

# IV.

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## BAVLI TEMURAH CHAPTER FOUR

### FOLIOS 21B-24A

4:1

- A. (1) The offspring of a sin offering, (2) the substitute of a sin offering, and (3) a sin offering, the owner of [any ox] which died
  - B. are left to die.
  - C. (4) One which was superannuated or (5) one which was lost and turned up blemished,
  - D. if this is after the owner has effected atonement,
  - E. is left to die.
  - F. [22A] And it does not impart the status of substitute [to an animal designated in its stead]. People do not derive benefit from it, but it is not subject to the laws of sacrilege.
  - G. If this is before the owner has effected atonement,
  - H. it is set out to pasture until it is blemished, then is sold, and [the owner] brings another with its proceeds.
  - I. And it imparts the status of substitute [to an animal designated in its stead, and it is subject to the laws of sacrilege.
- I.1** A. *What is the reason that the Tannaite author of the passage does not state in a single paragraph all five categories of animals designated as sin offerings [A-B, C-E] that are left to die?*
- B. *The first three cases are perfectly clear to him [since he has no doubt that if the owner has effected atonement, they are left to die], but the second two cases are not perfectly clear to him.*
- I.2.** A. *And how come the Mishnah-paragraph is repeated both in tractate Meilah [as M. Meilah 3:1] and also here in tractate Temurah?*
- B. *He had in mind to repeat it here in Temurah with reference to the beast that is declared a substitute, but since he repeated it with reference to Temurah, he also repeated laws concerning sacrilege, and since at Meilah he taught laws*

concerning sacrilege, he encompassed also laws governing the substitute beast [and ended up repeating the same paragraph in each tractate, since at each point he covered pertinent rules].

- I.3.** A. Said R. Simeon b. Laqish, "In the case of a beast designated as a sin offering that became superannuated, [wherever it is located] it is regarded as though it were standing in a cemetery [into which a priest cannot enter, by reason of not contracting cultic uncleanness, so he cannot slaughter the animal] and it is left to pasture."
- B. *We have learned in the Mishnah: (4) One which was superannuated or (5) one which was lost and turned up blemished, if this is after the owner has effected atonement, is left to die. May we say that this refutes the position of R. Simeon b. Laqish?*
- C. *R. Simeon b. Laqish will say to you, "When the opening clause of the Mishnah [which says the beast is left to die] makes its statement, it refers to one that was lost and then found blemished. If the owner has already attained atonement, it is left to die."*
- D. *If so, then note the the latter clause of the same Mishnah-paragraph: If this is before the owner has effected atonement, it is set out to pasture until it is blemished, then is sold, and [the owner] brings another with its proceeds. Now if it is already blemished, then is it not already unfit?!*
- E. *Said Rabbah, "This is the sense of the passage: 'That which was lost and found with a transient blemish, if this was after the owner had attained atonement, is left to die. If it is before its owner has attained atonement, then it is put out to pasture until it is blemished with a blemish that is permanent, and then is sold, and [the owner] brings another with its proceeds.'"*
- F. *Said Raba, "There are two arguments to be given against this answer. First, if [we are dealing with an animal bearing a transitory blemish], the Mishnah ought to have said, 'let him keep [the animal with the transient blemish].' And furthermore, what is the purpose of stating the law concerning the one that is superannuated at all?" [Miller: since none of the rulings in the Mishnah has reference to it, for even if the owners have obtained atonement through another animal, it is not condemned to die, it is subject to the law of exchange, and it is subject to the law of sacrilege]*
- G. *Rather, said Raba, "This is the sense of the passage: If it was superannuated and lost, or if it was lost and was found bearing a blemish, after the owner has attained atonement, it is left to die. If this was prior to its owner having attained atonement, it is put out to pasture until it is blemished, and then it is sold."*
- H. *"And it is necessary to repeat the rule concerning the beast's being lost both with respect to the blemished beast and also with respect to the superannuated beast. For if the Tannaite authority had repeated the rule only in reference to the superannuated beast, I might have reached the conclusion that that in particular is the case [regarding the animal found blemished] in which the fact that the beast was lost proves effective [in condemning the beast to death], because the beast is not appropriate for any other purpose, while in the case of a sin offering that has been blemished, in which instance, if it were not for the blemish, it would*

*be fit, I might have said that the fact that it has been lost does not prove effective in condemning the beast to death. And if the Tannaite authority had stated the rule with respect only to the blemished beast, it would be specifically in that case that the fact that it has been lost proves of effect in condemning the beast to death, because there it is not suitable to be offered up, but in the matter of the superannuated beast, which can be offered up for some other purpose if not for the present purpose, I might have thought that the fact that it has been lost proves null. So both details were necessary to the formulation of the passage."*

