

VII.

THE STRUCTURE AND SYSTEM OF BABYLONIAN TALMUD MEILAH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. Mishnah-Tractate Meilah 1:1

A. MOST HOLY THINGS WHICH ONE SLAUGHTERED IN THE SOUTH [SIDE OF THE ALTAR] — THE LAWS OF SACRILEGE APPLY TO THEM

1. I:1: That observation is self-evident and hardly requires articulation.

B. [IF] ONE SLAUGHTERED THEM IN THE SOUTH AND RECEIVED THEIR BLOOD IN THE NORTH, IN THE NORTH AND RECEIVED THEIR BLOOD IN THE SOUTH. [IF] ONE SLAUGHTERED THEM BY DAY AND TOSSED THE BLOOD BY NIGHT, BY NIGHT AND TOSSED THE BLOOD BY DAY:

1. II:1: Why was it necessary to list all these details?

C. ...OR [IF] ONE SLAUGHTERED THEM [WITH THE INTENTION OF EATING THAT WHICH IS USUALLY EATEN OR OFFERING UP THAT WHICH IS USUALLY OFFERED UP] OUTSIDE OF THEIR PROPER TIME OR OUTSIDE OF THEIR PROPER PLACE — THE LAWS OF SACRILEGE APPLY TO THEM.

1. III:1: To what valid use may such beasts be put, that the laws of sacrilege pertain anyhow?

2. III:2: If the offering that has been slaughtered by a priest with the intention of eating that which is usually eaten or offering up that which is usually offered up outside of their proper time or outside of their proper place has gone up onto the altar, what is the law as to taking it down from there?

3. III:3: Continuation of foregoing dispute.

4. III:4: Whether or not disqualified offerings are subject to the laws of sacrilege: another case.

5. III:5: Continuation of foregoing.

6. III:6: as above.

D. A GENERAL PRINCIPLE DID R. JOSHUA STATE: “WHATEVER HAS HAD A MOMENT OF AVAILABILITY TO [FOR USE BY] THE PRIESTS — THE LAWS OF SACRILEGE DO NOT APPLY THERETO. AND [WHATEVER] HAS NOT [YET] HAD A MOMENT OF AVAILABILITY TO THE PRIESTS — THE LAWS OF SACRILEGE DO APPLY THERETO.” WHAT IS THAT WHICH HAS HAD A MOMENT OF AVAILABILITY TO THE PRIESTS? THAT WHICH [AFTER THE PROPER TOSSING OF THE BLOOD] HAS BEEN LEFT OVERNIGHT, AND THAT WHICH [AFTER THE PROPER TOSSING OF THE BLOOD] HAS BEEN MADE UNCLEAN, AND THAT WHICH [AFTER THE PROPER TOSSING OF THE BLOOD] HAS GONE FORTH [BEYOND THE VEILS]. AND WHAT IS THAT WHICH HAS NOT [YET] HAD A MOMENT OF AVAILABILITY TO THE PRIESTS? THAT WHICH HAS BEEN SLAUGHTERED [WITH IMPROPER INTENTION TO EAT THAT WHICH IS USUALLY EATEN OR TO OFFER UP THAT WHICH IS USUALLY OFFERED UP] OUTSIDE OF ITS PROPER TIME OR OUTSIDE OF ITS PROPER PLACE, AND THAT, THE BLOOD OF WHICH INVALID MEN HAVE RECEIVED OR TOSSED:

1. IV:1: Have we learned to repeat the rule that Holy Things become permitted to the priest when properly slaughtered, or do we repeat the rule to indicate that they become permitted when they are ready for the tossing of the blood, or do we teach that they become permitted when they are ready for the priests to eat?

2. IV:2: Continuation of foregoing problem.
3. IV:3: As above.
4. IV:4: As above.
5. IV:5: As above.
6. IV:6: As above.

II. Mishnah-Tractate Meilah 1:2-3

A. THE MEAT OF MOST HOLY THINGS WHICH WENT FORTH [BEYOND THE VEILS] BEFORE THE TOSSING OF THE BLOOD — R. ELIEZER SAYS, “THE LAWS OF SACRILEGE APPLY TO IT. AND THEY ARE NOT LIABLE ON ITS ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS.” R. AQIBA SAYS, “THE LAWS OF SACRILEGE DO NOT APPLY TO IT. TRULY ARE THEY LIABLE ON ITS ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS.”

1. I:1: The meat of Most Holy Things...The sacrificial parts of Lesser Holy Things: What need to I have for both of these cases at M. 1:2, 3?
2. I:2: When R. Aqiba said that the proper tossing of the blood affects them even after the meat is taken beyond the veil [the laws of sacrilege do apply to them], that pertains to a case in which only part of the meat was carried beyond the veil. But in a case in which the whole of the meat of the beast was carried beyond the veil, R. Aqiba did not take that position.

B. R. AQIBA SAYS, “THE LAWS OF SACRILEGE DO APPLY TO THEM. AND THEY ARE LIABLE ON THEIR ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS:”

1. II:1: Tossing the blood takes effect even after part of the animal goes forth beyond the veil only if the meat in particular is what has been carried beyond the limits, but if it was part of the blood, then tossing the rest of the blood is null.

C. SAID R. AQIBA, “NOW, LO, HE WHO SEPARATES A SIN OFFERING WHICH IS LOST, AND SEPARATED ANOTHER IN ITS STEAD, AND AFTERWARD THE FIRST TURNS UP, AND LO, BOTH OF THEM ARE AVAILABLE — IS IT NOT SO THAT JUST AS ITS BLOOD EXEMPTS ITS FLESH [FROM THE LAWS OF SACRILEGE], SO IT EXEMPTS THE FLESH OF ITS FELLOW? NOW IF [THE PROPER TOSSING OF] ITS BLOOD HAS EXEMPTED THE FLESH OF ITS FELLOW FROM BEING SUBJECT TO THE LAWS OF SACRILEGE, IS IT NOT LOGICAL THAT IT SHOULD EXEMPT ITS OWN FLESH?”

THE SACRIFICIAL PARTS OF LESSER HOLY THINGS WHICH WENT FORTH [BEYOND THE VEILS] BEFORE THE TOSSING OF THE BLOOD —

R. ELIEZER SAYS, “THE LAWS OF SACRILEGE DO NOT APPLY TO THEM. AND THEY ARE NOT LIABLE ON THEIR ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS.”

R. AQIBA SAYS, “THE LAWS OF SACRILEGE DO APPLY TO THEM. AND THEY ARE LIABLE ON THEIR ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS.”

1. III:1: When R. Aqiba ruled [that tossing the blood of the original animal permits use of both its meat and the meat of its replacement, he took that position solely in a case in which both were slaughtered] at one and the same moment. But if they were slaughtered in sequence, he did not take that position

III. Mishnah-Tractate Meilah 1:4

A. A DEED HAVING TO DO WITH THE BLOOD IN THE CASE OF MOST HOLY THINGS PRODUCES A RULING WHICH IS LENIENT AND ONE WHICH IS STRINGENT. BUT IN THE CASE OF LESSER HOLY THINGS, THE WHOLE [TENDENCY] IS TO IMPOSE A STRINGENT RULING. HOW SO? MOST HOLY THINGS BEFORE THE TOSSING OF THE BLOOD — THE LAWS OF SACRILEGE APPLY TO THE SACRIFICIAL PARTS AND TO THE MEAT [WHICH IS FOR THE PRIESTS].

