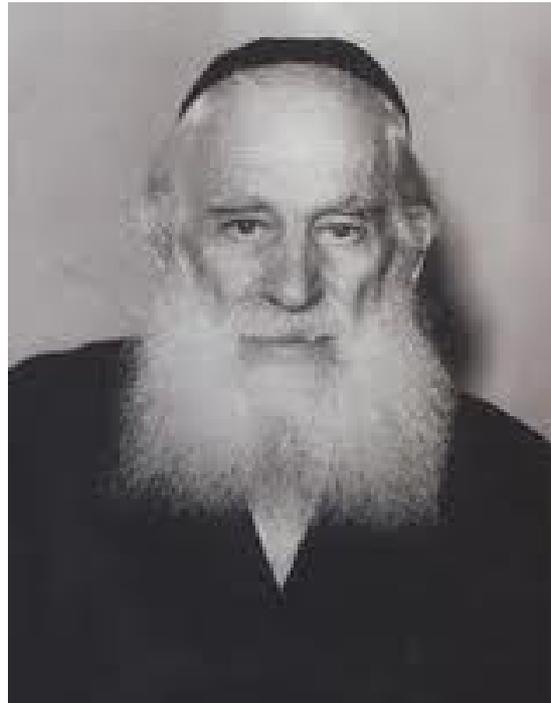


The Soncino Babylonian Talmud

Book III

Folios 61a-89a



CHULLIN

**TRANSLATED INTO ENGLISH
WITH NOTES**

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Chullin 61a

which implies, as the eagle is peculiar in that it has neither an extra toe nor a crop, its gizzard cannot be peeled, it seizes prey and eats it, and is unclean, so all that have the like characteristics are unclean.¹ [It is also written,] Turtle doves,² which implies, as the turtle dove has an extra toe and a crop, its gizzard can be peeled, it does not seize prey and eat it, and is clean, so all that have the like characteristics are clean!³ — Abaye answered: They were not expressly stated in the Torah but were inferred by the Scribes.

R. Hiyya taught: A bird that has one characteristic [of cleanness] only, is clean,⁴ since it obviously is not of the same species as the eagle; for you may not eat the eagle as it has no characteristics [of cleanness], but whatsoever has one characteristic you may eat. But let us rather infer [the rule]⁵ from turtle doves thus: As turtle doves have the four [characteristics of cleanness], so all birds must have the four [characteristics]!—

If so, why does the Divine Law specify all the other Unclean birds?⁶ But let us infer it⁷ from these [unclean birds specified in the Torah] thus: As these have three [characteristics of cleanness] and yet we may not eat them, so we may not eat all birds that have three [characteristics], (and a fortiori if it has but two [characteristics] or only one [characteristic of cleanness])!⁸—

If so, why does the Divine Law specify the raven?⁹ Surely, if we may not eat those that have three [characteristics of cleanness] it goes without saying [that we may not eat] those that have only two [characteristics]!

(1) For they certainly belong to the species of the eagle. Any other bird, however, that has one or more than one characteristic of cleanness is

clean, provided it is not one of the other species of unclean birds specified in the Torah.

(2) E.g., Lev. I, 14, as fit for sacrifice.

(3) The propositions in this Baraita are inferred from the interpretation of words in the Torah and are regarded as implicit in the Torah, thus contradicting our Mishnah which declares that the characteristics of birds are not stated in the Torah.

(4) A fortiori if it has more than one characteristic of cleanness; provided, however, it is not one of the other species of unclean birds specified in the Torah.

(5) Sc. R. Hiyya's.

(6) For not one of them has all the four characteristics of cleanness, and it would be obvious that they are unclean.

(7) That one characteristic of cleanness alone is not sufficient.

(8) The bracketed passage is rightly omitted in MS.M.

(9) Heb. עורב. It has only two characteristics of cleanness, and according to the foregoing argument it would most certainly be unclean. For the specific two characteristics v. Tosaf. infra 62a, s.v. מפני.

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But let us infer [the rule]¹ from the raven thus: As it has two [characteristics of cleanness] and yet may not be eaten, so all that have two [characteristics] may not be eaten! —

If so, why does the Divine Law specify the peres² and the 'ozniah?³ Surely if we may not eat those that have two [characteristics of cleanness] it goes without saying [that we may not eat] those that have only one [characteristic]! Then let us infer [the rule] from the peres and the 'ozniah! —

If so, why does the Divine Law specify the eagle? For if we may not eat those that have one [characteristic of cleanness] it goes without saying that we may not eat those that have none [of the characteristics of cleanness]! The inference must therefore be: You may not eat the eagle because it has none [of the characteristics of cleanness], but whatsoever has one [characteristic] you may eat. Now this is the result only because

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the Divine Law specified the eagle, but had it not done so we should have inferred it from the peres and the ‘ozniah. But they, the peres and the ‘ozniah, are two texts, separately stated, which teach the same thing, and one may not draw any conclusions from two verses which teach the same thing!⁵ —

There is a tradition that the characteristic [of cleanness] of the one is not that of the other.⁶ But consider. There are twenty-four species of unclean birds [mentioned in the Torah].⁷ Now it is inconceivable that the one characteristic of cleanness of each of these two species does not recur among the others, so that it is a case of two verses which teach the same thing!⁸ —

There is a tradition that there are twenty four species of unclean birds and that there are four characteristics of cleanness. The same three characteristics circulate among all. Twenty [species] have each these three characteristics, the raven has two [of these characteristics], and the peres and the ‘ozniah have each one characteristic, but the characteristic of one is not that of the other.⁹ You might then have said: Let us infer the rule from that one;¹⁰ the Divine Law therefore specified the eagle to teach you that you may not eat the eagle as it has none of the characteristics of cleanness, but whatsoever has one characteristic you may eat. Why then does the Divine Law specify turtle doves?¹¹ —

R. ‘Ukba b. Hama answered: Only with regard to sacrifices.¹² R. Nahman said,

(1) As to the required number of characteristics to stamp the bird clean.

