryo as a Passover sacrifice takes effect (Miller)]. The reason is that the embryo is not regarded as tantamount merely to the mother’s thigh. Therefore it is the mother alone, the female, that is not consecrated as to its body; but the embryo, which turns out to be male, is consecrated as to its body [and is therefore offered].”*
- P. *Said Mar Zutra son of R. Mari to Rabina, “It is reasonable to suppose that we are dealing with a pregnant based, since it has been taught in the cited passage, ‘it and its offspring’ [Miller: so both were in existence at the time of the act of consecration].”*
- Q. *That proves it.*
- R. **[19B]** *Said R. Yosé bar Hanina, “But R. Eliezer concedes that if one has designated a female animal to serve as a guilt offering, its offspring is not offered as a guilt offering.”*
- S. *That is self-evident. For R. Eliezer made his ruling only in a case in which one has designated a female animal to serve as a burnt offering, in which case the mother falls into the classification of a burnt offering [in the case of a bird, for a female bird can serve as a burnt offering]; if one has designated a female animal to serve as a guilt offering, however, in which case the mother does not fall into the category of a guilt offering, even R. Eliezer will concede that the beast is not offered as a guilt offering.*
- T. *But if R. Yosé had not so specified the rule for us, I might have thought that the operative consideration for R. Eliezer is not on the grounds that the mother is classified as a burnt offering, but rather on the grounds that the offspring, at least, is suitable to be offered, so this animal too [the offspring of a guilt offering] would be suitable for offering. He thus informs us that that is not the operative consideration.*
- U.. *If that is the case [namely, that Eliezer’s criterion is the classification of the mother], then instead of informing us that the offspring is not offered as a guilt offering, why does [Yosé] not tell us that the offspring is not offered as a burnt offering, and that obviously would be the rule governing the guilt offering?*
- V. *Had he stated the rule for us in terms of the burnt offering, I might have supposed that it is the burnt offering in particular that is not offered, for its mother had not been consecrated for that classification of holiness, but in the case of a guilt offering, I might have conceived that the offspring would be offered as a guilt offering. He therefore informs us that that is not so.*

The entire discussion recalls those protracted and well-crafted compositions in the opening chapter, a sustained inquiry into the law and logic of the authorities before us. From beginning to end, the flow is uninterrupted, and the inquiry covers all possibilities. The contrast with the brief and episodic statements on the sense of words and phrases is then readily drawn. Not only so, but the focus upon Eliezer's position allows us to address subtle questions of how to sort out interstitial cases, involving the mother and the offspring, various classifications of holiness, various purposes for which beasts are consecrated, and the like. The whole then forms a complete and perfect grid, in which a variety of distinct considerations are brought to bear, and all points are clear and set forth, if in arcane detail, in an entirely lucid and accessible manner.

(An inquiry into the origins of various tractates of the Talmud, differentiating them by intrinsic characteristics of intellectual style and power, will surely appeal to Bavli Temurah as a striking and exemplary model of one type of tractate. A study of the classifications of composites and even compositions of which the Talmud is comprised will find in discussions of the present type a final example of a distinctive and readily-identified composition. All of that work, moving from the surface inward, awaits the attention of another generation. I recommend that the first exercise of classification of internal units by traits of an intellectual character commence with Temurah, among many competitive candidates, as one of the greatest achievements of the masters of the Talmud. The hard work will come with the classification of tractates; the classification of compositions, the easiest; and of composites, in-between. I should advise, however, that work start with the tractates, which will yield results to be radically revised when a more refined classification emerges out of the work on composites; the classification of types of composition is so easy, and the results will be so self-evident from the outset, that I wonder who will have the patience to do it. Much that I say in these pages, in elliptical language to be sure, takes for granted what I have already noticed in that aspect of the Talmud; and I am confident, anyone who has studied the various tractates in a concentrated span of time as I have will surely have made precisely the same observations and taken them into account in his or her further analysis of the character of the composites.)