AFTER THE TOSSING OF THE BLOOD, THE LAWS OF SACRILEGE APPLY TO THE SACRIFICIAL PARTS BUT THEY DO NOT APPLY TO THE FLESH.

ON ACCOUNT OF THIS AND ON ACCOUNT OF THAT ARE THEY LIABLE BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS. BUT IN THE CASE OF LESSER HOLY THINGS, THE WHOLE [TENDENCY] IS TO IMPOSE A STRINGENT RULING — HOW SO? LESSER HOLY THINGS BEFORE THE TOSSING OF THE BLOOD — THE LAWS OF SACRILEGE DO NOT APPLY EITHER TO THE SACRIFICIAL PARTS OR TO THE FLESH. AFTER THE TOSSING OF THE BLOOD, THE LAWS OF SACRILEGE APPLY TO THE SACRIFICIAL PARTS, BUT THEY DO NOT APPLY TO THE FLESH. ON ACCOUNT OF THIS AND ON ACCOUNT OF THAT THEY ARE LIABLE BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS. IT TURNS OUT THAT A DEED HAVING TO DO WITH THE BLOOD IN THE CASE OF MOST HOLY THINGS PRODUCES A RULING WHICH IS LENIENT AND ONE WHICH IS STRINGENT, BUT IN THE CASE OF LESSER HOLY THINGS, THE WHOLE [TENDENCY] IS TO IMPOSE A STRINGENT RULING.

1. I:1: lo, the laws of sacrilege do not apply, but the prohibition of the meat to the priests continues in place. But why should that be the case?

IV. Mishnah-Tractate Meilah 2:1

A. SIN OFFERING OF FOWL — THE LAWS OF SACRILEGE APPLY TO IT ONCE IT [THE BIRD] HAS BEEN SANCTIFIED [DESIGNATED AS A SIN OFFERING].

[WHEN] ITS HEAD HAS BEEN SEVERED, IT IS RENDERED FIT TO BE MADE INVALID BY A TEBUL-YOM AND BY ONE WHOSE RITES OF ATONEMENT HAVE NOT YET BEEN COMPLETED AND BY BEING LEFT OVERNIGHT.

1. I:1: When its head has been severed, it is rendered fit to be made invalid by a tebul-yom and by one whose rites of atonement have not yet been completed and by being left overnight: that formulation yields the inference, it is rendered disqualified, but it is not thereby made able to transmit uncleanness to other things. Then with whose view of the law does our Mishnah-passage concur?

B. WHEN ITS BLOOD HAS BEEN TOSSED, THEY ARE LIABLE ON ITS ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS. AND SACRILEGE DOES NOT APPLY TO IT [ANY LONGER].

1. II:1: It is the law of sacrilege that does not apply, but the meat still remains subject to a prohibition so that the priests cannot eat it.

C. WHEN ITS BLOOD HAS BEEN TOSSED,

1. III:1: As to squeezing out the blood of a bird presented as a sin offering, [correctly doing so] is not essential to the rite [and if it is done improperly, the remainder of the rite nonetheless may be carried out].

a. III:2: Gloss of a detail of the foregoing.

V. Mishnah-Tractate Meilah 2:2-8

A. BURNT OFFERING OF FOWL — THE LAWS OF SACRILEGE APPLY TO IT ONCE IT HAS BEEN SANCTIFIED. [WHEN] ITS HEAD HAS BEEN SEVERED, IT IS RENDERED FIT TO BE MADE INVALID BY A TEBUL-YOM AND BY ONE WHOSE RITES OF ATONEMENT HAVE NOT YET BEEN COMPLETED AND BY BEING LEFT OVERNIGHT. [WHEN] ITS BLOOD HAS BEEN SQUEEZED OUT, THEY ARE LIABLE ON ITS ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS. AND THE LAWS OF SACRILEGE APPLY TO IT UNTIL IT IS TAKEN OUT TO THE ASH HEAP. COWS WHICH ARE TO BE BURNED AND GOATS WHICH ARE TO BE BURNED — THE LAWS OF SACRILEGE APPLY TO THEM ONCE THEY HAVE BEEN SANCTIFIED. [WHEN] THEY HAVE BEEN SLAUGHTERED, THEY ARE RENDERED FIT TO BE MADE INVALID BY A TEBUL-YOM AND BY ONE WHOSE RITES OF ATONEMENT HAVE NOT YET BEEN COMPLETED AND BY BEING LEFT OVERNIGHT. [WHEN] THEIR BLOOD HAS BEEN TOSSED, THEY ARE LIABLE ON THEIR ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS. AND THE LAWS OF SACRILEGE APPLY TO THEM IN THE ASH HEAP UNTIL THE MEAT IS REDUCED TO CINDERS. THE BURNT OFFERING — THE LAWS OF SACRILEGE APPLY TO IT ONCE IT HAS BEEN SANCTIFIED. [WHEN] IT HAS BEEN SLAUGHTERED, IT IS RENDERED FIT TO BE MADE INVALID BY A TEBUL-YOM AND BY ONE WHOSE RITES OF ATONEMENT HAVE NOT YET BEEN COMPLETED AND BY BEING LEFT OVERNIGHT. [WHEN] ITS BLOOD HAS BEEN TOSSED, THEY ARE LIABLE ON ITS ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS. AND THE LAWS OF SACRILEGE DO NOT APPLY TO ITS HIDE. BUT IT WILL BE TAKEN OUT TO THE ASH HEAP. A SIN OFFERING, AND A GUILT OFFERING, AND COMMUNAL SACRIFICES OF PEACE OFFERINGS — THE LAWS OF SACRILEGE APPLY TO THEM ONCE THEY HAVE BEEN SANCTIFIED. [WHEN] THEY HAVE BEEN SLAUGHTERED, THEY ARE RENDERED FIT TO BE MADE INVALID BY A TEBUL-YOM AND BY ONE WHOSE RITES OF ATONEMENT HAVE NOT YET BEEN COMPLETED AND BY BEING LEFT OVERNIGHT. [WHEN] THEIR BLOOD HAS BEEN TOSSED, THEY ARE LIABLE ON THEIR ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS. THE LAWS OF SACRILEGE DO NOT APPLY TO THE MEAT. BUT THE LAWS OF SACRILEGE APPLY TO THE SACRIFICIAL PARTS UNTIL THEY ARE TAKEN OUT TO THE ASH HEAP. THE TWO LOAVES — THE LAWS OF SACRILEGE APPLY TO THEM ONCE THEY HAVE BEEN SANCTIFIED. [WHEN] THEY HAVE FORMED A CRUST

IN THE OVEN, THEY HAVE BEEN RENDERED FIT TO BE MADE INVALID BY A TEBUL-YOM AND BY ONE WHOSE RITES OF ATONEMENT HAVE NOT YET BEEN COMPLETED AND TO HAVE SLAUGHTERED THE ANIMAL SACRIFICE [WHICH PERTAINS TO THEM (LEV. 23:18)] ON THEIR ACCOUNT. [WHEN] THE BLOOD OF THE LAMBS HAS BEEN TOSSED, THEY ARE LIABLE ON THEIR ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS, BUT SACRILEGE DOES NOT APPLY TO THEM. THE SHOW BREAD — THE LAWS OF SACRILEGE APPLY TO IT ONCE IT HAS BEEN SANCTIFIED. [WHEN] IT HAS FORMED A CRUST IN THE OVEN, IT HAS BEEN RENDERED FIT TO BE MADE INVALID BY A TEBUL-YOM AND BY ONE WHOSE RITES OF ATONEMENT HAVE NOT YET BEEN COMPLETED AND TO BE LAID OUT ON THE TABLE. [WHEN] THE DISHES OF INCENSE HAVE BEEN OFFERED, THEY ARE LIABLE ON ITS ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS. AND SACRILEGE DOES NOT PERTAIN TO IT [ANY LONGER]. MEAL OFFERINGS — THE LAWS OF SACRILEGE APPLY TO THEM ONCE THEY HAVE BEEN SANCTIFIED. [WHEN] THEY HAVE BEEN SANCTIFIED IN A UTENSIL, THEY ARE RENDERED FIT TO BE MADE INVALID BY A TEBUL-YOM AND BY ONE WHOSE RITES OF ATONEMENT HAVE NOT YET BEEN COMPLETED AND BY BEING LEFT OVERNIGHT. [WHEN] THE HANDFUL [OF THE MEAL OFFERING] HAS BEEN OFFERED, THEY ARE LIABLE ON THEIR ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS. AND THE LAWS OF SACRILEGE DO NOT APPLY TO THE RESIDUE.