(2) Heb. פֶּרֶס, ‘the gier eagle’ or ‘the bearded vulture’. This and the osprey (v. next note) have each one characteristic of cleanness only.

(3) Heb. עֲזַיִיָּה, ‘the osprey’ or ‘the sea eagle’.

(4) That one characteristic of cleanness alone is not sufficient.

(5) For if these were intended as specimens only, and that all others with similar characteristics

were to be inferred therefrom, the Torah need only have stated one of them. The fact that two verses are stated, or two specimens given, suggests that the rule is limited to the particular specimens given.

(6) So that these two do not teach quite the same thing for they each have a different characteristic of cleanness.

(7) V. infra 63a.

(8) So that we could not have inferred from either of them that a bird with only one characteristic of cleanness was unclean; hence the specification of the eagle in the Torah becomes superfluous.

(9) One of these two, either peres or the ‘ozniah, is unique in that it alone possesses the fourth characteristic of cleanness.

(10) With the result that every bird that has one characteristic of cleanness — whichever characteristic that may be, for we do not know what is this unique fourth characteristic — would be forbidden.

(11) Since it has been concluded that a bird with only one characteristic of cleanness is permitted the specification of turtle doves in the Torah is rendered superfluous, and indeed contradictory, for it suggests the possession of all the four characteristics of cleanness as the criterion.

(12) Namely, that only doves, of all the clean birds, are allowed for sacrifice. The Tanna in the Baraitha, supra 62a, stated turtle doves solely to set forth, by contrast with the eagle, the four characteristics of cleanness.

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To one who is familiar with these birds¹ and their nomenclature any bird that has one characteristic [of cleanness] is clean; but to one who is not familiar with these birds and their nomenclature any bird that has one characteristic [of cleanness is unclean],² but that which has two characteristics [of cleanness] is clean; provided he recognizes the raven.³ The raven only, and no other! Surely it has been taught: It is written: Raven,⁴ that is the actual raven; after its kind, that, says R. Eliezer, includes the zarzir.⁵

They said to R. Eliezer: But the men of Kefar Tamratha in Judah used to eat it, because it has a crop!⁶ He replied: They shall indeed have to account for it in the

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future. Another version reads: ‘After its kind’, that, says R. Eliezer, includes the white senunith.⁷

They said to R. Eliezer: But the men of Upper Galilee eat it, because its gizzard can be peeled!⁶ He replied: They shall indeed have to account for it in the future!⁸ Rather say, [provided he recognizes] the raven and all its kind.

Amemar said: The law is that every bird that has one characteristic [of cleanness] is clean, that is, if it does not seize prey.⁹ R. Ashi said to Amemar: But what about the [above] statement of R. Nahman? — He replied: I have not heard of it, by which I mean to say: I do not agree with it. For what is there to fear? That it might be either the peres or the ‘ozniah? But neither of these is found in inhabited regions. Rab Judah said: A bird which scratches is permitted for use in the purification rite of a leper;¹⁰ and this is the white senunith about which R. Eliezer and the Sages argued. Amemar said: As to the white-bellied [senunith] there is no dispute that it is permitted; they differ only about the green-bellied kind, which R. Eliezer forbids and the Rabbis permit, and the law rests with R. Eliezer.

Mar Zutra reports this passage as follows: As to the green-bellied senunith there is no dispute that it is forbidden; they differ only about the white-bellied kind, which R. Eliezer forbids and the Rabbis permit, and the law rests with the Rabbis. Now according to the version which reports the dispute [between R. Eliezer and the Rabbis] about the white-bellied kind it is right that it says above ‘the white senunith’.¹¹ But according to the other version which reports the dispute about the green-bellied kind, why is ‘the white senunith’ mentioned? — In order to exclude the black kind which nests in [eaves of] houses.¹²

Rehabah said in the name of Rabbi¹³ Judah: The tasil¹⁴ is disqualified [for sacrifice] as a turtle dove but is not disqualified as a young pigeon.¹⁵ Dazife¹⁴ and the turtle doves of Rehabah¹⁴ are not disqualified as turtle doves but are disqualified as young pigeons.

R. Daniel son of R. Kattina raised an objection. [We have learnt:] All birds

(1) I.e., the peres and the ‘ozniah. These are the only unclean birds that have only one characteristic of cleanness.

(2) For it might be of the species of the peres or ‘ozniah.

(3) The raven is the only unclean bird that has two characteristics of cleanness.

(4) Lev. XI, 15.

(5) Heb. זרזיר, the starling.