### 3:3D-F

- D. **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,**
- E. **If his guilt offering has been offered, then its proceeds fall [to the Temple treasury] as a freewill offering.**
- F. **R. Simeon says, “It is sold [even] without a blemish.”**
- I.1 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:** *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]!*
- B. *Said R. Judah said Rab, “This is the reason: we say that, since sanctification as to the value of the beast has taken hold, sanctification of the body of the beast also has taken hold.”*
- C. *Said Raba, “That is to say, if one has designated as holy a male only for the purpose of its proceeds, the beast is sanctified also as to its body.”*
- I.2. A. *It has been stated:*

- B. If one has consecrated a male beast only for the purpose of assigning its proceeds to the upkeep of the Temple —
- C. R. Kahana said, “It is holy as to the body as well.”
- D. Raba said, “It is not holy as to the body as well.”
- E. *Then Raba retracted in favor of R. Kahana’s, in line with what R. Judah said in Rab’s name [concerning the operative consideration to be inferred from the Mishnah’s ruling].*

**II.1 A. R. Simeon says, “It is sold [even] without a blemish:”**

- B. *Said R. Hiyya bar Abin to R. Yohanan, “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?”*
- C. *He said to him, “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.’”*
- D. *For it has been taught on Tannaite authority:*
- E. If an animal designated as a guilt offering, which should be a year old, is offered at the age of two, or an animal designated as a guilt offering, which should be two years old, is offered at the age of a year, the offering is valid, but the owners of the sacrifices do not get credit for fulfilling their obligation.
- F. R. Simeon says, “The beast in no way is deemed to have been consecrated.” [This is then consistent with his ruling at our Mishnah-paragraph.]
- G. *Now lo, there is the case of the animal that is too young to be offered, which is not fit to be offered at all, and yet R. Simeon maintains that it is holy [a case not cited here at all]!*
- H. *The case of the animal too young to be offered is exceptional, for it will be suitable tomorrow [in the future].*
- I. *If so, the same argument should pertain to the animal designated as a guilt offering, which should be two years old, that is offered at the age of a year, since it will be suitable in a year’s time.*
- J. *Rather, this is the operative consideration behind the ruling of R. Simeon, in the case of animals that are too young for a sacrifice, it is because we derive the rule from the case of a firstling, in accord with that which has been taught on Tannaite authority:*
- K. R. Simeon b. Judah said in the name of R. Simeon, “An animal that has not yet reached the age appropriate for a sacrifice goes into the corral to be tithed, and lo, it is in the classification of a firstling. Just as a firstling is deemed to be consecrated before its time to be sacrificed has come [since it is consecrated from the womb], so an animal too young to be sacrificed is deemed consecrated even prior to the arrival of the correct time for sacrifice, and it is offered in its due time.”

**II.2. A. Our rabbis have taught on Tannaite authority:**

- B. **He who designates a female beast to serve as his burnt offering, [20A] for Passover or for his guilt offering — that beast can effect an exchange.**