BUT THE LAWS OF SACRILEGE APPLY TO THE HANDFUL...UNTIL IT IS TAKEN OUT TO THE ASH HEAP.

1. I:1: What is the status of the ashes of the ash heap as to the laws of sacrilege?

B. THE BURNT OFFERING — WHEN ITS BLOOD HAS BEEN TOSSED, THEY ARE LIABLE ON ITS ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS....A SIN OFFERING, AND A GUILT OFFERING, AND COMMUNAL SACRIFICES OF PEACE OFFERINGS — WHEN THEIR BLOOD HAS BEEN TOSSED, THEY ARE LIABLE ON THEIR ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS:

1. II:1: He who derives secular benefit from the meat of Most Holy Things prior to the tossing of the blood or from the sacrificial portions of Lesser Holy Things after the sprinkling of the blood, neither of which is rendered permissible by the sprinkling of the blood — how is restitution made? Does the loss accrue to the Temple in general, or to the altar in particular?

a. II:2: Gloss on the foregoing. If one has derived benefit from Most Holy Things that have been made unclean, or from the sacrificial limbs of Lesser Holy Things after they have been placed on the altar and become unclean, he is exempt [from having to make restitution].”

VI. Mishnah-Tractate Meilah 2:9

A. THE HANDFUL, THE FRANKINCENSE, THE INCENSE, THE MEAL OFFERINGS OF PRIESTS, AND THE MEAL OFFERING OF THE ANOINTED PRIEST, AND THE MEAL OFFERING WHICH ACCOMPANIES DRINK OFFERINGS [M. Zeb. 4:3] — THE LAWS OF

SACRILEGE APPLY TO THEM ONCE THEY HAVE BEEN SANCTIFIED. [WHEN] THEY HAVE BEEN SANCTIFIED IN A UTENSIL, THEY ARE RENDERED FIT TO BE MADE INVALID BY A TEBUL-YOM AND BY ONE WHOSE RITES OF ATONEMENT HAVE NOT YET BEEN COMPLETED AND BY BEING LEFT OVERNIGHT. AND THEY ARE LIABLE ON THEIR ACCOUNT BECAUSE OF VIOLATION OF THE LAWS OF REMNANT AND BECAUSE OF VIOLATION OF THE LAWS OF UNCLEANNESS. BUT THE PROHIBITION OF REFUSE DOES NOT APPLY TO THEM. THIS IS THE GENERAL PRINCIPLE: FOR WHATEVER IS SUBJECT TO THAT WHICH RENDERS THE OFFERING PERMITTED ARE THEY NOT LIABLE ON ACCOUNT OF VIOLATION OF THE LAWS OF REFUSE, REMNANT, AND UNCLEANNESS UNTIL WHAT RENDERS THE OFFERING PERMITTED HAS BEEN PROPERLY OFFERED.

AND FOR WHATEVER IS NOT SUBJECT TO THAT WHICH RENDERS THE OFFERING PERMITTED, ONCE IT HAS BEEN SANCTIFIED IN A UTENSIL ARE THEY LIABLE ON ACCOUNT OF THE VIOLATION OF THE LAWS OF REMNANT, AND ON ACCOUNT OF VIOLATION OF THE LAWS OF UNCLEANNESS. BUT THE LAW OF REFUSE DOES NOT APPLY TO IT AT ALL:

1. I:1: what is the source in Scripture for this rule?

VII. Mishnah-Tractate Meilah 3:1

A. (1) THE OFFSPRING OF A SIN OFFERING, AND (2) THE SUBSTITUTE OF A SIN OFFERING, AND (3) A SIN OFFERING, THE OWNER OF WHICH DIED, ARE LEFT TO DIE. [THE SIN OFFERING] (1) WHICH BECAME SUPERANNUATED, OR (2) WHICH WAS LOST, OR (3) WHICH TURNED OUT TO BE BLEMISHED, IF [THIS IS] AFTER THE OWNER HAS EFFECTED ATONEMENT, IS LEFT TO DIE, AND DOES NOT IMPART THE STATUS OF SUBSTITUTE [TO AN ANIMAL DESIGNATED IN ITS STEAD]. AND IT IS NOT AVAILABLE FOR ENJOYMENT BUT IS NOT SUBJECT TO THE LAW OF SACRILEGE. AND IF [THIS IS] BEFORE THE OWNER HAS EFFECTED ATONEMENT, IT IS PUT OUT TO PASTURE UNTIL IT SUFFERS A BLEMISH, THEN IS SOLD, AND WITH ITS PROCEEDS HE [THE OWNER] BRINGS ANOTHER, AND IT DOES IMPART THE STATUS OF SUBSTITUTE [TO AN ANIMAL DESIGNATED IN ITS STEAD]. AND IT IS SUBJECT TO THE LAW OF SACRILEGE.

1. I:1: What differentiates the first case in which there is no distinction between whether or not the owner has effected atonement and the second case in which that differentiation is introduced?
2. I:2: Why is the same Mishnah-passage repeated with respect to the law of the substitute [M. Temurah 4:1] as well as the present case?

VIII. Mishnah-Tractate Meilah 3:2

A. HE WHO SETS ASIDE COINS FOR HIS NAZIRITE OFFERING[S] [NUM. 6:14: A HE-LAMB AS A BURNT OFFERING, A EWE-LAMB AS A SIN OFFERING, A RAM AS A PEACE OFFERING] — THEY [THE COINS] ARE NOT AVAILABLE FOR BENEFIT. BUT THEY [THE COINS] ARE NOT SUBJECT TO THE LAWS OF SACRILEGE, BECAUSE THEY [THE

SACRIFICES] ARE APPROPRIATE TO BE OFFERED WHOLLY AS PEACE OFFERINGS [LESSER HOLY THINGS, NOT SUBJECT TO SACRILEGE BEFORE THE BLOOD IS TOSSED].

[IF] HE DIED, [IF] THEY WERE NOT DESIGNATED [FOR THEIR PARTICULAR, RESPECTIVE PURPOSES], THEY FALL [TO THE TEMPLE TREASURY] AS A FREEWILL OFFERING. [IF] THEY WERE DESIGNATED [FOR THEIR PARTICULAR, RESPECTIVE PURPOSES], THE MONEY SET ASIDE FOR THE SIN OFFERING IS TO GO TO THE SALT SEA. THEY ARE NOT AVAILABLE FOR BENEFIT, BUT THEY ARE NOT SUBJECT TO THE LAWS OF SACRILEGE. [WITH] THE MONEY SET ASIDE FOR THE BURNT OFFERING, THEY ARE TO BRING A BURNT OFFERING. AND [WITH] THE MONEY SET ASIDE FOR PEACE OFFERINGS, THEY ARE TO BRING PEACE OFFERINGS. AND THEY ARE EATEN FOR ONE DAY [M. Zeb. 5:6] AND DO NOT REQUIRE BREAD [NUM. 6:19].