(6) And this is not one of the two characteristics of cleanness of the raven. V. Tosaf. ad. loc.

(7) Heb. סנונית לבנה, the white-bellied swallow, a species of raven; v. next note.

(8) According to R. Eliezer, therefore, the species ‘raven’ includes other birds as the swallow and starling, consequently in the statement of R. Nahman it should be necessary for a man to recognize all those birds that are included within the species ‘raven’.

(9) According to Rashi the meaning is, so long as it does not seize prey and it has in addition one characteristic of cleanness it is clean. According to Tosaf. (s.v. והוא) the fact that it does not seize prey is the only characteristic of cleanness that it need Possess.

(10) Cf. Lev. XIV. On the day of his cleansing the leper was required to take two living clean birds for Purification. The type of bird that scratches is not precluded, i.e., it is regarded as clean. The epithet ‘scratch’ is applied to a bird perhaps by reason of its peculiar beak, possibly the fissirostral birds, i.e., that have the beak broad and deeply cleft.

(11) Supra in the statement of R. Eliezer.

(12) This type of swallow is certainly forbidden.

(13) Usually Rab Judah, v. Bez., Sonc. Ed., p. 54, n. 9.

(14) These are various species of doves; their identification is very doubtful. Cf. Lewysohn, Zoologie des Talmuds, pp. 203-205.

(15) V. supra 22a.

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Chullin 62b

render invalid the waters of purification¹ except the dove, because it sucks up the water.² Now if it were [as you say], it should read ‘Except the dove and the tasil’? — R. Zera answered: The latter sucks up the water and spits it back,³ whereas the former sucks up without spitting.

Rab Judah said: Zuzinian⁴ doves are fit for the altar; and they are identical with the doves of Rehabah. An objection was raised. [We have learnt:]⁵ Hyssop,⁶ but not Greek hyssop, nor Kohalith⁷ hyssop, nor Roman hyssop, nor wild hyssop, nor any kind of hyssop which bears a special name!⁸ —

Abaye said: Everything which prior to the giving of the Torah had various names, and we find that the Torah is particular about it,⁹ then those kinds that bear a special name are invalid. These doves, however, did not have various names prior to the giving of the Torah.¹⁰

Raba said: These Zuzinian doves are called simply [‘doves’] in their locality. Rab Judah said: Karze¹¹ which are found among the rushes are permitted, but those found among cabbages are forbidden. Rabina added: And we scourge [him that eats them] for [eating] winged creeping things.¹² Rab Judah further said: Zarda¹³ is permitted but barda¹³ is forbidden; and in order to remember this think of the expression, ‘Keep aloof [bar] from it’.¹⁴ As to marda¹⁵ there is a doubt.

R. Assi said: There are eight birds regarding which there is a doubt, viz., Huba, huga, suga, harnuga, tushlami, marda, kohilna, and bar nappaka.¹⁶ What is the doubt about them? — [It is this]. One of the characteristics of clean birds is that the gizzard can be peeled, and one of the characteristics of unclean birds is that the gizzard cannot be peeled, but in the case of

these [eight] the gizzard can only be peeled with a knife.¹⁷ But was there not a case of a duck belonging to Mar Samuel, the gizzard of which could not be peeled, so it was left in the sun, and as soon as it became soft it peeled easily?¹⁸ — In that case as soon as it became soft it peeled easily with the hand, but here even after it has been softened it can only be peeled with a knife.

Abaye said: The moor-cock is one of the eight cases of doubt, for it is the mardu.¹⁹

R. Papa said: The moor-cock is forbidden but the moor-hen is permitted, and in order to remember this think of the rule, ‘An Ammonite [is debarred] but not an Ammonites’.²⁰ Meremar stated in an exposition: The moor-hen is forbidden because it was seen to seize prey and eat it, and this is girutha.²¹

Rab said: Shabur androfata²² is permitted, piruz androfata²² is forbidden; and to remember this think of ‘the wicked piruz’.²³ R. Huna said: Bunia²⁴ is permitted, parwa²⁴ is forbidden, and to remember this think of ‘Parwa the magician’.²⁵

R. Papa said: The mardu which stands erect and eats is permitted, that which bends down and eats is forbidden, and to remember this think of the verse: Thou shalt bow down to no other god.²⁶

Samuel said: The ‘wine drinker’²⁷ is forbidden, and to remember this think of the law ‘Those that have drunk wine are unfit for service’.²⁸

Samuel further said: The ‘wine mixer’²⁹ is forbidden,

(1) If they had drunk therefrom. All birds, excepting doves, when drinking do not suck up the water but raise it in their beaks, and it is inevitable that some water should not run out of the beak and, in this case, drip back again into

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the bowl of purification water. This dripping would render the purification water invalid, because the water is thereby disturbed and it is considered as if it were put to some work. V. supra 9b.

(2) And no water drips back into the bowl. Par. IX, 3.

(3) Spitting renders the purification water invalid. V. Par. loc. cit.

(4) Probably the name of some place, v. Neub. Geog. p. 396. But v. Lewysohn, op. cit., p. 204.

(5) Neg. XIV, 6; Par. XI, 7; Suk. 13a.

(6) Num. XIX, 6. Hyssop was required to be used in the rites in connection with the Red Cow.