- H. *But did Raba make such a statement? And has not Raba said, "A beast designated as a sin offering that was lost at night [and the owner of which has designated another beast in its stead] does not fall into the category of a beast that has been lost. [Miller: since it is unfit to be offered at night and it was found the next day, if the owner has attained atonement through another beast, it pastures until unfit for sacrifice. Now here too in the case of a sin offering that is superannuated, since it is unfit for sacrifice, the condition of being lost should not play a role in the disposition of the beast, that is, in condemning it to death.]"*
- I. *The two cases are not the same [Miller: the case of an animal lost by night is not on a par with the case of a sin offering that is superannuated that was lost]. A beast that is lost by night is not fit either as an offering itself or as to its value, while in the case at hand [the superannuated sin offering], while as to its body it is unfit, as to its value, it is certainly fit.*
- J. *We have learned in the Mishnah:*
- K. **[If after the casting of the lots on the two goats of the Day of Atonement, it died, let one get another mate and cast lots for them as at the outset. And he says, "If the one belonging to the Lord died, then this one upon which the lot, 'For the Lord' has come up is to stand in its stead. And if the one which was for Azazel has died, this one upon which the lot, 'For Azazel,' has come up will stand in its stead.]" And the second one is to be put out to pasture until it is blemished, and then it is sold, and the money received for it is to fall to a freewill offering. For a sin offering of the community is not left to die [M. Yoma 6:1G-K].** *Lo, in the case of a beast designated as a sin offering for an individual, it will be left to die. And in this connection R. Yohanan explained, "Animals that have been designated for sacrifices are removed forever from sacred use [even if they do not have a blemish], and when one makes atonement, it is through the second animal of the second pair." Now the first of the two goats then is comparable to the case of a beast that is superannuated [and removed from use for the cult], and the operative consideration, as noted just now, is that the beast has been designated for use in behalf of the community. Lo, if it were one that was designated for use for an individual, it would have been left to die [although the beast has never been lost. So the beast is condemned to die because the owner has obtained atonement through another animal, and we see there is no need for two negative conditions to pertain for the animal to be condemned to die, and that contradicts Raba's opinion (Miller)].*
- L. *[Raba] will say to you, "The case where animals are set aside from sacred use forms one category, and the case of animals that are lost forms a distinct category. What is the operative consideration in the case of a beast that has been*

*lost? The owner is still intent upon them, for they may be found, while in the case of sin-offerings that have been set aside from sacred use, they will never again be suitable for a sin offering [Miller: and therefore in the case of an individual, as in the case of our Mishnah-passage, where the animal is removed and is not going to be offered at all, it will be condemned to die].”*

*A beast designated as a sin offering that was lost at night [and the owner of which has designated another beast in its stead] does not fall [when at dawn it is found] into the category of a beast that has been lost.*

Certainly 3.A-G closely relate to our Mishnah-paragraph. It is at H that we move off in another direction, but even here, we deal with a cogent passage. The expansion of Raba’s statement, at No. 4, then belongs, within the theory that a passage that expounds a Mishnah-paragraph itself will be fully spelled out in its own terms. It follows that this entire composition has been formulated as an amplification of our Mishnah-paragraph and must be deemed entirely cogent and admirably crafted, even though by the end we have moved very far from the concerns of our Mishnah-paragraph. We now take up a theoretical problem, introduced as a detail of the foregoing, but here set forth in its own terms, the status of a beast designated as a sin offering that was lost at night but then found by dawn.

**I.4. A. [22B]** *Reverting to the body of the above text:*

- B. *Raba said, “A beast designated as a sin offering that was lost at night [and the owner of which has designated another beast in its stead] does not fall [when at dawn it is found] into the category of a beast that has been lost.”*
- C. *Vis à vis which authority has he made this statement?*
- D. *If I say that it is in accord with the position of rabbis, then why insist that it was lost by night, since even if it had been lost by day, rabbis also would take the view that if a beast is lost and then found when the animal that has been designated in its stead has not yet been offered, the beast is still condemned to pasture [for rabbis maintain that the animal designated as a sin offering is condemned to die only when it is found after the owner has attained atonement through the other beast].*
- E. *Then it is vis à vis the position of Rabbi [who says that the beast is put to death]. [Raba interprets Rabbi’s position as follows:] Rabbi takes the position that he does only when the beast is lost by day, but with respect to a beast designated as a sin offering that was lost by night, even Rabbi concurs that it is put out to pasture [Miller: since even if the sin offering is before us, we cannot offer it at night and therefore it does not fall into the category of a sin offering that has been lost].*
- F. *If you prefer, I shall explain matters as follows: in point of fact, he has made his statement vis à vis the position only of rabbis, but here, with what sort of situation do we deal? It is with a beast designated as a sin offering that was lost and was found when the owners had already attained atonement [with another beast]. Rabbis take the view that an animal designated as a sin offering that has been lost and then found when the owners had already attained atonement is condemned to*

*die only if the loss first took place by day, but if the loss of the beast took place by night, that is not the rule.*