1. I:1: The passage also should repeat as part of the Tannaite rule, One who sets aside coins for his bird offerings — they [the coins] are not available for benefit. But they [the coins] are not subject to the laws of sacrilege, because they [the sacrifices] are appropriate to be offered, because the money may be used to buy offerings not subject to the laws of sacrilege, such as turtledoves that are not old enough or superannuated doves.

IX. Mishnah-Tractate Meilah 3:3

A. R. SIMEON SAYS, “BLOOD IS SUBJECT TO A LENIENT LAW AT THE OUTSET AND TO A STRICT LAW AT THE END, AND THE DRINK OFFERINGS ARE SUBJECT TO A STRICT RULE AT THE OUTSET AND TO A LENIENT RULE AT THE END. THE BLOOD AT THE OUTSET: THE LAWS OF SACRILEGE DO NOT APPLY TO IT. [WHEN] IT HAS GONE FORTH TO THE QIDRON BROOK, THE LAWS OF SACRILEGE APPLY TO IT:

1. I:1: Tannaite expansion of the rule; Scriptural basis for the rule.

B. DRINK OFFERINGS AT THE OUTSET: THE LAWS OF SACRILEGE APPLY TO THEM. [WHEN] THEY HAVE GONE FORTH TO THE PITS, THE LAWS OF SACRILEGE DO NOT APPLY TO THEM:

1. II:1: May we say that our Mishnah’s rule does not accord with the position of R. Eleazar b. R. Sadoq?

X. Mishnah-Tractate Meilah 3:4A-F

A. THE ASHES [OF THE INCENSE] OF THE INNER ALTAR AND [OF THE WICKS THAT REMAIN] OF THE CANDELABRUM — ARE NOT AVAILABLE FOR BENEFIT, BUT THE LAWS OF SACRILEGE DO NOT APPLY. HE WHO SANCTIFIES THE ASH TO BEGIN WITH —THE LAWS OF SACRILEGE APPLY TO IT. (1) TURTLEDOVES WHICH HAVE NOT YET REACHED THEIR MATURITY AND (2) PIGEONS WHICH HAVE BECOME SUPERANNUATE ARE NOT AVAILABLE FOR BENEFIT, BUT THE LAWS OF SACRILEGE DO NOT APPLY.

1. I:1: Now there is no problem understanding ash from the outer altar is placed in the ash-heap: “He shall place the ash near the altar” (Lev. 6: 3). But on the basis of Scripture how do we know that that is the case with the inner altar?

XI. Mishnah-Tractate Meilah 3:4G

A. R. Simeon says, “Turtledoves which have not yet reached their maturity — the laws of sacrilege apply to them. But pigeons which have become superannuated are not available for benefit, but the laws of sacrilege do not apply”

1. I:1: There is no problem in understanding that this represents the view of R. Simeon, since he utilizes the same reasoning elsewhere. But as to our rabbis, how do they differentiate birds from animals that are too young?
2. I:2: Then what happened to the sanctity that once inhered in the birds?
 - a. I:3: Analysis of a detail of the foregoing.

XII. Mishnah-Tractate Meilah 3:5

A. THE MILK OF ANIMAL SACRIFICES AND THE EGGS OF TURTLEDOVES ARE NOT AVAILABLE FOR BENEFIT, BUT THE LAWS OF SACRILEGE DO NOT APPLY TO THEM. UNDER WHAT CIRCUMSTANCES? IN THE CASE OF WHAT IS MADE HOLY FOR THE USE OF THE ALTAR. BUT IN THE CASE OF WHAT IS MADE HOLY FOR THE UPKEEP OF THE TEMPLE HOUSE — [IF] ONE HAS SANCTIFIED A CHICKEN, THE LAWS OF SACRILEGE APPLY TO IT AND TO ITS EGG. [IF HE SANCTIFIED] AN ASS, THE LAWS OF SACRILEGE APPLY TO IT AND TO ITS MILK.

1. I:1: If one has consecrated the value of an animal to the altar, does the law of sacrilege apply [to its eggs or milk too, just as if one dedicated its value to the upkeep of the Temple]?

XIII. Mishnah-Tractate Meilah 3:6

A. WHATEVER IS APPROPRIATE FOR [USE ON] THE ALTAR BUT NOT FOR THE UPKEEP OF THE HOUSE, FOR THE UPKEEP OF THE HOUSE AND NOT FOR THE ALTAR, NOT FOR THE ALTAR AND NOT FOR THE UPKEEP OF THE HOUSE THE LAWS OF SACRILEGE APPLY THERETO. HOW SO? IF] ONE SANCTIFIED (1) A HOLE FULL OF WATER [B], (2) A DUNG HEAP FULL OF DUNG [C], (3) A DOVECOTE FULL OF PIGEONS [A], (4) A TREE COVERED WITH FRUIT, (5) A FIELD FULL OF HERBS — THE LAWS OF SACRILEGE APPLY TO THEM AND TO WHAT IS IN THEM. BUT IF HE SANCTIFIED (1) A HOLE, AND AFTERWARD IT FILLED WITH WATER, (2) A DUNG HEAP, AND AFTERWARD IT WAS FILLED WITH DUNG, (3) A DOVECOTE, AND AFTERWARD IT WAS FILLED WITH PIGEONS, (4) A TREE AND AFTERWARD IT FILLED WITH FRUIT, (5) A FIELD AND AFTERWARD IT WAS FILLED WITH HERBS — “THE LAWS OF SACRILEGE APPLY TO THEM, BUT THE LAWS OF SACRILEGE DO NOT APPLY TO WHAT IS IN THEM,” THE WORDS OF R. JUDAH. R. SIMEON SAYS, “HE WHO SANCTIFIES A FIELD AND A TREE — THE LAWS OF SACRILEGE APPLY TO THEM AND TO WHAT GROWS IN THEM, FOR THEY ARE THE OFFSPRING OF THAT WHICH HAS BEEN CONSECRATED.”

THE OFFSPRING OF THE TITHE OF CATTLE MAY NOT SUCK FROM [A BEAST THAT IS] TITHE [OF CATTLE].

AND OTHERS DONATE [THEIR BEASTS] THUS [ON CONDITION THAT, IF THE TITHE OF THEIR CATTLE SHOULD BE A FEMALE BEAST, ITS MILK SHOULD NOT BE DEEMED CONSECRATED BUT SHOULD BE AVAILABLE FOR ITS OFFSPRING]. THE OFFSPRING OF A CONSECRATED BEAST SHOULD NOT SUCK FROM CONSECRATED BEASTS. AND OTHERS DONATE THEIR BEASTS THUS.

1. I:1: What is the source in Scripture for this rule?

B. LABORERS SHOULD NOT EAT OF DRIED FIGS WHICH HAVE BEEN CONSECRATED. AND SO: A COW SHOULD NOT EAT OF VETCHES WHICH HAVE BEEN CONSECRATED.