(7) A species of hyssop from the place Kohalith (so Maim. and Jast.). Others, 'stibium hyssop' or 'blue hyssop'.

(8) Likewise it should be held that doves which bear a special name, as here, should not be allowed upon the altar for sacrifice, contra Rab Judah.

(9) I.e., the Torah nowhere refers to it by its special name.

(10) The various types of doves going under different names were not known before the giving of the Torah, hence the Torah contemplated all doves.

(11) A species of locust, so Rashi: but v. Tosaf. s.v. כרית, according to whom birds and not locusts are spoken of here.

V. Lewysohn, op. cit., p. 297.

(12) Lev. XI, 23.

(13) This and the following names are all names of birds. For suggested identifications v. Lewysohn, op. cit., p. 187: צרדא, the linnet, ברדא, the white jay, and מרדא or מרדו, the moor-cock, respectively.

(14) בר, the first syllable of the name ברדא, means 'keep aloof', thus hinting that one must keep away, from ברדא, for it is forbidden.

(15) V. p. 339, n. 21.

(16) Possibly the crested lark, the lark, the wren, the mountain chaffinch, the wood lark, the moor-hen, the black woodpecker, and the partridge respectively. V. Lewysohn. It must be pointed out that these identifications are extremely doubtful. The suggestions can hardly be more than guesses.

(17) They possess, however, the other three characteristics of cleanness.

(18) It is thus seen that even in the case of permitted birds it is sometimes difficult to peel the gizzard.

(19) A variant of marda mentioned supra.

(20) Is precluded from entering the community of Israel; cf. Deut. XXIII, 4. V. Yeb. 69a. The implication here is that the moor-cock is a

forbidden species, whilst the moor-hen is not. V. Tosaf. s.v. תרנגולתא.

(21) V. infra 109b.

(22) The parrot, according to Lewysohn; androfata being the Gk. term **, 'talking like a man'. Shabur might be the domesticated kind (שבור, broken in), and piruz the wild kind (from פיר to break through).

(23) Possibly a reference to the Sassanide king piruz (457-484) under whom the Jews suffered terrible persecutions.

(24) The penguin and the sea mew respectively.

(25) V. Yoma 35a.

(26) Ex. XXXIV, 14. The kind that bends down to eat is forbidden.

(27) שתיא חמרא possibly the redwing thrush.

(28) V. Sanh. 22b and 83a.

(29) V. next note.

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the 'daughter of the wine mixer'¹ is permitted, and to remember this think of the saying: 'The position of the son is better than that of the father'.²

Rab Judah said: The shakitna³ with the long legs and red body is permitted, and to remember this think of murzama;⁴ that with the short legs and red body is forbidden, and to remember this think of the law, 'The dwarf is unfit';⁵ and that with the long legs and green body is forbidden, and to remember this think of the rule, 'If they turned green it is invalid'.⁶

Rab Judah said: The shalak⁷ is the bird that catches fish out of the sea; the dukifath⁸ is so called because its crown appears double. There is also [a Baraitha] taught to this effect: The dukifath is so called because its crown appears double, and it was this bird that brought the Shamir to the Temple.⁹

Whenever R. Johanan used to see the shalak he would exclaim: Thy judgments are like the great deep,¹⁰ and whenever he used to see an ant he would exclaim: Thy righteousness is like the mighty mountains.¹⁰

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Amemar said: Lakni¹¹ and batni¹¹ are permitted; as for shaknai¹¹ and batnai,¹¹ wherever it is the custom to eat them they are permitted. and wherever it is not the custom to eat them they are forbidden. But is it a matter of custom?¹² — Indeed it is; nevertheless, there is no difficulty. The former custom obtains in that place where the peres and the ‘ozniah are not found,¹³ whereas the latter custom obtains in that place where the peres and the ‘ozniah are found.

Abaye said: Kuai¹⁴ and kakuai¹⁴ are forbidden, but kaku'atha¹⁴ is permitted; in the West [Palestine], however, one would incur stripes [for eating it], and it is called by them tahwatha.

Our Rabbis taught: The tinshemeth¹⁵ is the bawath¹⁶ among the birds. You say: ‘the bawath among the birds’, but perhaps it is not so but rather ‘the bawath among the reptiles’? — You can reply: Go and derive it by one of the thirteen exegetical principles by which the Torah is interpreted, namely, ‘The meaning of a passage is to be deduced from its context’. Now what does the passage deal with? Birds; then this too is a bird. It was likewise taught with regard to reptiles: The tinshemeth is the bawath among reptiles.¹⁷ You say: ‘the bawath among reptiles’, but perhaps it is not so but rather ‘the bawath among the birds’? — You can reply: Go and derive it by one of the thirteen exegetical principles by which the Torah is interpreted, namely, ‘The meaning of a passage is to be deduced from its context’. Now what does the passage deal with? Reptiles; then this too is a reptile.

Abaye said: The bawath among the birds is the bat, and the bawath among the reptiles is the mole.

Rab Judah said: Ka'ath¹⁸ is the sea crow, raham¹⁹ the sherakrak [vulture]. R. Johanan said: Why is it called raham? Because when the raham comes mercy [rahamim]²⁰ comes to the world. R. Bibi b. Abaye said, provided it perches upon something and cries ‘sherak-rak’. There is a tradition that if it settles upon the ground and hisses, the Messiah will come at once, for it is said: I will hiss for them²¹ and gather them.²² R. Adda b. Shimi said to Mar the son of R. Iddi: Did not [a raham] once settle upon a plowed field and commence to hiss when a stone fell upon it and broke its head? That one was a liar,²³ he replied.