- C. **R. Simeon says, “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 [and the female beast designated as a Passover or a built offering is sold even without a blemish and therefore does not effect an exchange, while a female animal designated as a burnt offering, since it falls into the classification of a burnt offering in the case of a female bird, is put out to pasture until it is blemished and therefore it can effect an exchange (Miller)].**
- D. **Said Rabbi, “I prefer the opinion of R. Simeon in the case of a Passover, for from the surplus funds of that which is sanctified as a Passover, peace offerings may be brought [under certain specified conditions]” [T. **Temurah 2:5A-D**].**
- E. *But let him say, “I do not concur with the opinion of R. Simeon in the case of the guilt offering, since the surplus funds left over from the purchase of a beast for a guilt offering are used for the purchase of a beast that is sacrifice as a burnt offering”? [Miller: we therefore find that this female guilt offering is a burnt offering, and it would therefore be holy as such and effect exchange, like a female burnt offering.]*
- F. *Rabbi concurs with the view of rabbis, who maintain that the surplus funds are used for the purchase of a freewill offering in the name of the community, and there can be no act of substitution effected in connection with a beast designated for a sacrifice in behalf of the community.*
- G. *The premise of argument at this point is that the reason of R. Simeon in maintaining that there can be an act of substitution in connection with the case of one who has designated a female beast to serve as his burnt offering is that the classification of burnt offering then [quite wrongly] would apply to a female in the case of a bird. In that case, if a high priest designated a cow for the offering that is required of him of a bull, it should be deemed holy, since the cow that is to serve for the preparation of purification water is a female!*
- H. *That cow falls into the classification of that which has been sanctified for the purpose of the upkeep of the Temple house, and that which has been sanctified for the purpose of the upkeep of the Temple house does not impose the status of sanctification on that which has been declared its substitute.*
- I. *Then an individual who has designated a male goat instead of a female goat to serve as his sin offering [though the female goat is required] — the goat should be deemed consecrated, for lo, there is the he-goat that is brought by the prince, so too, a prince who dedicated a she-goat for the he-goat that he owes — the goat should be deemed consecrated, for lo, the individual designates a she-goat for that purpose!*
- J. *These represent two distinct types [the one an individual, the other a prince, and they are not to be compared. But here an individual can set aside a female for his burnt offering and it becomes holy and effects an exchange, because if he wished, he could bring a female bird for the same purpose under certain conditions].*

- K. *Then if one committed a sin before he was appointed a prince, then if he set aside a male goat in place of a female goat [such as he was supposed to offer[] — let it be declared holy and effect an exchange, for if he were to sin at this time [having been appointed prince], he would bring a male goat [since the individual and the prince are one and the same person]!*
- L. *Since he did not sin as a ruler, he is in point of fact not required to bring a goat.*
- M. *If so, then here too, one does not actually bring a bird to serve as his sin offering!*
- N. *R. Simeon takes the view of R. Eleazar b. Azariah, for we have learned in the Mishnah:*
- O. **He who says, “Lo, I pledge myself to bring a burnt offering,” brings a lamb [which is the smallest acceptable burnt offering].**
- P. **R. Eleazar b. Azariah says, “Or a turtledove or a pigeon” [a fowl is also acceptable as a burnt offering]” [M. **Men. 13:6A-B**].**

**II.3.** A. *There we have learned in the Mishnah:*

- B. **He who consecrates his property for the upkeep of the Temple, and in the estate were cattle suitable for use on the altar, males and females —**
- C. **R. Eliezer says, “The males are to be sold for those who require burnt offerings, and the females are sold for those who require peace offerings, and the proceeds received for them fall with the value of the rest of the donation for the upkeep of the Temple house.”**
- D. **And R. Joshua says, “The males themselves are offered up as burnt offerings, and the females are to be sold for those who require peace offerings, and let him bring burnt offerings with the proceeds, and the rest of the proceeds fall for the upkeep of the Temple house” [M. **Sheq. 4:7A-F**].**
- E. *Said R. Hiyya bar Abba to R. Yohanan, “In the opinion of R. Joshua, who has said, ‘The males themselves are offered up as burnt offerings,’ as to the females, how is it possible to offer them up as peace offerings? Lo, their status is that of [Miller:] cancelled holiness?” [Miller: since the males are offered as burnt offerings, and the money of the female animals is for burnt offerings, presumably he holds that he dedicated them all for burnt offerings. But a female animal dedicated as a burnt offering must be put out to pasture, its holiness as a burnt offering having been cancelled. So how can it be offered as a peace offering?]*
- F. *Another version:*
- G. *Said R. Hiyya bar Abba to R. Yohanan, “In the opinion of R. Joshua, who has said, ‘The males themselves are offered up as burnt offerings,’ does this bear the implication that they have been consecrated as to their bodies? If so, how come the females are to be sold for the purpose of purchasing peace offerings? Surely they should be put out to pasture!”*
- H. *He said to him, “R. Joshua concurs with R. Simeon’s position, which is, ‘Anything that itself is not suitable in its body is not subject to the consecration of the body. For we have learned in the Mishnah: R. Simeon says, ‘It is sold [even] without a blemish.’ Since the female animal cannot serve for a guilt offering, it will not be consecrated as to its body at all, and here too, since the female beast is not suitable for a burnt offering, consecration does not affect its body.”*