1. II:1: What is the basis for this rule in Scripture?

2. II:2: He who threshes *gelailain*-wood in a field belong to the Temple commits sacrilege.

XIV. Mishnah-Tractate Meilah 3:7

A. [IF] THE ROOTS OF A PRIVATELY OWNED TREE COME INTO CONSECRATED GROUND, OR THOSE OF A TREE WHICH IS CONSECRATED COME INTO PRIVATELY OWNED GROUND, THEY ARE NOT AVAILABLE FOR ENJOYMENT, BUT THEY ARE NOT SUBJECT TO THE LAWS OF SACRILEGE. A WELL WHICH GUSHES FORTH FROM A FIELD WHICH IS CONSECRATED — [THE WATER] IS NOT AVAILABLE FOR ENJOYMENT, BUT THE LAWS OF SACRILEGE DO NOT APPLY. [IF] IT WENT OUTSIDE OF THE FIELD, THEY DERIVE BENEFIT FROM IT.

WATER WHICH IS IN A GOLDEN JAR IS NOT AVAILABLE FOR BENEFIT BUT IS NOT SUBJECT TO THE LAWS OF SACRILEGE. [IF] ONE PUT IT INTO A GLASS, THE LAW OF SACRILEGE APPLIES TO IT.

THE WILLOW BRANCH [SET BESIDE THE ALTAR] IS NOT AVAILABLE FOR BENEFIT BUT IS NOT SUBJECT TO THE LAW OF SACRILEGE. R. ELEAZAR B. R. SADOQ SAYS, “THE ELDERS WOULD TAKE SOME OF IT FOR THEIR LULABS. “

1. I:1: In respect to the water in the golden jar, none of it is liable to the laws of sacrilege unless exactly three logs of water were in the jug, indicating that it was measured for a libation.

XV. Mishnah-Tractate Meilah 3:8

A. A NEST WHICH IS UP AT THE TOP OF A TREE WHICH HAS BEEN CONSECRATED IS NOT AVAILABLE FOR BENEFIT, BUT IS NOT SUBJECT TO THE LAW OF SACRILEGE. AND THAT WHICH IS ON AN ASHERAH TREE ± ONE MAY FLICK IT OFF WITH A REED.

1. I:1: A composition in which this Mishnah-passage figures is presented in abbreviated form; the present passage receives some analytical attention.

B. HE WHO SANCTIFIES A FOREST — THE LAW OF SACRILEGE APPLIES TO THE WHOLE OF IT.

AND THE TEMPLE TREASURERS WHO BOUGHT WOOD — THE LAWS OF SACRILEGE APPLY TO THE WOOD. BUT THE LAWS OF SACRILEGE DO NOT APPLY TO THE CHIPS AND [THEY DO] NOT [APPLY] TO THE FOLIAGE.

1. I:1: They build the Temple buildings out of unconsecrated wood and only afterward consecrate it.

XVI. Mishnah-Tractate Meilah 4:1

A. THINGS CONSECRATED FOR THE ALTAR JOIN TOGETHER WITH ONE ANOTHER [FOR MAKING UP THE REQUISITE QUANTITY — A PERUTAH'S WORTH — TO BE SUBJECT TO] THE LAW OF SACRILEGE, AND TO IMPOSE LIABILITY ON THEIR ACCOUNT FOR TRANSGRESSION OF THE LAWS OF REFUSE, REMNANT AND UNCLEANNES. THINGS CONSECRATED FOR THE UPKEEP OF THE HOUSE JOIN TOGETHER WITH ONE ANOTHER [IN REGARD TO SACRILEGE]. THINGS CONSECRATED FOR THE ALTAR AND THINGS CONSECRATED FOR THE UPKEEP OF THE HOUSE JOIN TOGETHER [FOR MAKING UP THE QUANTITY TO BE SUBJECT TO] THE LAW OF SACRILEGE.

1. I:1: One is constrained to note, since it is taught as part of the Tannaite formulation, Things consecrated for the altar and things consecrated for the upkeep of the house in which case, the one represents the sanctification of the corpus itself and the other the sanctification of the value, even so, join together [for making up the quantity to be subject to] the law of sacrilege, should there be any question that things consecrated for the altar and things consecrated for the upkeep of the house join together [for making up the quantity to be subject to] the law of sacrilege?

2. I:2: People are liable for sacrilege only in connection with what has been consecrated for the upkeep of the Temple house or for misappropriating burnt offerings alone. That proposition is aligned with the rule above.

XVII. Mishnah-Tractate Meilah 4:2A-B

A. FIVE COMPONENTS IN A BURNT OFFERING JOIN TOGETHER [TO FORM THE REQUISITE VOLUME FOR LIABILITY TO SACRILEGE]: (1) THE MEAT, (2) THE FORBIDDEN FAT, (3) THE FINE FLOUR, (4) THE WINE, AND (5) THE OIL. AND SIX IN THE THANK OFFERING [JOIN TOGETHER]: (1) THE MEAT, (2) THE FORBIDDEN FAT, (3) THE FINE FLOUR, (4) THE WINE, (5) THE OIL, AND (6) THE BREAD.

1. I:1: R. Huna repeated the Tannaite version to Raba in this language: Five components ever join together to form the requisite volume for liability to sacrilege.

2. I:2: Tannaite tradition: A burnt offering and its sacrificial parts join together with one another to form the requisite volume to impose liability for offering up outside the Temple and to impose liability on account of that volume because of violation of the laws of refuse, remnant, and uncleanness [T. **Me. 1:28B**] — thus the rule applies to burnt offerings but not to peace offerings.

XVIII. Mishnah-Tractate Meilah 4:2C-D, 4:3A-B

A. (1) HEAVE OFFERING, AND (2) HEAVE OFFERING OF TITHE, AND (3) HEAVE OFFERING OF TITHE OF DEMAI, AND (4) DOUGH OFFERING, AND (5) FIRST FRUITS

JOIN TOGETHER TO IMPOSE A PROHIBITION AND TO IMPOSE LIABILITY TO THE ADDED FIFTH ON THEIR ACCOUNT. ALL FORMS OF REFUSE JOIN TOGETHER ALL FORMS OF REMNANT JOIN TOGETHER.

1. I:1: What accounts for treating dough offering and first fruits as part of a single classification with heave offering?

XIX. Mishnah-Tractate Meilah 4:3C-D

A. ALL FORMS OF CARRION JOIN TOGETHER.

1. I:1: This rule is repeated only with respect to the matter of uncleanness, but as to the issue of the requisite volume to be prohibited for eating, meat from clean animals and meat from unclean animals are classified separately and do not join together.

B. ALL FORMS OF CREEPING THINGS JOIN TOGETHER

1. II:1: On account of eating an olive's bulk of dead creeping things one is flogged.

a. II:2: secondary investigation of a detail of the foregoing.

XX. Mishnah-Tractate Meilah 4:3E-G

A. THE BLOOD OF A CREEPING THING AND ITS FLESH JOIN TOGETHER.

A GENERAL PRINCIPLE DID R. JOSHUA STATE, "ALL THINGS THAT ARE ALIKE IN THE [DURATION OF] UNCLEANNESS OF EACH AND IN THE REQUISITE MEASURE OF EACH JOIN TOGETHER. IF THEY ARE ALIKE] (1) IN [DURATION OF] UNCLEANNESS BUT NOT IN REQUISITE MEASURE, (2) IN REQUISITE MEASURE BUT NOT IN [DURATION OF] UNCLEANNESS, (3) NEITHER IN [DURATION OF] UNCLEANNESS NOR IN REQUISITE MEASURE, THEY DO NOT JOIN TOGETHER [TO FORM THE VOLUME THAT IS NECESSARY TO CONVEY UNCLEANNESS]."

1. I:1: Scriptural proof for the proposition: elements of all creeping things, without distinction] join together, even flesh from one creeping thing with that from another, or flesh from one creeping thing with blood from another, whether of the same species or of two different species, as against Joshua's position.