Our Rabbis taught: Raven²⁴ signifies the raven, every raven includes the raven of the valley, after its kind includes the raven that moves ahead of the doves. The Master said: Raven signifies the raven. But is it here before us?²⁵ — Render, Raven signifies the black raven, as it is said: His locks are curled and black as a raven.²⁶ ‘The raven of the valley’ is the white spotted raven,²⁷ as it is said: And the appearance thereof is deeper than the skin²⁸ that is, as the sunlight that appears deeper than the shadow. ‘The raven that moves ahead of the doves’. R. Papa said: Read not ‘that moves ahead of the doves’, but ‘whose head resembles that of a dove.’²⁹

Our Rabbis taught: The nez³⁰ is the hawk, after its kind includes the bar hiria. What is the bar hiria? — Abaye said: It is the falcon.

R. Hisda said: The hasidah³¹ is the white stork. And why is it called hasidah? Because it shows kindness [hasiduth] to its companions. The anafah³² is the heron. And why is it called anafah? Because it quarrels [mean'efeth] with its companions.

R. Hanan, son of R. Hisda, stated in the name of R. Hisda, who reported in the

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name of R. Hanan, son of Raba, on the authority of Rab, There are twenty-four unclean birds [enumerated in the Torah]. Where? In Leviticus³³ there are only twenty enumerated, and in Deuteronomy³⁴ there are but twenty-one! And should you say that the da'ah³⁵ mentioned in Leviticus, but not in Deuteronomy, should be added to the list, even then there would only be twenty-two! — He replied: Thus did your mother's father report in the name of Rab, The words 'after its kind',³⁶ stated four times, represent four more birds. Then there would be twenty-six? — Abaye answered: The da'ah and the ra'ah³⁷ are one and the same. For should you say that they are two distinct birds

- (1) *מסגא חמרא* and *בת מסגא חמרא*; possibly the lapwing and the stock pigeon respectively.
- (2) V. supra 49b.
- (3) The flamingo.
- (4) *מורסמא*, a kind of flamingo which was known to be permitted.
- (5) V. Bek. 45b.
- (6) V. supra 56a.
- (7) Lev. XI, 27. Heb. *שליך*, the cormorant.
- (8) Ibid. 19. Heb. *דוכיפת*. The name is interpreted by its component parts viz., *הודו* 'its crown' and *כפות* 'tied together, doubled'. In the versions it is translated as the hoopoe; most probably it is the wood grouse.
- (9) V. Git. 68b. *שמיר* a minute worm which tradition relates could cut through the hardest stone.
- (10) Ps. XXXVI, 7. God's righteousness extends to the tiny ant so that its food is always ready and constant as the mighty mountains; whereas his judgments reach the rapacious cormorant so that it must search for its food out of the depths of the sea (Rashi).
- (11) The pelican, the gannet, the bustard and the black gannet respectively. Lewysohn, op. cit. pp. 184-5.
- (12) It is surely a matter of law; they are either permitted or forbidden.
- (13) As shaknai and batnai are birds each possessing only one sign of cleanness they are permitted so long as there is no fear of an any confusion with the peres or the 'ozniah; cf. supra 62a.
- (14) According to Lewysohn: the large screech owl, the small screech owl, and the owl respectively.

- (15) Lev. XI, 18. Heb. *תנשמת*, listed among the forbidden birds. The tinshemeth is also mentioned as one of the forbidden creeping things in v. 30.
- (16) *באור*, the night-bird (noctua), the owl, from the root *בוא*, to pass the night' Others *באור*, 'ugly, repulsive'. According to Rashi it is the bat. V. infra dictum of Abaye.
- (17) probably the mole.
- (18) Lev. XI, 18. Heb. *קאת*.
- (19) Ibid. Heb. *רהם*.
- (20) *רהמים*, i.e., rain.
- (21) *אשרקה*, onomatopoeic word in imitation of sound sherakrak.
- (22) Zech. X, 8.
- (23) It should not thus have prematurely indicated the coming of the Messiah, and so it was punished. Aliter: 'it was an impostor', i.e., it was not a raham (R. Gershom).
- (24) Lev. XI, 15.
- (25) The fact that the Tanna speaks of the raven without adding any descriptive epithet suggests that he was alluding to a particular kind. Which then did he mean?
- (26) Cant. V, 11.
- (27) The magpie.
- (28) Lev. XIII, 25. The descriptive phrase 'in the valley' is appropriately applied to the white spotted raven, for whatsoever is bright always appears to be deeper, 'in the valley', than that which is dark.
- (29) The cuckoo.
- (30) Ibid. XI, 16. Heb. *בץ*.
- (31) Ibid. 19. Heb. *חסידה*.
- (32) Lev. XIII, 19. Heb. *אנפה*, from root *אנף* 'to be angry, to quarrel'.
- (33) Ibid. XI, 13ff.
- (34) Deut. XIV, 12ff.
- (35) Heb. *דאה* Lev. XI, 14. As will be seen at the end of this passage the Heb. names *דאה* 'דאה' and *דיה* are all different appellations of one bird. Generally identified with the vulture, v. Lewysohn op. cit. p. 167.
- (36) Lev. XI, 24, 15, 16, and 19.
- (37) Heb. *ראה*, Deut. XIV, 13.