- I. *"I might say that what R. Simeon has said pertains to the designation of a female beast as a burnt offering, [20B] for the classification of a guilt offering can never apply to the mother, but as to a female beast designated as a burnt offering, in which instance the designation of a burnt offering can pertain to its mother, here even R. Simeon would concur. And furthermore, we have heard from R. Simeon that a female beast that has been designated as a burnt offering does effect an exchange with an animal declared to be its substitute."*
- J. *[Yohanan] said to him, "R. Joshua takes the position of another Tannaite authority in respect to the opinion of R. Simeon, for it has been taught on Tannaite authority:*
- K. *"R. Simeon b. Judah say sin the name of R. Simeon, 'Even a beast set aside for his burnt offering has not got the power to effect an act of substitution."*
- I.1 goes over a familiar issue, now with reference to our Mishnah-paragraph. The issue of II.1, the reading of Simeon's position, is entirely coherent with the foregoing, and the whole has been formed into another protracted and well-crafted discussion. No. 2 proceeds along the same issue, introducing the principle of why, in one case but not another, an animal designated for a purpose that it cannot serve is or is not deemed sanctified as to itself, not merely its value. No. 3 moves on to yet another pertinent discussion, in which the same issue is raised in principle, now with reference to a new case. So the whole must be deemed, once more, cogent beginning to end. A grasp of the simple principles of composition leaves no doubt as to the matter.

### 3:3G-N

- G. **The substitute of a guilt offering, the offspring of its substitute, and their offspring, and the offspring of their offspring,**
- H. **to infinity,**
- I. **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.**
- J. **R. Eleazar says, "Let them be left to die."**
- K. **R. Eliezer says, "Let him purchase with their proceeds a burnt offering."**
- L. **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.**
- M. **R. Eliezer says, "Let it be left to die.**
- N. **R. Eleazar says, "Let him purchase with its proceeds a burnt offering."**

### 3:4

- A. **And is not also [that which falls to the Temple treasury as] a freewill offering a burnt offering?**
- B. **So what is the difference between the opinion of R. Eleazar and the opinion of sages [M. 3:31, K]?**
- C. **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.**

- D. And if he was a priest, the service of offering it up and the hide belong to him.
- E. 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.
- F. Even though he is a priest, the service of offering it up and the hide belong to the men of that particular course.

**I.1** A. *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**], *for had we heard only the case of the guilt offering [the owner of which has attained atonement through another animal], it is in that instance that R. Eliezer maintains that the beast is to be left to die, because of a decree covering the period after atonement has been made [in which case there is a single animal in hand] by reason of the prohibition that would have applied prior to atonement [with both animals before us]. But in the case of the substitute of a guilt offering or the offspring of the substitute, I might have thought that he concurs with the view of rabbis.*

B. *And had we heard the ruling in that case, in that in particular rabbis would have taken the position that they do, but in the case of the guilt offering, they might be thought to concur with the position of R. Eliezer.*

C. *Accordingly, the statement of both cases is absolutely necessary.*

**I.2.** A. Said R. Nahman said Rabbah bar Abbuha, “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.” [Miller: We have both animals before us. We fear that the farmer might say that this one is for pasture, that for atonement, and since both animals are fit for guilt offerings, one animal cannot be specified as being condemned to pasture until the owner has atoned through the other animal. For this reason, in Eliezer’s view, the animal is left to die even after atonement has taken place.]