- I.5.** A. Said Abbaye, “We have a tradition in hand: lost but not stolen, lost but not seized by force.” [Miller: Only such an animal is condemned to die, and if the animal is restored to the owner, it is condemned to pasture and its value is used for a freewill offering.]
- B. *What is the situation that defines an animal designated as a sin offering that has been lost?*
- C. Said R. Oshaia, “Even a single animal that was confused with the rest of the man’s herd, and even one that was confused with another beast.” [Miller: even if the farmer can see all of them, since he only recognized the beast after atonement had been attained, it is regarded as a lost sin offering.]
- D. And R. Yohanan said, “Even if it ran behind the door.”
- E. *The question was raised: what is the sense of his statement, “Even if it ran behind the door”? Shall we say that the beast is classified as a lost sin offering only when the beast is behind the door, because no one can see it, but if the animal had run outside, since there are others who can see it, it does not fall into the category of a lost sin offering at all? Or perhaps with the sin offering behind the door, the owner turns around and can see it, and if that is classified as a lost sin offering, all the more so will a beast designated as a sin offering that ran outside, where the owner cannot see it, be classified as a lost sin offering?*
- F. *The question stands.*
- G. Said R. Pappa, “We have learned, ‘if the animal designated as a sin offering has been lost to the owner but not to the shepherd, it is not classified as a lost sin offering,’ and all the more so if it is lost from the sight of the shepherd but not lost from the sight of the owner. But what is the law if the animal designated as a sin offering has been lost to the owner, and also to the shepherd, but some third party recognized it?”
- H. *The question stands.*
- I.6.** A. R. Pappa raised the question, “What is the law if the animal designated as a sin offering was lost when the blood of the other beast was in the cup?” [Miller: he killed the animal that he had set aside in place of the lost one and received the blood in a cup, and while the blood was still in the cup, the first animal turned up.]
- B. *Vis à vis the position of which authority is this question formulated? If we say that it is vis à vis the position of Rabbi, has he not said, “If the lost beast turned up at the time that the one that was designated in its place had not yet been offered, the former is condemned to die” [Miller: and how much more so is this the case here, where the animal set aside was actually killed, and when one can say that whatever is ready to be sprinkled is considered as if it had been sprinkled, and therefore we should regard the sin offering as lost when atonement took place]?*
- C. *So when he raised the question, it was à vis the position of rabbis, and it was as follows:*
- D. *Do we maintain that when rabbis made the ruling, if the lost sin offering was found when the animal that had been designated in its place had not yet been*

offered it is put out to pasture, that ruling applies only before the blood was received in the cup, *but here, they take the view*, whatever is ready to be sprinkled is considered as if it had been sprinkled, [and therefore we should regard the sin offering as lost when atonement took place so it is left to die], *or perhaps so long as the blood has not yet been sprinkled, it falls into the category of a case in which the lost sin offering has been found when the animal set aside in its place had not yet been offered and it is condemned to pasture?*

- E. *There are those who state matters as follows:*
- F. *In point of fact he has formulated his question vis à vis the position of Rabbi, and he raises the question in the context of a case in which the officiating priest has received the blood in two cups, one of which was then lost [while the blood in the other cup was being sprinkled].*
- G. *In line with the view of him who has said that the one cup removes the others from sacred use the question cannot be asked.* [Miller: We deal with the case of a sin offering whose blood was received in four cups, and the priest made four applications of blood to the four corners of the altar from one cup; the remainder of the cup is poured out at the base of the altar, and the blood in the other cups is poured into the sewer. In the case at hand, the sin offering that has been found is certainly disqualified. Where all the cups of blood are before us, the sacrifice is a valid one, for although the blood of three cups is poured into the sewer, there were four applications of the blood to the altar. In the case at hand, however, since one cup of blood was lost, and since if the cup was before us, it would have been removed from sacred use and in addition with the unfavorable condition of being lost, the sacrifice is unfit. This is similar to the case of a sin offering that is superannuated and lost.]
- H. *In line with the view of him who maintains that one cup of blood imposes upon the blood in the other cups the status of remainder [and it is therefore poured out at the base of the altar, as is done with left over blood], do we say that this rule pertains only where both cups are present, since the officiating priest can sprinkle the blood from whichever cup he wishes, but here the beast has been lost [Miller: and therefore the fact of its being lost helps to remove it from sacred use, and the sacrifice becomes unfit], or perhaps there is no difference [even if it is lost, the other cup is not disqualified]?*
- I. *The question stands.*

I.1, 2 provide the answers to some important questions in the explanation of the formulation of our Mishnah-paragraph. A speculative question is raised at No. 3, which is answered by appeal to our Mishnah-paragraph. But it is relevant to the sense of the passage. This simple initiative carries us into a very abstract and theoretical discussion, which is carried over into No. 4, 5, and 6..

## 4:2

- A. **He who sets aside his sin offering and [the animal] was lost,**
- B. **and [who] offered another in its stead,**
- C. **and afterward the first [animal, that had been originally set aside] turned up**  

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- D. **[the first animal] is left to die.**



- E. He who sets aside coins for a sin offering, which were lost,
- F. and [who] offered up a sin offering in their stead,
- G. and afterward the coins turned up —
- H. let them go to the Salt Sea.

4:3

- A. He who sets aside coins for his sin offering, which were lost,
- B. and [who] set aside other coins in their stead —
- C. he did not suffice to buy with them [the replacement coins] a sin offering before the first coins turned up [that is, the proceeds of the sale of the blemished sin offering].
- D. let him bring a sin offering with some of these and with some of those,
- E. and let the others fall [to the Temple treasury] as a freewill offering.
- F. He who separates coins for his sin offering, which were lost,
- G. and [who] set aside a sin offering in their stead —
- H. he did not suffice to offer it up before the coins turned up —
- I. and lo, the sin offering is blemished —
- J. let it be sold and let him bring a sin offering with some of these and with some of those [coins, the original ones as well as the ones which were the
- K. And let the rest fall [to the Temple treasury] as a freewill offering.
- L. He who separates his sin offering, which was lost,
- M. and [who] separated coins in its stead-
- N. he did not suffice to purchase a sin offering with them before his sin offering turned up —
- O. and lo, it is blemished —
- P. let it be sold, and let him bring a sin offering with some of these and with some of those [coins].
- Q. And let the rest fall [to the Temple treasury] as a freewill offering.
- R. He who separates his sin offering, which was lost,
- S. and [who] separated another in its stead- —
- T. he did not suffice to offer it up before the first turned up —
- U. and lo, both of them are blemished —
- V. let them both be sold. And let him bring a sin offering with some of these and some of those [coins received for the two blemished animals].
- W. And let the rest fall [to the Temple treasury] as a freewill offering.
- X. He who separates his sin offering, which was lost,
- Y. and [who] separated another in its stead —
- Z. he did not suffice to offer it up before the first turned up —
- AA. and lo, both of them are totally unblemished —
- BB. “one of them is to be offered as a sin offering.
- CC. “And the other is to be left to die,” the words of Rabbi.
- DD. And sages say, “Only that sin offering is left to die in the case in which the owners have effected atonement.