2. I:2: How on the basis of Scripture do we know that the blood of dead creeping things is unclean?

XXI. Mishnah-Tractate Meilah 4:4A-E

A. REFUSE AND REMNANT DO NOT JOIN TOGETHER, BECAUSE THEY ARE OF TWO [DIFFERENT] CATEGORIES.

THE CREEPING THING AND CARRION, AND SO TOO, CARRION AND THE FLESH OF A CORPSE — DO NOT JOIN TOGETHER WITH ONE ANOTHER TO IMPART UNCLEANNESS, EVEN IN ACCORD WITH THE LESSER OF THE TWO OF THEM:

1. I:1: Refuse and remnant do not join together solely with respect to imparting uncleanness to the hands, since that derives from a decree of rabbis. But in the

matter of joining together to form the minimum requisite volume of food, they do join together since that is a rule of the Torah.

XXII. Mishnah-Tractate Meilah 4:4F, 4:5

A. FOOD WHICH HAS BEEN MADE UNCLEAN BY A FATHER OF UNCLEANNESS AND THAT WHICH HAS BEEN MADE UNCLEAN BY AN OFFSPRING OF UNCLEANNESS JOIN TOGETHER TO IMPART UNCLEANNESS IN ACCORD WITH THE LESSER REMOVE OF UNCLEANNESS OF THE TWO OF THEM.

ALL FOODSTUFFS JOIN TOGETHER — TO RENDER THE BODY INVALID, AT A VOLUME OF HALF A HALF-LOAF OF BREAD; IN THE CASE OF FOOD, TWO MEALS FOR AN ERUB [M. ERUB. 8:21; IN THE VOLUME OF AN OLIVE'S BULK TO IMPART UNCLEANNESS AS FOOD, IN THE VOLUME OF A FIG'S BULK IN CONNECTION WITH REMOVAL [FROM ONE DOMAIN TO ANOTHER ON] THE SABBATH [M. Shab. 7:4], AND IN THE VOLUME OF A DATE'S BULK [FOR THE VOLUME PROHIBITED FOR EATING] ON THE DAY OF ATONEMENT [M. Yoma 8:2]. ALL LIQUIDS JOIN TOGETHER — TO RENDER THE BODY INVALID, AT A VOLUME OF A QUARTER-LOG; AND FOR THE MOUTHFUL [WHICH IT IS FORBIDDEN TO DRINK] ON THE DAY OF ATONEMENT.

1. I:1: Said R. Simeon, “Why did they say, 'Food which is made unclean by a Father of uncleanness and that which is made unclean by an Offspring of uncleanness join together with one another'? Because it is possible for that which is unclean in the third remove to be made unclean in the second remove. And it is possible for that which is unclean in the second remove to be made unclean in the first remove.”

XXIII. Mishnah-Tractate Meilah 4:6A-B

A. ORLAH FRUIT AND DIVERSE KINDS OF THE VINEYARD JOIN TOGETHER. R. SIMEON SAYS, “THEY DO NOT JOIN TOGETHER.”

1. I:1: But does R. Simeon require the matter of joining together at all?

XXIV. Mishnah-Tractate Meilah 4:6C-D

A. CLOTH AND SACKING, SACKING AND LEATHER, LEATHER AND MATTING JOIN TOGETHER WITH ONE ANOTHER. R. SIMEON SAYS, “THAT IS BECAUSE THEY ARE SUITABLE TO BE MADE UNCLEAN AS THAT WHICH IS USED FOR SITTING [WITH MOSHAB UNCLEANNESS].”

1. I:1: If one cut off a bit of each of the three and made of them a garment suitable for lying that is three handbreadths square or for sitting that is one handbreadth square or as a holder of any size [then it is susceptible to uncleanness].

XXV. Mishnah-Tractate Meilah 5:1

A. “HE WHO DERIVES BENEFIT TO THE EXTENT OF A PERUTAH'S VALUE FROM THAT WHICH IS CONSECRATED, EVEN THOUGH HE DID NOT CAUSE DETERIORATION

[THROUGH USE OF IT], HAS COMMITTED AN ACT OF SACRILEGE,” THE WORDS OF R. AQIBA. AND SAGES SAY, “ANYTHING WHICH IS SUBJECT TO DETERIORATION THROUGH USE — HE HAS NOT COMMITTED AN ACT OF SACRILEGE UNLESS HE HAS CAUSED DETERIORATION THROUGH USE. BUT ANYTHING WHICH IS NOT SUBJECT TO DETERIORATION THROUGH USE — ONCE HE HAS DERIVED BENEFIT FROM IT, HE HAS COMMITTED AN ACT OF SACRILEGE.”

1. I:1: R. Aqiba concurs with sages in the case of something that is subject to deterioration that if one derived benefit but caused no deterioration, he has committed no act of sacrilege.

2. I:2-5: elaborate Tannaite scriptural proof for and extension of sages’ position.

a. I:6: Secondary expansion of the foregoing.

3. I:7: The All-Merciful has further drawn an analogy between the laws of sacrilege and those that govern the wife accused of adultery, the laws of idolatry, and the laws of heave-offering.

B. HOW SO? [IF A WOMAN] PUT A CHAIN AROUND HER NECK, A RING ON HER FINGER, DRANK FROM THE CUP OF GOLD [M. TAM. 3:4B, USED FOR WATER FOR THE ANIMAL TO BE OFFERED AS THE WHOLE OFFERING OF THE DAY], ONCE SHE HAS DERIVED BENEFIT FROM IT, SHE HAS COMMITTED AN ACT OF SACRILEGE. [IF A MAN] PUT ON A SHIRT, COVERED HIMSELF WITH A CLOAK, USED AN AX TO SPLIT WOOD — HE HAS NOT COMMITTED SACRILEGE UNLESS HE HAS CAUSED DETERIORATION THROUGH USE.

1. II:1: The All-Merciful has further drawn an analogy between the laws of sacrilege and those that govern the wife accused of adultery, the laws of idolatry, and the laws of heave-offering.

C. HOW SO? [IF A WOMAN] PUT A CHAIN AROUND HER NECK:

1. III:1: But isn’t gold subject to deterioration?

D. [IF] HE PULLED WOOL OUT OF A SIN OFFERING [LAMB] WHEN IT WAS ALIVE, HE HAS COMMITTED AN ACT OF SACRILEGE ONLY IF HE HAS CAUSED DETERIORATION. BUT IF THIS WAS AFTER IT WAS DEAD, ONCE HE HAS MADE USE OF IT, HE HAS COMMITTED AN ACT OF SACRILEGE.

1. IV:1: When does it matter? If we’re dealing with an unblemished animal, then it is in the category of the golden cup

XXVI. Mishnah-Tractate Meilah 5:2-3

A. [IF] ONE DERIVED BENEFIT TO THE EXTENT OF A HALF-PERUTAH AND CAUSED DETERIORATION TO THE EXTENT OF A HALF-PERUTAH, OR [IF] HE DERIVED BENEFIT TO THE EXTENT OF A PERUTAH FROM ONE THING AND CAUSED DETERIORATION TO THE EXTENT OF A PERUTAH IN SOME OTHER THING — LO, THIS ONE HAS NOT COMMITTED AN ACT OF SACRILEGE — UNTIL HE WILL DERIVE BENEFIT TO THE EXTENT OF A PERUTAH AND [OR] CAUSE DETERIORATION TO THE EXTENT OF A PERUTAH IN THE VERY SAME THING.