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then consider this: seeing that the purport of Deuteronomy is to add to the laws, why is it that here [in Leviticus] it mentions the da'ah but there [in Deuteronomy] only the ra'ah and not the da'ah? You must therefore hold that the ra'ah and the da'ah are one and the same. But for all that there are still twenty-five? —

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Abaye answered: Just as the ra'ah and the da'ah are one and the same, so, too, are the dayyah and the ayyah.¹ For should you say that they are two distinct birds then consider this: seeing that the purport of Deuteronomy is to add to the laws, why is it that here [in Leviticus] the words 'after its kind' are appended to the ayyah but there [in Deuteronomy] these words are appended to the dayyah? You must therefore hold that the ayyah and the dayyah are one and the same. But since the ayyah and the dayyah are one and the same why are they both stated? — For the reason given in the following Baraitha: Rabbi says: It is sufficient when I read the ayyah, why then is the dayyah mentioned? So as not to give skeptics cause for criticism, for you might call it the ayyah and they the dayyah, or you the dayyah and they the ayyah; therefore it is written in Deuteronomy, The ra'ah, the ayyah and the dayyah after its kind.²

An objection was raised. It was taught: Why was the list repeated [in Deuteronomy]? Cattle because of the shesu'ah,³ and birds because of the ra'ah.³ Now presumably, just as in the case of cattle a new species is added to the list, so too in the case of birds a new species is added!⁴ — No, in the former case a new species is added, but in the latter the addition is merely explanatory.⁵ This view [of R. Hisda] differs from that of R. Abbahu,⁷ for R. Abbahu taught. The ra'ah is the same as the ayyah: wherefore is it called ra'ah? Because it can see [roah] very keenly, for so it is said: That path no bird of prey knoweth, neither hath the eye of the ayyah seen it.⁸

And a Tanna [has also] taught: It [the ayyah] stands in Babylon and spies carrion in the land of Israel. But since [according to R. Abbahu] the ra'ah and the ayyah are one and the same, it would follow

then that the da'ah is not the same as the ra'ah and [this being so] why is it that here [in Leviticus] the da'ah is mentioned but there [in Deuteronomy], the purport of which is to add to the laws, the da'ah is not mentioned? You must therefore hold that the da'ah, the ra'ah and the ayyah are all one and the same. But then since the ra'ah and the ayyah are one and the same, it would follow that the dayyah is not the same as the ayyah, and [this being so] why is it that here [in Leviticus] the words 'after its kind' are appended to the ayyah whereas there [in Deuteronomy] these words are not added to the ayah but to the dayyah? It must therefore be said that the da'ah, the ra'ah, the ayyah and the dayyah are all one and the same.⁹

It was taught: Issi b. Judah says: In the East there are one hundred unclean birds all of the species of ayyah. Abimi the son of R. Abbahu learnt: There are seven hundred species of [unclean]¹⁰ fishes, eight hundred species of [unclean] locusts, but the species of [unclean] birds are innumerable. But there are only twenty-four species of [unclean] birds! — Rather [say], The species of clean birds are innumerable.

It was taught: Rabbi says. It is well known to Him who spake and the world came into being that the unclean animals are more numerous than the clean, therefore did Scripture enumerate the clean. It is also well known to Him who spake and the world came into being that the clean birds are more numerous than the unclean, therefore did Scripture enumerate the unclean. What is the point of this teaching? — It sets forth the idea, also expressed by R. Huna in the name of Rab (others say: R. Huna in the name of Rab on the authority of R. Meir), viz., A teacher should always teach his pupil succinctly.¹¹

R. Isaac said: For the eating of clean birds we rely upon tradition.¹² A hunter is

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believed when he says. ‘My master transmitted to me that this bird is clean’. R. Johanan added, provided he was familiar with birds and their nomenclature. R. Zera enquired: Does ‘master’ mean a master in learning or in hunting? —

Come and hear, for R. Johanan added: ‘provided he was familiar with birds and their nomenclature’. Now if it means a master in hunting it is well, but if it means a master in learning, I grant you that he would have learnt their nomenclature, but would he actually know them [so as to recognize them]? You must therefore say it means a master in hunting; this is proved.

Our Rabbis taught: One may buy eggs from gentiles in any place and need have no fear lest they are of birds that were nebelah or trefah. But perhaps they are of unclean birds? — Samuel's father answered. [We must suppose the case to be that] he says, ‘It is of such and such a bird’, which is clean.¹³ Why is it not sufficient [for the gentile] to say, ‘It is of a clean bird?’ — In that case he might be evasive.¹⁴ And why not test [the egg] by the characteristics [stated by the Rabbis]? For it has been taught: ‘Characteristics which distinguish the eggs [of clean birds] are the same as those which distinguish [clean] fish’. (But how can you say ‘as those which distinguish [clean] fish’, since the Divine law states fins and scales? — Say rather: As those which distinguish

(1) Both the *אי* and the *יה* are mentioned in Deut. XIV, 13, but in Lev. only the former is mentioned.