EE. “And coins do not go to the Salt Sea except in the case of those which are found after the owner has effected atonement.”

4:4

- A. He who separates his sin offering, and lo, it [turns out] to be blemished
- B. sells it and purchases another with its proceeds.
- C. R. Eleazar b. R. Simeon says, “If the second is offered before the first is slaughtered, it is left to die.
- D. “For the owner already has effected atonement.”

The basic principle is that where the animal is left to die, the money is destroyed as well.

- I.1** A. [He who sets aside his sin offering and the animal was lost, and who offered another in its stead, and afterward the first animal, that had been originally set aside turned up — the first animal is left to die:] *The operative consideration [in the case in which the animal designated as a sin offering was lost and another was offered and then the first was found] is that one has offered up the other in its stead. Lo, if he had not offered up the other in its stead, it would have been left to pasture.*
- B. *Whose opinion does this rule represent? It is that of Rabbis, who maintain that if the animal that was lost turns up before the animal that had then been designated for the sin offering had been offered up, then it is put out to pasture.*
- C. *But then let me recite what follows:*
- D. **He who sets aside coins for his sin offering, which were lost, and [who] set aside other coins in their stead — he did not suffice to buy with them [the replacement coins] a sin offering before the first coins turned up [that is, the proceeds of the sale of the blemished sin offering], let him bring a sin offering with some of these and with some of those, and let the others fall [to the Temple treasury] as a freewill offering.**
- E. *The operative consideration is that one can purchase a sin offering out of both sums of money, but if he had bought a sin offering from one of the sums of money, then the other sum of money would have been taken to the Dead Sea, and this must represent the position of Rabbi, who maintains that a sin offering that was lost prior to its replacement's having been offered is put to death.*
- F. *The first rule then represents the position of rabbis, the second, of Rabbi.*
- G. *Now that result poses no problem to R. Huna, for R. Huna said Rab said, [23A] “All parties concur [Miller: even rabbis, who hold that a sin offering that was lost and found after another had been set aside in its place but before the latter was offered is condemned to pasture] that if the farmer selected one [of the two animals designated as sin offering, the one that had been lost and its replacement] and offered it, the second is left to die. [Miller: even if it was the animal designated as a sin offering that had never been lost, since the farmer thus showed deliberately that he was not concerned with it. For rabbis dispute only where the owner comes to consult the court, showing that he is seeking a remedy, e.g., where he set aside a sin offering and it was lost, and then the first was found, and he comes to court to consult on what to do. According to Rabbi, we instruct him, ‘Obtain atonement through the sin offering that was never lost,’ and the lost sin*



offering is condemned to die. According to rabbis, the instruction is, ‘Obtain atonement through the lost sin offering,’ and the other is condemned to pasture.]” [The latter rule of the Mishnah then would refer to] a case in which the farmer selected one of the two beasts and offered it up and the rule then represents the opinion of all parties.

- H. But [there are problems to that reading of the authorities behind the Mishnah, if we interpret the law] in line with the formulation of R. Abba in the name of Rab, who has said, “All parties concur in the case of one who has attained atonement with the beast that had never been lost, that the beast that had been lost is left to die. Concerning what do they differ? They differ in a case in which the farmer attains atonement with the beast that had been lost and then recovered.” *For Rabbi takes the view that the animal set aside as a sin offering in place of the one that was lost falls into the same classification as the one that had been lost*, [Miller: just as where the owner obtained atonement through the sin offering that had never been lost, the law is that the lost sin offering is condemned to die, so if he had gained atonement through the lost sin offering, the one that had never been lost is condemned to die], *and rabbis take the view that it is not in the same classification as the one that has been lost. So in this case can we say that the anonymous [and therefore authoritative, decisive] statement given first in fact represents the opinion of Rabbis, and the anonymous opinion given second represents the position of Rabbi?* [Indeed so.] [Miller: so when the Mishnah says that the sin offering is brought from both sums together, implying that if the owners procured atonement by means of one sum, even that which was lost, the other sum, not lost, goes to the Dead Sea, this is the view of Rabbi.]
- I. *And if so, what are we supposed to learn from the passage? Is it that Rabbi and rabbis differ? But the Mishnah makes explicit later on that there is a difference of opinion between Rabbi and rabbis: He who separates his sin offering, which was lost, and [who] separated another in its stead — he did not suffice to offer it up before the first turned up — and lo, both of them are totally unblemished — “one of them is to be offered as a sin offering. And the other is to be left to die,” the words of Rabbi. And sages say, “Only that sin offering is left to die in the case in which the owners have effected atonement. And coins do not go to the Salt Sea except in the case of those which are found after the owner has effected atonement.”*
- J. *[This restatement of matters] informs us that [the prior passage likewise] represents a dispute between Rabbi and rabbis.*