ONE DOES NOT COMMIT SACRILEGE AFTER ANOTHER HAS COMMITTED SACRILEGE [IN THE SAME THING] IN THE CASE OF CONSECRATED THINGS, EXCEPT FOR A BEAST OR A UTENSIL OR SERVICE.

1. I:1: Whose view is represented by this rule?

HOW SO? [IF] HE RODE ON A BEAST AND HIS FELLOW CAME ALONG AND RODE ON IT AND YET ANOTHER CAME AND RODE ON IT — DRANK FROM THE GOLDEN CUP [M. 5:11] AND HIS FELLOW CAME ALONG AND DRANK FROM IT, AND YET A THIRD PARTY CAME ALONG AND DRANK FROM IT PULLED WOOL OUT OF A SIN OFFERING [M. 5:10], AND HIS FELLOW CAME ALONG AND PULLED WOOL FROM THE SIN OFFERING, AND YET A THIRD CAME ALONG AND PULLED WOOL FROM THE SAME SIN OFFERING — ALL OF THEM HAVE COMMITTED AN ACT OF SACRILEGE. RABBI SAYS, “ANYTHING WHICH IS NOT SUBJECT TO REDEMPTION IS SUBJECT TO A CASE OF SACRILEGE FOLLOWING SACRILEGE.”

1. II:1: Explaining the theory of Rabbi.

XXVII. Mishnah-Tractate Meilah 5:4-5

A. [IF] ONE TOOK A STONE OR A BEAM FROM WHAT IS CONSECRATED, LO, THIS ONE HAS NOT COMMITTED AN ACT OF SACRILEGE. [IF] HE GAVE IT TO HIS FELLOW, HE HAS COMMITTED AN ACT OF SACRILEGE. BUT HIS FELLOW HAS NOT COMMITTED AN ACT OF SACRILEGE.

1. I:1: what is the difference between the principal and his fellow?

B. [IF] HE BUILT IT INTO THE STRUCTURE OF HIS HOUSE, LO, THIS ONE HAS NOT COMMITTED AN ACT OF SACRILEGE — UNTIL HE ACTUALLY WILL LIVE UNDER IT [AND ENJOYS ITS USE] TO THE EXTENT OF A PERUTAH'S WORTH.

[IF] HE TOOK A PERUTAH OF CONSECRATED MONEY, LO, THIS ONE HAS NOT COMMITTED AN ACT OF SACRILEGE. [IF] HE GAVE IT TO HIS FELLOW, HE HAS COMMITTED AN ACT OF SACRILEGE. BUT HIS FELLOW HAS NOT COMMITTED AN ACT OF SACRILEGE. [IF] HE GAVE IT TO A BATH KEEPER, EVEN THOUGH HE DID NOT TAKE A BATH, HE HAS COMMITTED AN ACT OF SACRILEGE. FOR HE [THE BATH KEEPER] SAYS TO HIM, “LO, THE BATH IS OPEN TO YOU. GO IN AND TAKE A BATH.”

WHAT HE HAS EATEN AND WHAT HIS FELLOW HAS EATEN, WHAT HE HAS USED AND WHAT HIS FELLOW HAS USED, WHAT HE HAS EATEN AND WHAT HIS FELLOW HAS USED, WHAT HE HAS USED AND WHAT HIS FELLOW HAS EATEN JOIN TOGETHER WITH ONE ANOTHER — AND EVEN OVER AN EXTENDED PERIOD OF TIME.

1. II:1: What difference does it make that he is liable only when he actually will have lived under the roof? Merely because of building it into the house, the man has changed the wood and so subjected it to sacrilege.

XXVIII. Mishnah-Tractate Meilah 6:1A-J

A. THE AGENT WHO CARRIED OUT HIS ERRAND [AND THEREBY INADVERTENTLY COMMITTED AN ACT OF SACRILEGE] — THE HOUSEHOLDER [WHO APPOINTED THE AGENT IS RESPONSIBLE AND] HAS COMMITTED THE ACT OF SACRILEGE.

[IF THE AGENT] DID NOT CARRY OUT HIS ERRAND [IN COMMITTING AN ACT OF SACRILEGE], THE AGENT [IS RESPONSIBLE AND INADVERTENTLY] HAS COMMITTED THE ACT OF SACRILEGE.

HOW SO? [IF] HE SAID TO HIM, “GIVE OUT MEAT TO THE GUESTS,” BUT HE GAVE THEM LIVER, “LIVER,” AND HE GAVE THEM MEAT — THE AGENT HAS COMMITTED THE ACT OF SACRILEGE.

1. I:1: Who is the Tannaite authority who takes the view that any matter about which the agent must consult the employer involves a distinct act?

B. [IF] HE SAID TO THEM, “GIVE THEM ONE PIECE EACH,” AND HE [THE AGENT] SAID, “TAKE TWO EACH,” BUT THEY TOOK THREE EACH, ALL OF THEM ARE GUILTY OF COMMITTING AN ACT OF SACRILEGE:

1. II:1: That rule yields the inference that if the agent adds details to his commission, he remains an agent and the master bears responsibility.

XXIX. Mishnah-Tractate Meilah 6:1K-O, 6:2

A. [IF] HE SAID TO HIM, “BRING [SUCH AND SUCH A THING] FROM THE WINDOW,” OR, “FROM THE CHEST,” AND HE BROUGHT IT TO HIM, EVEN THOUGH THE HOUSEHOLDER SAID, “I MEANT ONLY FROM HERE,” AND HE BROUGHT IT FROM THERE, M. THE HOUSEHOLDER HAS COMMITTED THE ACT OF SACRILEGE.

BUT IF HE SAID TO HIM, “BRING IT TO ME FROM THE WINDOW,” AND HE BROUGHT IT FROM THE CHEST, OR “FROM THE CHEST,” AND HE BROUGHT IT FROM THE WINDOW, THE AGENT HAS COMMITTED THE ACT OF SACRILEGE.

1. I:1: what does this statement serve to tell us?

B. [IF] HE SENT BY MEANS OF [AN AGENT WHO WAS) A DEAF-MUTE, AN IMBECILE, OR A MINOR [TO PURCHASE GOODS WITH MONEY WHICH UNBEKNOWNST TO THE SENDER, WAS CONSECRATED], IF THEY CARRIED OUT THEIR ERRAND, THE HOUSEHOLDER HAS COMMITTED THE ACT OF SACRILEGE.

1. II:1: But persons in those classifications are not suitable to serve as agents at all.

C. [IF] THEY DID NOT CARRY OUT THEIR ERRAND, THE STOREKEEPER HAS COMMITTED THE ACT OF SACRILEGE.

[IF] HE SENT SOMETHING BY MEANS OF A PERSON OF SOUND SENSES, AND REALIZED BEFORE HE REACHED THE STOREKEEPER [THAT THE COINS ARE CONSECRATED AND THEREFORE REGRETTEED HAVING SENT THOSE COINS], THE STOREKEEPER WILL HAVE COMMITTED THE ACT OF SACRILEGE WHEN HE PAYS OUT [THE COINS].

WHAT SHOULD HE DO? HE SHOULD TAKE A PERUTAH OR A UTENSIL AND STATE, “A PERUTAH WHICH IS CONSECRATED, WHEREVER IT MAY BE, IS MADE UNCONSECRATED BY THIS.” FOR THAT WHICH IS CONSECRATED IS REDEEMED BY MONEY OR BY SOMETHING WHICH IS WORTH MONEY.