(2) Deut. XIV, 13. The Torah thus stated all the appellations whereby the bird is known.

(3) Which is not mentioned in Lev. For shesu'ah, v. supra 60b.

(4) So that the ra'ah is a bird quite distinct from the da'ah.

(5) The Torah merely indicates the various names by which this bird is designated.

(6) That there are only twenty-four unclean birds.

(7) For since he (R. Abbahu) says that the ra'ah is identical with the ayyah, and in the conclusion he holds that all four — ayyah, dayyah, ra'ah and da'ah — are different names of one and the same bird, it is evident that according to him there are not twenty-four birds enumerated in the Torah. The argument in the Gemara at the outset presupposes the acceptance by R. Abbahu of R. Hisda's view, but the conclusion shows that he cannot agree with it.

(8) Job XXVIII, 7.

(9) And R. Abbahu consequently does not accept the statement reported by R. Hisda.

(10) In the MS.M. ‘unclean’ is actually in the text. Cf. Tosaf. s.v. עופות V. Bah's note on Rashi a.l.

(11) Lit., ‘in a short way’.

(12) We may rely upon a tradition, handed down from generation to generation through reliable channels, that any particular bird is clean.

(13) Read וטהור i.e., the gentile names a bird which is known to be clean; v. D.S. a.l. and infra 64a.

(14) For when questioned about it the gentile could always evade the issue by naming other clean birds unfamiliar to the Jew.

Chullin 64a

fish roe.) And these are the characteristics which distinguish the eggs [of clean birds]: All that are arched and rounded, with one end broad and the other end narrow, are clean. Those that are broad at both ends or narrow at both ends are unclean. Those with the white outside and the yolk in the center are clean, those with the yolk outside and the white in the center are unclean; if the white and the yolk are mixed up, one may be certain that it is a reptile's egg? — This¹ must be resorted to only where the eggs were broken.² But they can still be examined by the position of the yolk and white? — They were beaten up in a dish. But is it then permissible to purchase such from them [gentiles]? Surely it has been taught: One may not sell to a gentile the egg of a bird that was trefah,³ unless it was beaten up in a dish. For this reason one may not buy from them eggs beaten up in a dish!⁴ —

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Rather, said R. Zera: The distinguishing characteristics [of the eggs of clean birds] do not rest on Biblical authority.⁵ For should you not hold this, then when R. Assi stated ‘There are eight birds about which there is a doubt’,⁶ it could rightly be asked: Why not examine their eggs;⁷ you must therefore say that the characteristics do not rest on Biblical authority. To what purpose then were they stated above? To teach the following: If both ends [of the egg] were broad, or both narrow, or if the yolk was outside and the white in the center, it is certainly unclean; if, however, one end was broad and the other narrow, and the white outside and the yolk in the center, and if, in addition, the gentile says. ‘It is of such and such a bird’, which is clean, he may be relied upon, but without this express statement he may not be relied upon,⁸ for there is the raven's egg which resembles that of a dove.

The Master said: ‘If the white and the yolk are mixed up, one may be certain that it is a reptile's egg’. For what reason is this stated so?⁹ — R. ‘Ukba b. Hama answered: To teach that if [the embryo within was] developed and [the shell] perforated, then a lentil's bulk thereof would convey uncleanness. Rabina demurred, saying: Perhaps it is a serpent's egg!¹⁰ — Rather, said Raba, It is to teach that if [the embryo within was] developed, whosoever eats it would incur stripes for [eating] creeping things that crawl upon the earth.¹¹ If so, why [do we argue about the egg] of an unclean bird? Even of a clean bird [there is also this prohibition]! For it has been taught: [The verse,] And every creeping thing that creepeth upon the earth,¹²

- (1) The necessity that the gentile name the bird.
- (2) And it is no longer possible to examine the egg by the external characteristics.
- (3) For fear that he will re-sell it to a Jew.
- (4) For in all probability the eggs were of a bird that was rendered trefah and were sold by a Jew to this gentile.
- (5) And we may not rely upon them.

(6) Supra p. 340.

(7) And the shape of the egg of each bird would decide whether the bird was clean or not, according to the above-mentioned distinguishing signs.

(8) And the egg is unclean, for the characteristics by themselves are not absolutely reliable.

(9) I.e., why does it not say simply ‘it is unclean’.

(10) Which does not convey uncleanness at all.

(11) Cf. Lev. XI, 41. The Baraitha therefore stated ‘it is a reptile's egg’ to inform us of the appropriate prohibition that must be declared to the transgressor as a warning before he commits the offence, in order to render him liable to stripes.

(12) Ibid.

Chullin 64b

includes [in its prohibition] chicks that have not yet opened their eyes!¹ — This [latter] prohibition is only Rabbinic² and the verse adduced is merely a support.

Our Rabbis taught: The exudation of eggs is permitted.³ Addled⁴ eggs may be eaten by those who are not squeamish.⁵ If there was found on it a spot of blood, the blood must be thrown away and rest [of the egg] may be eaten. R. Jeremiah said: This is so, provided it was found upon the knot.⁶

Dosthai, the father of Aptoriki, taught: This rule⁷ applies only if [the spot of blood was] found on the white,⁸ but if found on the yolk the whole egg is forbidden, for the decay has spread over the entire [egg].⁹

R. Gebiha of Be-Kathil¹⁰ said to R. Ashi, A Tanna once recited this statement before Abaye in just the reverse form,¹¹ but Abaye corrected him so as to make it agree with the above.