**I.2.** A. *Returning to the body of the previous discussion:*

- B. R. Huna said Rab said, “All parties concur [Miller: even rabbis, who hold that a sin offering that was lost and found after another had been set aside in its place but before the latter was offered is condemned to pasture] that if the farmer selected one [of the two animals designated as sin offering, the one that had been lost and its replacement] and offered it, the second is left to die.
- C. “They have a dispute only in a case in which the farmer comes to consult the court. *For Rabbi takes the view that no remedy is devised in connection with Holy Things [since we have nothing at stake if the second animal dies], so we say, ‘Go, attain atonement with the one that had not been lost, and the one that had been lost*

is left to die.’ *And rabbis take the view that* a remedy is devised in connection with Holy Things, *so we say*, ‘Go, attain atonement with the beast that had been lost, and the beast that had been lost will be put out to pasture [until blemished, then sold, etc.]’” [Miller: then the meaning of the Mishnah is this: one of the sin offerings is offered so that the second will be put to death, that is, the animal that was never lost is sacrificed and the lost one is condemned to die. This is Rabbi’s position. Rabbis say that the sin offering is not condemned in a case in which the farmer consult the court, for we instruct the farmer to use the beast that had been lost and recovered, and so we avoid condemning a beast that has been consecrated. If the owner has already attained atonement, the sin offering that was lost of course has to die, there is no remedy for it, and the same law applies if the sin offering is found even before atonement took place, if the owner did not consult the court.]

- D. *R. Mesharshayya objected, “But is it a fact that sages made no provision for a remedy in the case of Holy Things? But has it not been taught on Tannaite authority:*
- E. *““And the remainder therefore shall Aaron and his sons eat, in the court of the tent of meeting they shall eat it” (Lev. 6: 9) —why does Scripture say this?*
- F. *““It teaches that if there was only a small quantity of meal offering for eating, the priests may eat unconsecrated food and priestly rations [heave-offering] with it, so that it may yield a satisfying meal.*
- G. *““they shall eat it:’ — why does Scripture say this?*
- H. *““It teaches that if there was a large quantity, the priests may not eat unconsecrated food and priestly rations [heave-offering] with it so as to have a gluttonous meal.’*
- I. *“Now is this Tannaite teaching not in accord even with Rabbi [Miller: so a remedy is devised for consecrated things, since we make provision for situations both of small and also of large quantities of residue of meal offering, so fear that if there is a large volume, it may be left over]?”*
- J. *No, it represents only the opinion of rabbis.*

**I.3.** A. [Once again reverting to the text above:] And R. Abba said Rab [said], “All parties concur in the case of one who has attained atonement with the beast that had never been lost, that the beast that had been lost is left to die. Concerning what do they differ? They differ in a case in which the farmer attains atonement with the beast that had been lost and then recovered.” *For Rabbi takes the view that the animal set aside as a sin offering in place of the one that was lost falls into the same classification as the one that had been lost*, [Miller: just as where the owner obtained atonement through the sin offering that had never been lost, the law is that the lost sin offering is condemned to die, so if he had gained atonement through the lost sin offering, the one that had never been lost is condemned to die], *and rabbis take the view that it is not in the same classification as the one that has been lost.*

- B. *We have learned in the Mishnah: [If after the casting of the lots on the two goats of the Day of Atonement, it died, let one get another mate and cast lots for them as at the outset. And he says, “If the one belonging to the Lord*

died, then this one upon which the lot, 'For the Lord' has come up is to stand in its stead. And if the one which was for Azazel has died, this one upon which the lot, 'For Azazel,' has come up will stand in its stead."] And the second one is to be put out to pasture until it is blemished, and then it is sold, and the money received for it is to fall to a freewill offering. For a sin offering of the community is not left to die [M. Yoma 6:1G-K]. *Lo, in the case of a beast designated as a sin offering for an individual, it will be left to die.* And Rab said, "Animals that have been designated for sacrifices are not removed from sacred use [even if they do not have a blemish], and when one makes atonement, it is through the second animal of the first pair." *Now this latter pair is like that which is set aside instead of a sin offering that has been lost, and still the operative consideration is that the goat belongs to the community. But if it had belonged to an individual, it would have been left to die. [23B] Is this not even in accord with rabbis* [Miller: since it is stated anonymously? Hence we can deduce that an animal designated as a sin offering set aside is subject to the law of a lost animal in that status, since atonement is obtained through the first goat, the companion of the one lost. And the one belonging to the second pair, which along with its companion was not lost but was set aside, if belonging to an individual, is condemned to die, even according to the opinion of Rabbi. Rabbis therefore must have had a different reason for their view than the one given by Abba.]