1. III:1: And that is the case even if the agent did not realize [the status of the coins; even if the shopkeeper changed his mind after the agent left, the agent nonetheless is carrying out the assignment, and the shopkeeper is responsible].

XXXI. Mishnah-Tractate Meilah 6:3-4

A. [IF] HE GAVE HIM A PERUTAH [AND] SAID TO HIM, “WITH HALF OF IT BRING ME LAMPS, AND WITH HALF OF IT WICKS” AND [IF] HE WENT AND BROUGHT BACK LAMPS FOR THE WHOLE OF IT OR WICKS FOR THE WHOLE OF IT — OR IF HE SAID TO HIM, “BRING ME LAMPS FOR THE WHOLE OF IT,” OR, “WICKS FOR THE WHOLE OF IT,” AND HE WENT AND BROUGHT HIM LAMPS FOR HALF OF IT AND WICKS FOR HALF OF IT, BOTH OF THEM HAVE NOT COMMITTED AN ACT OF SACRILEGE. BUT IF HE SAID TO HIM, “BRING ME LAMPS FOR HALF OF IT FROM SUCH-AND-SUCH A PLACE, AND WICKS FOR HALF OF IT FROM SUCH-AND-SUCH A PLACE,” H. AND HE WENT AND BROUGHT FOR HIM LAMPS FROM THE PLACE IN WHICH HE WAS SUPPOSED TO GET THE WICKS, AND WICKS FROM THE PLACE FROM WHICH HE WAS SUPPOSED TO GET THE LAMPS, THE AGENT HAS COMMITTED THE ACT OF SACRILEGE.

IF HE GAVE HIM TWO PERUTOT [AND] SAID TO HIM, “BRING ME AN ETROG,” AND HE WENT AND BROUGHT HIM AN ETROG FOR A PERUTAH AND A POMEGRANATE FOR A PERUTAH, BOTH OF THEM HAVE COMMITTED THE ACT OF SACRILEGE. R. JUDAH SAYS, “THE HOUSEHOLDER HAS NOT COMMITTED AN ACT OF SACRILEGE. FOR HE SAYS TO HIM, ‘I WANTED A BIG ETROG, AND YOU BROUGHT A SMALL AND POOR ONE.’”

[IF] HE GAVE HIM A GOLDEN DENAR [= SIX SELAS] [AND] SAID TO HIM, “BRING ME A SHIRT,” AND HE WENT AND BROUGHT HIM A SHIRT FOR THREE SELAS AND A CLOAK FOR THREE, BOTH OF THEM HAVE COMMITTED AN ACT OF SACRILEGE.

R. JUDAH SAYS, “THE HOUSEHOLDER HAS NOT COMMITTED AN ACT OF SACRILEGE, FOR HE SAYS TO HIM, ‘I WANTED A LARGE SHIRT, AND YOU BROUGHT ME A SMALL AND POOR ONE.’”

1. I:1: does that bear the inference that one who said to his agent, “Go, buy me a kor of land,” but the agent went and bought only a letek [half a kor], the purchaser has acquired the land even though the agent has not followed the instructions?

XXXII. Mishnah-Tractate Meilah 6:5-6

A. HE WHO DEPOSITS COINS WITH A MONEY CHANGER — IF THEY WERE BOUND UP, HE [THE MONEY CHANGER] SHOULD NOT MAKE USE OF THEM. THEREFORE IF HE PAID [THEM] OUT, HE HAS COMMITTED AN ACT OF SACRILEGE. IF THEY ARE LOOSE, HE MAY MAKE USE OF THEM. THEREFORE IF HE PAID THEM OUT, HE HAS NOT COMMITTED AN ACT OF SACRILEGE. [IF THE OWNER OF THE COINS] DEPOSITED [THEM] WITH A HOUSEHOLDER, ONE WAY OR THE OTHER, HE [THE HOUSEHOLDER] SHOULD NOT MAKE USE OF THEM. THEREFORE IF HE PAID THEM OUT, HE HAS COMMITTED AN ACT OF SACRILEGE. “A STOREKEEPER IS DEEMED EQUIVALENT TO A HOUSEHOLDER,” THE WORDS OF R. MEIR. R. JUDAH SAYS, “HE IS EQUIVALENT TO A MONEY CHANGER.”

A PERUTAH WHICH HAS BEEN CONSECRATED, WHICH FELL INTO A PURSE [CONTAINING OTHER MONEY], OR IF ONE SAID, “A PERUTAH IN THIS PURSE IS CONSECRATED” —

“AS SOON AS ONE HAS PAID OUT THE FIRST [COIN IN THE PURSE], HE HAS COMMITTED AN ACT OF SACRILEGE,” THE WORDS OF R. AQIBA.

AND SAGES SAY, “[HE HAS NOT COMMITTED AN ACT OF SACRILEGE] UNTIL HE HAS PAID OUT ALL THE MONEY IN THE PURSE.”

AND R. AQIBA CONCEDES IN THE CASE OF ONE WHO SAYS, “A PERUTAH IN THIS PURSE IS CONSECRATED,” THAT HE GOES ALONG AND PAYS OUT THE MONEY [WITHOUT HAVING COMMITTED AN ACT OF SACRILEGE] UNTIL HE WILL HAVE PAID OUT ALL THE MONEY WHICH IS IN THE PURSE.

1. I:1: What differentiates the first from the second cases? In the former, Aqiba says the householder has committed an act of sacrilege as soon as he pays out the first coin, but in the latter, the act is committed only when all of the coins have been distributed.

Points of Structure

- 1. DOES BABYLONIAN TALMUD-TRACTATE MEILAH FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?**
- 2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?**
- 3. WHAT IS THE RATIONALITY OF THE STRUCTURE?**
- 4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?**

The Talmud tractate follows the outline of the Mishnah-tractate. The structure of the Bavli-tractate is dictated by that of the Mishnah-tractate, with the proviso that the framers of the Bavli do not find it necessary to comment on every phrase and sentence of the Mishnah-tractate. I find not a single instance in which a major rubric of the Bavli introduces a topic not deriving from the Mishnah. Only a single story moves beyond the limits of Mishnah-exegesis, and that is carefully linked to the requirements of Mishnah-exegesis, as noted in context.

Points of System

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

No, because a fair portion of the Mishnah is not treated. But I have no explanation to account for both what is omitted and what is discussed; I do not discern a large-scale theory of matters that the Bavli's framers wish to introduce into the reading of the Mishnah.

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

This question does not pertain, there being no large-scale topical composites.

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

The framers of this document propose to set forth a systematic commentary to the Mishnah.

This result is replicated in Mishnah-tractate Tamid, given only a truncated commentary by the Bavli. In Meilah and Tamid we have no large-scale topical composites; the subjects of the two tractates are not seen in a new perspective or under a fresh light by reason of composites or even compositions that greatly revise our conception of things. The hypothesis presents itself that the difference between shorter and longer Bavli-tractates derives principally from whether or not massive miscellanies are inserted. That hypothesis, which is not pertinent to this academic commentary, raises questions of structure. The problem of discerning the Bavli's, as distinct from the Mishnah's system, will find its solution not in what we do not have, but in what we find here in abundance. Toward the solution of that problem, Bavli-tractates Meilah and Tamid make only a negative contribution. I can think of no ad hoc explanation for why the Bavli-tractates find no occasion in the present topics to make fresh points or to bring about a jarring juxtaposition, such that matters appear in a way that is new and different from the Mishnah's presentation of the same subject. I am inclined to think that only when we have all tractates in hand, analyzed in a single manner, will issues of what we do, and do not, find begin to form a suggestive pattern.