B. Said Raba, “There are two arguments to the contrary. *First*, a person cannot attain atonement through something that he has gotten through a transgression. [Miller: The law to pasture applies both before and after atonement, so one cannot prohibit the exchange of a guilt offering, which is itself unfit to serve as a guilt offering even prior to the sacrifice of the animal that has actually been designated as a guilt offering.] *Furthermore*, R. Hanania learned [that the beast is put out to pasture] on Tannaite authority in support of R. Joshua b. Levi, ‘The offspring in the first generation is offered, but the offspring in the second generation is not offered [Miller: there is no prohibition after atonement has been made by reason of what might happen prior to atonement].’ [Miller: there is no need to tell us Eliezer’s position that even in these circumstances the animals are to be left to die, since that is the rule anyhow.]

C. *“Rather, if such a statement was made, this is the form in which it was made:*

D. “R. Nahman stated in the name of Rabbah b. Abbuha, ‘The dispute concerns the situation that prevails before atonement has been attained [in which case the animal

is left to die], but as to the period afterward, all parties concur that the animal is offered in the status of a burnt offering.”

E. *But has not R. Hanania learned [that the beast is put out to pasture] on Tannaite authority in support of R. Joshua b. Levi, “The offspring in the first generation is offered, but the offspring in the second generation is not offered”?*

F. *That is in point of fact a difficulty.*

**I.3.** A. *R. Abin b. Hiyya raised the question of R. Abin b. Kahana, “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?”*

B. *Solve the problem on the basis of the statement of R. Hanina who said, “R. Eliezer concedes [that where the female has been designated as a guilt offering, which is a classification of offering that it can never enter, its offspring is not offered as a guilt offering]!*

C. *He had never heard that teaching.*

D. *What is the law?*

E. *He said to him, “Its offspring is offered as a burnt offering.”*

F. *What’s going on! R. Eliezer made the statement that he did only in connection with one who designated a female beast as a burnt offering, because, after all, the mother can enter the classification of a burnt offering, but as to a guilt offering, which status the mother can never enter, even R. Eliezer would concede [that the offspring is in no way consecrated such that it can itself be offered].*

G. *He said to him, “The operative consideration for R. Eliezer [who maintains that if one designates a female for a burnt offering the male offspring may be offered as a burnt offering] is not on the grounds that the mother can enter the classification of a burnt offering, but on the grounds that the offspring is fit for an offering, and here too the young is fit for an offering.”*

H. *He objected, “**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.’** [21A] *With the proceeds yes, but the beast itself — no!* [Proceeds are used to buy a burnt offering, but the beast itself is not offered.] [Miller: In spite of the fact that the offspring of a substituted beast is fit to be offered, Eleazar still hold that the offspring itself is not offered. So one cannot argue that because the offspring of the female set aside as a guilt offering is fit for sacrifice, it may be sacrificed.]”*

I. *Here with what situation do we deal? A case in which the substitute gave birth to a female.*

J. *“**to infinity**” will it not give birth to a male?*

K. *“What I’m giving you is a too-clever-by-half Babylonian answer — yes indeed, for example, a case in which the substitute gave births to females for infinity.”*

**I.1** goes through the familiar and important exercise of showing that the Mishnah’s duplicated statement of the same principle is absolutely necessary. No. 2 then clarifies the same matter, but in different terms. No. 3 goes over equally familiar ground.

- A. The substitute of a firstling or of a beast designated as tithe, their offspring, and the offspring of their offspring,
- B. to infinity,
- C. lo, they are deemed equivalent to a firstling or to a beast designated as tithe,
- D. And they are eaten by the owners after they are blemished.
- E. What is the difference between the [blemished] firstling and a beast designated as tithe and all [other blemished] Holy Things?
- F. 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].
- G. And they are subject to redemption, and their substitutes are subject to redemption, except for the firstling and a beast designated as tithe.
- H. 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].
- I. 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.
- J. 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."