- C. *No, it represents only the position of rabbi.*
- D. *We have learned in the Mishnah:*
- E. **He who sets aside his sin offering and [the animal] was lost, and [who] offered another in its stead, and afterward the first [animal, that had been originally set aside] turned up — [the first animal] is left to die.**
- F. *The operative consideration is that he has offered up the other. Lo, if he had not offered up the other, then it would be left to pasture — and that is without respect to whether the atonement took place through the animal designated as a sin offering that had been lost or the animal designated as a sin offering that had never been lost, and that is also without regard to whether or not he had selected one of them or had not selected one of them. Does this not then refute both authorities [Huna and Abba]?*
- G. *The authority has repeated on Tannaite authority that concerning which he is certain, but that concerning which he is not certain he simply does not repeat at all.* [Miller: He only mentions the case in which atonement took place before the sin offering was found, and in which the animal is condemned to die, since he is sure of this. You cannot deduce from this case that where the offering had not taken place and the animal designated as a sin offering was found, it pastures, since sometimes it does and sometimes it is condemned to die. According to Huna, where he selected one sin offering, even the lost one, the other is condemned to die; if the owner came to consult the court, the one remaining over is only put out to pasture. According to Abba, whether he selected one of the animals for a sacrifice or came to court to consult, if atonement was attained with the sin offering that had never been lost, the lost one is condemned to die, whereas if atonement was procured through the lost sin offering, the other is condemned to pasture. He is not certain about the case in which the sin offering was found

before atonement took place. According to Huna, the animal dies if he did not consult the court; according to Abba, the animal dies if the owner attained atonement through the animal that had never been lost, since where the sin offering was found before atonement, it can either pasture or die, according to whether a certain condition was met, while in the former case, where the sin offering was found after atonement, the animal is condemned to die without distinction.]

- H. *We have learned in the Mishnah: He who sets aside coins for his sin offering, which were lost, and [who] set aside other coins in their stead — he did not suffice to buy with them [the replacement coins] a sin offering before the first coins turned up [that is, the proceeds of the sale of the blemished sin offering], let him bring a sin offering with some of these and with some of those, and let the others fall [to the Temple treasury] as a freewill offering.*
- I. *The operative consideration is that the owner attains atonement from a sin offering purchased with money from both sums. Lo, if he had purchased the beast only from one of them, the rest should be tossed into the Dead Sea, and that is without respect to whether the atonement took place through the money designated for the purchase of an animal for a sin offering that had been lost or the money designated for the purchase of an animal for a sin offering that had never been lost, and that is also without regard to whether or not he had selected one of them or had not selected one of them. Does this not then refute both authorities [Huna and Abba]?*
- J. *Once again, the authority has repeated on Tannaite authority that concerning which he is certain, but that concerning which he is not certain he simply does not repeat at all.*
- I.4. A.** Said R. Ammi, “He who designates two bundles of coins [doing so] for the sake of security is to attain atonement [through a beast purchased with] one of them, and the other [bundle of money] is assigned for the purchase of a freewill-offering.”
- B. *Now in line with whose position is this rule? Should we say that it accords with Rabbi’s principle, then it is self-evident that the money goes for a freewill offering. Rabbi takes the view that he does only in connection with setting aside money to cover what is lost, but he would concur that, when the designation of the funds is for the sake of security, the money is used for the purchase of a freewill offering [the counterpart to putting the animal out to pasture]. So should I say that this is in accord with the view of rabbis? But it is perfectly obvious that the money will go for freewill offerings. [This can be demonstrated] on the basis of an argument a fortiori: if when one sets aside money to replace money that has been lost, rabbis say that the money that has been set aside is not classified as equivalent to the money that has been lost, if one has set aside money for security’s sake, is it going to be an issue at all?*
- C. *Rather, this rule accords with the position of R. Simeon [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)]. [Miller:*

Five classifications of sin offerings are condemned to die, and none is left to pasture so that the proceeds can be used for freewill offerings.] *And it was necessary to specify the case at hand, for what might you have thought? That R. Simeon does not hold that there can ever be a free will offering produced by the proceeds of an animal that once fell into the class of a sin offering? So we are informed [by Ammi] that he does hold that, under the specified circumstance, a freewill offering can derive from funds once designated for the purchase of a sin offering.*

- D. *And can you ever imagine that R. Simeon holds the opinion that no freewill offering can replace a sin offering? Have we not learned in the Mishnah: **Thirteen shofar chests were in the sanctuary, and written on them were the following: “new sheqels;” “old sheqels;” “bird offerings;” “young birds for a burnt offering;” “wood;” “frankincense;” “gold for the Mercy seat;” and on six, “for free will offerings” [M. Sheq. 6:5A-D]**? And in this connection it is taught on Tannaite authority: “and on six, “for free will offerings”” refers to burnt offerings that derive from funds that are surplus in the purchase of sacrifices [that is, sin offerings and guilt offerings, and the hides do not belong to the priests,” the words of R. Judah. Said to him R. Nehemiah, and some say, R. Simeon, “If so, the exposition of Jehoiada the Priest is nullified.”*
- E. *For it has been taught on Tannaite authority:*
- F. This is an exposition that Jehoiada the Priest set forth: “‘It is a guilt offering, he is certainly guilty before the Lord’ (Lev. 5:19). [Miller: the first part of the verse implies that the offering is eaten by the priest, the second, that it belongs to the Lord, so how are these passages to be reconciled?] This serves to encompass everything that derives from the surplus of funds set aside for sin offerings and guilt offerings, thus showing that with the funds burnt offerings are to be purchased, with the meat to go to the Lord and the hides to the priests.”
- G. *What follows from all this is that R. Simeon takes the view that a freewill offering can be purchased in the place of a sin offering. [Miller: why therefore does Ammi need to inform us that Simeon holds that a freewill offering can replace a sin offering?]*
- H. *It was necessary for him to make the matter explicit, for otherwise I might have thought that when R. Simeon takes the view that a freewill offering can be purchased in the place of a sin offering, that is only where there is one row [Miller: where one heap of coins was set aside for a sin offering, and when lambs became cheap, there was a surplus of money], [24A] but where there are two rows [where two heaps were set aside for security’s sake and where atonement was obtained through only one, I might have thought that the other heap is removed from sacred use altogether, and] it is not the rule. R. Ammi so informs us that that is not the case [and the other heap of coins is used for freewill burnt-offerings].*
- I.5. A.** Said R. Hoshai, “He who designates two animals for use as a sin-offering [that he has to bring], [doing so] for the sake of security [to make sure that at least one of them will be available for meeting his obligation] is to attain atonement through one of them, and the other is put out to pasture [until blemished, and the proceeds for the sale of this beast are assigned for the purchase of a freewill-offering].”



- B. *Now in line with whose position is this rule? Should we say that it accords with the view of rabbis? But it is perfectly obvious that the money will go for freewill offerings. [This can be demonstrated] on the basis of an argument a fortiori: if when one sets aside [a beast or money to replace money or a beast] that has been lost, rabbis say that what has been set aside is not classified as equivalent to what has been lost, if one has set aside [a beast] for security's sake, is it going to be an issue at all?*
- C. *Rather, this rule accords with the position of R. Simeon [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)].** [Miller: Five classifications of sin offerings are condemned to die, and none is left to pasture so that the proceeds can be used for freewill offerings.]*
- D. *Rather, this represents the position of Rabbi. When Rabbi made the statement that he did, it concerned the replacement of a beast that was chosen and lost; but as to a beast selected for security's sake, he does not hold that view.*

The continuation now asks about the relationship of Simeon's and Rabbi's positions, as represented by Simeon's son's ruling.

- E. *We have learned in the Mishnah: **He who separates his sin offering, and lo, it [turns out] to be blemished sells it and purchases another with its proceeds. R. Eleazar b. R. Simeon says, "If the second is offered before the first is slaughtered, it is left to die. For the owner already has effected atonement."***
- F. *Now, we assume that R. Eleazar b. R. Simeon concurs with the view of Rabbi [who holds that a sin offering designated in place of a lost animal chosen for that purpose is in the class of a sin offering that has been lost; so even where there is no case of a sin offering that has been lost, as here, where the first sin offering was not lost but only blemished and one replaced it, it also is condemned to die]. Consequently, even an animal set aside for security's sake also will not [be put out to pasture, but rather will be left to die, and this contradicts A as read by D].*
- G. *But perhaps R. Eleazar b. R. Simeon takes the position of his father, who has said, "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)].***

**I.6.** A. *We have learned in the Mishnah:*

- B. **[If after the casting of the lots on the two goats of the Day of Atonement, it died, let one get another mate and cast lots for them as at the outset. And he says, "If the one belonging to the Lord died, then this one upon which the lot, 'For the Lord' has come up is to stand in its stead. And if the one which was for Azazel has died, this**



one upon which the lot, ‘For Azazel,’ has come up will stand in its stead.”] And the second one is to be put out to pasture until it is blemished, and then it is sold, and the money received for it is to fall to a freewill offering. For a sin offering of the community is not left to die [M. Yoma 6:1G-K].

- C. [With reference to the statement, **For a sin offering of the community is not left to die,**] *lo, the inference is, one belonging to an individual is allowed to die.*
- D. And Rab said, “Animals that have been designated for sacrifices are not removed from sacred use [even if they do not have a blemish], and when one makes atonement, it is through the second animal of the first pair.” *Now this latter pair is like that which is set aside for security’s sake, and still the operative consideration is that the goat belongs to the community. But if it had belonged to an individual, it would have been left to die.*
- E. *Rab is consistent with his theory that the religious duty is carried out with the first [animal that is set aside and then lost].*

**I.7.** A. R. Shimi bar Ziri recited on Tannaite authority before R. Pappa, “If an animal designated as a sin offering was lost at the time that another was designated in its place [and the owner attained atonement through the other beast], in the opinion of Rabbi, it is left to die, and in the opinion of rabbis, it is put out to pasture. If it was still lost when the owner had attained atonement through the other beast, in the view of rabbis, it is left to die, and in the opinion of Rabbi, it is put out to pasture.”

- B. [He said to him,] “But there is an argument a fortiori [that Rabbi in the latter case should condemn the beast to die], as follows: if when the beast is lost at the time that the owner has designated another, rabbis say it is put out to pasture [when found] while Rabbi maintains that it is left to die, if it is still lost at the time that the owner attains atonement with the other, in which case, in the opinion of rabbis, the beast when found is left to die, in the opinion of Rabbi is it not an argument a fortiori that it should be left to die?! Rather, this is how to repeat the rule: if the beast is lost at the time that the owner designates another beast, then in Rabbi’s view, when it is found, it is left to die, and in rabbis’ view, it is put out to pasture, but if it is found when the owner has attained atonement through the replacement-animal, all parties concur [that when the originally designated beast is found, it is left to die].”

**II.1** A. R. Eleazar b. R. Simeon says, “If the second is offered before the first is slaughtered, it is left to die, for the owner already has effected atonement:”

*The disposition of a firstling or of  
an animal that has been consecrated but is unfit for sacrifice*

The analysis before us concerns not Eleazar’s position, but a separate problem to which his ruling is pertinent, the status, as to consecration, of a firstling and an animal that was consecrated but cannot be offered up.