We raise a question at the interstices of the Mishnah-rule at A-H, which is, the rule governing the case of one who caused a blemish in a beast that was in the status of a firstling by reason of having been declared a substitute for a firstling. Does the rule governing the firstling itself apply? The real question is, what is the governing principle for the firstling, the fact that it is offered, or the fact that it is consecrated, whether or not it is offered? The inquiry, therefore, is deeply engrossed by the problem of the Mishnah-rule itself.

- I.1 A. *Said Raba bar R. Aza, "They asked in the West: 'One who deliberately 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 ['you shall not redeem, they are holy' (Num. 18:17) being interpreted to mean that they are offered, but a beast substituted for them is not, and the rule governing the beast designated as tithe derives by analogy (Miller)], one incurs no liability, or perhaps, since they are nonetheless consecrated, one incurs a liability?'"*
- B. *Said Abbayye to him, "You should raise the following as a question: One who causes a blemish in the animal that was ninth but, in the process of tithing, was designated tenth, what is the law [governing one who deliberately causes a blemish to such a beast]? [Since this beast is not offered, there obviously is no penalty for blemishing it.] But what is the distinctive consideration in the case of the ninth beast that has been called tenth, about which you do not ask? The Torah excludes it insisting on 'the tenth,' (Lev. 27:32), thus excepting the ninth. Here too, Scripture has excluded it by saying, 'you shall not redeem, they are*



holy' (Num. 18:17). They are offered, but beasts substituted for them are not offered up."

- C. *R. Nahman bar Isaac repeated the matter in the following language:*
- D. *"Said Raba bar R. Aza, 'They asked in the West: "One who causes a blemish in the animal that was ninth in the counting but was declared to be the tenth, what is the law?"'"*
- E. *"He said to him, 'You should raise the following as a question: One who causes a blemish in a beast that has been substituted for a firstling or for a beast designated as tithe, what is the law? But what is the distinctive consideration in regard to the beast substituted for a firstling or tithe, in that you do not raise the question in their regard? It is that Scripture itself has excluded them, by saying, "you shall not redeem, they are holy" (Num. 18:17). They are offered, but beasts substituted for them are not offered up. As to the animal that was ninth but, in the process of tithing, was designated tenth, Scripture has also eliminated that case when it says, "the tenth," (Lev. 27:32), thus excepting the ninth.'"*

**II.1 A. 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:**

- B. *An objection was raised:*
- C. **The son of Antigonus brought up firstlings from Babylonia, but they did not accept them from him [as animals to be sacrificed] [M. Hal. 4:11A].** [So how can the Mishnah rule, **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. 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?** Here, it is clear, animals brought from abroad, even not blemished, were not offered up.]
- D. *Said R. Hisda, "There is no contradiction, for the one [the Mishnah before us] represents the position of R. Ishmael, the other, [that we do not bring firstlings from abroad] is that of R. Aqiba."*
- E. *For it has been taught on Tannaite authority:*
- F. **[Reproduced in the version of T. Sanhedrin 3:6A-Q:] R. Yosé says three matters in the name of three elders:**
- G. **"R. Ishmael says, 'Is it possible to suppose that a person should bring second tithe up to Jerusalem at this time [after the destruction of the Temple] and eat it there? Now it is logical to think that that might be the case. For the firstling requires transportation to the holy place, and second tithe requires transportation to the holy place. Just as the firstling is eaten only in the time of the Temple, so second tithe should be eaten only in the time of the Temple. But no, if you state that rule in regard to the firstling, which produces blood and sacrificial parts for the altar [and for which, therefore, the sacrificial service is necessary], will you say the same rule in regard to second tithe, which does not, after all, produce blood and sacrificial parts for the altar? But the matter of first fruits will prove the case, for they do not produce blood and sacrificial parts for the altar, and yet they are eaten only in the time of the Temple. But no, if you have stated that rule in the case of first**

fruits, which require being set into place before the altar, will you state the same rule for second tithe, which does not require being set into place before the altar? Scripture says, ‘And you will eat before the Lord your God the tithe of your grain wine and oil, and the firstborn of beasts’ (Deu. 14:23). Just as the firstling is eaten only in the time of the Temple, so second tithe should be eaten only in the time of the Temple.”

- H. *But why not reverse the argument and prove the case of second tithe by appeal to the analogy of the shared traits* [Miller: if you say that the analogy between firstfruits and tithe is not exact, since in the former there is no setting before the altar, then the case of firstling will prove that even without the setting before the altar it is necessary for the Temple to be in existence in order that the firstling can be brought, and the same therefore will apply to second tithe. Again, if you say that the firstling is different because it requires the application of its blood to the altar, then the case of firstfruits will prove that although there is no application of blood, only when the Temple stands can they be brought, and the same therefore will apply to second tithe. Firstlings and firstfruits have one point in common, the need of bringing them to a holy place, and the Temple must be standing; the same will apply to second tithe, that it will be brought only when the Temple is standing.]
- I. *Said R. Ashi, “The reason that that is not so is that one may raise the following problem: the point in common among them [the firstling and firstfruits] is that they have some relationship to the altar. Now what is R. Ishmael’s conception [since he knows that a firstling is not eaten when the Temple is not standing, but is not sure about second tithe]? If he holds that when the Temple was originally consecrated, Joshua consecrated the land for the time being [when it was inhabited by Jews] and also for the future [in which case, even without the Temple, Jerusalem is still a holy place]? Then there should be no difference between the case of the firstling and that of the second tithe, both of them being appropriately brought. But if R. Ishmael maintained that the initial act of consecration was for the moment but that he did not consecrate it for all time in the future, then even the status of the firstling also should be a problem for you!”*
- J. *In point of fact, he takes the view that the initial act of consecration was for the moment but that he did not consecrate it for all time in the future, but here, what is at stake? The case in which the blood of the firstling was tossed on the altar while the Temple was still standing, but then the Temple was destroyed, and the meat is still there. Since, if the blood were available, it would no longer be suitable for sprinkling [Jerusalem then having been destroyed in the interim,] we derive the case of the flesh of the firstling [as regards eating it] from the case of the blood [21B] of the firstling. [Miller: And just as the blood cannot be sprinkled, so the flesh cannot be eaten.] And then we derive the case of second tithe from the case of the firstling [Miller: just as the firstling is certainly not eaten in Jerusalem, there being no Temple, so second tithe is not eaten in Jerusalem.]*
- K. *But do we infer the rule of one matter of consecration from another? And has not R. Yohanan said, “Throughout the Torah we infer one rule from another that has itself been derived by inference, except for the matter of consecration, in which we do not derive a rule from another that has itself been inferred”?*