- B. *Our rabbis have taught on Tannaite authority:*

- C. On the festival day one must not flay an animal from the feet [this is done to keep the skin intact to make bellows with the hide]; along these same lines [even on a weekday] one must not flay from the feet a firstling or an animal that has been consecrated but is unfit for sacrifice.
- D. *Now with regard to not doing so on the festival day [even though one is permitted to prepare food], this involves a lot of work and bother that is inappropriate for that day. But as to not doing so with a firstling, who is the Tannaite authority [that under no circumstances may one treat the carcass of a firstling in that manner]?*
- E. *Said R. Hisda, "It is the House of Shammai, who maintain that a firstling remains subject to its consecration]."*
- F. *For we have learned in the Mishnah:*
- G. **The House of Shammai say, "Only priests are included with those who eat firstlings." And the House of Hillel say, "Even Israelites [may eat the meat of firstlings]" [M. Bekh. 5:2A-B, cf. T. Bekh. 3:15A-C].**
- H. *And as to the rule governing Holy Things that have been rendered unfit, who is the authority for that statement?*
- I. *Said R. Hisda, "It is R. Eleazar b. R. Simeon."*
- J. *For it has been taught on Tannaite authority:*
- K. **If there were before a farmer two animals designated as sin offerings, one unblemished and the other blemished, the unblemished one is offered up, and the blemished one is slaughtered. If the blemished one is slaughtered before the blood of the unblemished one is tossed, it is permitted. If this is after the blood of the unblemished one is tossed, it is prohibited. R. Eleazar b. R. Simeon says, "Even if the flesh of the blemished one already is in the pot, lo, this is to be buried under these circumstances" [T. Tem. 2:12D-G, cf. M. Tem. 4:4].** [Here we have a parallel to the case in which there is a sin offering the owner of which has attained atonement through another animal. Similar as regards flaying an unfit sacrifice, although it was redeemed and then slaughtered, it remains holy, and that accounts for the restriction stated above (Miller).]
- L. *But why should R. Hisda not assign both components of the passage to the House of Shammai [giving them a strict view with reference to both the firstling and the unfit consecrated beast? Why explain the first part by appeal to the House of 'Shammai and the second to Eleazar b. R. Simeon?]*
- M. *Perhaps it was because of the following consideration: when the House of Shammai take the view that they do concerning the firstling, it is because it is consecrated even in the womb, but as to Holy Things that have become unfit, that would not be the case.*
- N. *Then why should R. Hisda not assign both components of the passage to R. Eleazar b. R. Simeon?*
- O. *Perhaps it was because of the following consideration: when R. Eleazar b. R. Simeon states that rule in connection with Holy Things that have become unfit, it is because they can be redeemed, but the firstling [which cannot be redeemed] would not be subject to that rule [for Num. 18:17 says that the firstling cannot be*

*redeemed, and if one redeemed the animal, the money paid for it is not treated as consecrated in its stead].*

P. *But does not R. Eleazar b. R. Simeon concur with that which we have learned in the Mishnah:*

Q. **All invalidated Holy Things after they have been redeemed are sold in the marketplace [so they do not retain their sanctity] and are slaughtered in the marketplace and are weighed by the litra, except for a blemished firstling and those cattle that have been designated as tithe for the advantage of selling them in the market, where demand is higher, would fall to the owner. Invalidated Holy Things — advantage for them falls to the sanctuary [M. Bekh. 5:1A-F].**

R. *Therefore since you permit selling them in the market, he will increase the money paid for redemption in order to sell them later at a higher price; here too if you permit him to flay the firstling from the feet, you will increase the money paid for the redemption of the holy things [and hasten to redeem it. So why does Eleazar hold that we must not flay from the feet Holy Things that have become unfit for sacrifice?]*

S. *Said R. Mari b. R. Kahana, “What improves the value of the hide diminishes the value of the meat [so there is no profit, and that consideration does not apply].”*

T. *In the West in the name of R. Abin they say, “It is because he appears to perform with Holy Things an act of labor [and no work can be performed with Holy Things after the animal has been put to death].”*

U. *R. Yosé bar Abin said, “It is a precautionary decree last one rear many herds out of consecrated beasts that have been rendered unfit for an offering [if we permit the farmer to flay the skin of unfit beasts from the feet, he may hold on to them and not kill them until a market comes his way. He may just rear herds out of such animals and use the shearings or do work with them, and that is forbidden even if the beast has been redeemed (Miller).]”*

I.1 conducts the familiar exercise of comparing a variety of principles with a rule given in the Mishnah. This is through the device of asking with whom a given passage concurs, meaning, in accord with what principle is a rule consistent. We introduce a complication, of course, to make the exercise interesting, and this comes at I.G-H. No. 2 then takes up an element of the complicating entry, and No. 3, another. So the whole is very tightly put together. At No. 4 we pursue a secondary amplification of the established issue. Now we deal with designating money, or, No. 5, an animal, to serve as a sin offering not after the originally designated money or beast has been lost, but out of a different motive altogether. What we now do is designate two piles of money or two beasts to make certain that, when needed, at least one will be in hand. Does this change the situation from the one prevailing when a beast has been designated and lost and then another beast designated in its stead, with both beasts ultimately available? The issue is beautifully articulated through Nos. 4, 5. No. 6 then rehearses a familiar matter, addressing to another authority and his principle the issue just now treated. No. 7 then reverts to the established question. So the sequence of the composite shows careful ordering of the distinct compositions that are utilized. II.1 then goes

on to a separate question, in which Eleazar b. R. Simeon figures in an important way.