- L. Tithe is a matter of what is secular [Miller: therefore when we compare second tithe with the firstling, we are not really making an analogy between dedications, as is the case when we inferred “flesh” from “blood.”]
- M. *That poses no problem to one who maintains that we follow the upshot of that which is derived [whether the subject is dedications or not. And since it is second tithe that is the subject learned and derived from dedication, it is quite in order, because second tithed can be rendered unconsecrated (Miller)]. But what will you say to one who maintains that that from which the derivation comes is the operative consideration [Miller: here, the blood of the firstling, as we derive the rule for second tithe from it, and this does belong to the category of that which has been consecrated]?*
- N. *“Flesh” and “blood” in the matter of the firstling are deemed a single subject [Miller: and since this is the case, we are only making one inference, i.e., second tithe from the blood and flesh of a firstling, which are considered as one subject as regards dedications].*
- O. [Yosé continues:] **“R. Aqiba says, ‘Is it possible to suppose that one might bring up firstlings from abroad? Scripture states, “And you will eat before the Lord your God the tithe of your grain wine and oil, and the firstborn of beasts” (Deu. 14:23). From that place from which you bring the tithe of grain, you bring firstlings. From broad, from which you do not bring tithe of grain, you also do not bring firstlings’ [T. San. 3:5B-C].**
- P. **“Ben Azzai [T.: Simeon b. Zoma] says, ‘Is it possible to suppose that, just as the Torah has distinguished between Most Holy Things and Lesser Holy Things, so the Torah has distinguished between the firstling and second tithe? Now it would be quite logical to think so, since the firstling requires transportation to the Holy Place, and second tithe requires transportation to the Holy Place. And just as a firstling is eaten only inside the wall of Jerusalem, so second tithe is eaten only within the wall of Jerusalem. But the distinctive trait of the firstling, accounting for the fact that there is a limitation on the place in which it may be eaten, is that there also is a limitation on the time during which it may be eaten. But will you say the same of second tithe, for the time during which it may be eaten is without limit? Since the time in which it may be eaten is unlimited, perhaps we should also place no limitation on the place in which it may be eaten? Scripture says, “And you will eat before the Lord your God the tithe of your grain wine and oil, and the firstborn of beasts” (Deu. 14:23), and the meaning is this: just as the firstling is eaten only within the wall of Jerusalem, so second tithe should be eaten only within the wall of Jerusalem’” [T. San. 3:5D-J].**
- R. *Now what troubled him, that he raised the possibility in the language of, Now it would be quite logical to think so? [Miller: why should one imagine that he may eat second tithe wherever he can see Jerusalem even outside its walls?]*
- S. *I will explain: since we have learned in the Mishnah, There is no difference between Shilo and Jerusalem except that in Shilo they eat Lesser Holy Things and second tithe in any place within sight of the place, while in Jerusalem, they eat the same things only within the wall. And in both places Most Holy*

**Things are eaten only within the area encompassed by the veils. [After the sanctification of Shilo it was permitted to set up high places elsewhere, but after the sanctification of Jerusalem it was not permitted to set up high places elsewhere] [M. Meg. 1:11ZA-C], you might imagine that second tithe may be eaten wherever one can see the city. [Ben Azzai cites a text to] indicate that that is not the rule.**

- T. Others say, “One might suppose that a firstling, the year of which has passed [which is therefore superannuated and no longer suitable for offering] should be classified as are Holy Things that are unfit and so should be deemed unfit [and so cannot be offered]. But Scripture states, “And you will eat before the Lord your God the tithe of your grain wine and oil, and the firstborn of beasts,” Scripture therefore compares the firstling with tithe, with the result that, just as tithe is not rendered unfit if it is superannuated, so the firstling is not rendered unfit if it is superannuated.
- U. *And as to the rabbis who read the text earlier [Ishmael, Aqiba, Ben Azzai] have read the verse for different purposes — how do they derive the rule that one may offer a superannuated firstling?*
- V. *They derive the same rule from the following verse: “You shall eat it before the Lord your God year by year” (Deu. 15:20) — this teaches of the firstling that is superannuated, that it is not thereby rendered unfit.*
- W. And how do these others [T] interpret the verse, “You shall eat it before the Lord your God year by year” (Deu. 15:20)?
- X. *They require this verse in line with that which has been taught on Tannaite authority:*
- Z. “One day may derive from this year, one from the next” [in a case in which one has killed the firstling at the end of its first year] — this teaches us that a firstling may be eaten over a span of two days and an intervening night [even if the second of the two days was the beginning of the following year, that is, marked the birthday of the firstling].
- AA. *And whence do the rabbis before us derive that same rule, that a firstling may be eaten over a span of two days and an intervening night [even if the second of the two days was the beginning of the following year, that is, marked the birthday of the firstling]?*
- BB. From the verse, “It shall be to you as the breast of the waving” (Num. 18:18 [Miller: like the breast and shoulder of the peace offering, which are eaten over a span of two days and an intervening night].

This entire Talmud serves a single purpose, which is to show that two rules that contradict, as cited, in fact represent two different opinions of named authorities; the decided law, which is always the anonymous version, contains no contradictions whatsoever.