Hezekiah said: Whence do we know that the egg of an unclean bird is prohibited by the Torah? Because it is written: And the bath ha-ya'anah.¹² Now has the ya'anah a daughter? It can only mean the egg of an unclean bird.¹³ But perhaps this is its actual

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name?¹⁴ — This cannot be, for it is written: The daughter of my people is become cruel, like the ye'enim¹⁵ [ostriches] in the wilderness.¹⁶ But on the other hand it is written: I will make a wailing like the jackals, and a mourning like the benoth ya'anah [ostriches].¹⁷ — There it means, as the ya'anah mourns for its young. But there is also written: And benoth ya'anah [ostriches] shall dwell there!¹⁸ — It means as the ya'anah dwells with its young. But there is also written: The beasts of the field shall honor Me, the jackals and the benoth ya'anah [ostriches],¹⁹ and if you were to say that it²⁰ refers to the egg, [it will be asked,] Can an egg sing hymns [unto the Lord]? — Indeed both ya'anah and bath ya'anah are [found] written, but in this particular instance it is different, since the scribe has divided the word into two; (and since the scribe has divided it

(1) Bez. 6b.

(2) Not biblical, hence one would not incur stripes for eating it.

(3) I.e., if clean eggs were boiled with unclean eggs, all the eggs being in the shell, the former are permitted and are not rendered unfit through the sweating or exudation of juices from the unclean eggs, for it is insignificant and negligible (Rashi and R. Gershom). Another interpretation is: Eggs driven out by a blow and not laid by the hen; i.e., abortive eggs, (so Tosaf., Aruch and Hal. Ged.).

(4) Eggs upon which the hen has brooded but out of which no chicks can develop.

(5) Lit., 'whose soul (or appetite) is good'. It is suggested that a fastidious person eating it would incur stripes on account of the prohibition, Ye shall not make yourselves detestable, Lev. XI. 43. (Torath Hayyim).

(6) It is quite likely that the cicatrix or blastoderm, i.e., the disc of cells appearing as a whitish patch on the yolk of the egg, is meant, from which alone the embryo is formed. According to Rashi and many early commentators, however, the reference is to the stringy portion in the white of the egg, the chalaza, which was formerly supposed to be the male sperm.

(7) That the blood must be removed and the rest of the egg is permitted.

(8) According to Rashi it means, upon the knot or stringy portion of the white.

(9) I.e., the blood must have spread from the white to the yolk (Rashi). V. Tosaf. ad loc. and R. Nissim on this passage.

(10) On the Tigris, N. of Bagdad; v. Obermeyer p. 143ff.

(11) I.e., if the spot of blood was found on the yolk the blood must be removed, and the rest of the egg may be eaten, but if found on the white the whole egg is forbidden.

(12) Lev. XI, 16. Heb. בת היענה lit., 'the daughter of the ya'anah'. Generally translated 'the ostrich'.

(13) I.e., the verse teaches first that the ostrich (ya'anah) is an unclean bird, and secondly, that the egg (bath, 'daughter') of an unclean bird is forbidden.

(14) A compound name, Bath ha-ya-anah, or bath ya'anah.

(15) Heb. יענים a form of plural of our word יענה. Hence it is clear that this bird is named ya'anah and not, by a compound name, bath ha-ya'anah.

(16) Lam. IV, 3.

(17) Micha I, 8. בנות יענה is the plural of בת יענה; evidently a compound name.

(18) Isa. XIII, 21.

(19) Ibid. XLIII, 20.

(20) Sc. the term bath.

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into two words it proves that it is two distinct terms).¹ But according to this will you also say that Chedarlaomer.² seeing that the scribe has divided it into two, is two distinct names? — I reply, in the latter case it is true that he has divided the word into two but he has not separated them on two lines,³ but here he has even separated them on two lines.⁴

BUT THE SAGES HAVE SAID, EVERY BIRD [THAT SEIZES ITS PREY IS UNCLEAR]. It was taught: Rabban Gamaliel says, [If a bird] seizes prey and eats it, one may be certain that it is unclean; if it has an extra toe, and a crop. and its gizzard can be peeled. one may be certain that it is clean.⁵

R. Eleazar son of R. Zadok says: A cord is stretched out for it, and if [when perched

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on it] it divides its toes evenly, two on each side, it is a clean bird, but if it places three toes on one side and one on the other, it is an Unclean bird.

R. Simeon b. Eleazar says: Every bird which catches food [thrown to it] in the air is unclean. (But does not the zipparta catch food in the air?⁶ — Abaye answered: It means, catches food and eats it in the air.)⁷ Others say: Those that dwell with unclean birds are unclean, those that dwell with clean birds are clean. According to whom is this rule? Is it only according to R. Eliezer? For it was taught: R. Eliezer said: Not for nothing did the zarzir follow the raven but because it is of its kind!⁸ — It might even be according to the Rabbis too, for we speak here of those that dwell with and also resemble [unclean birds].⁹

OF LOCUSTS: ALL THAT HAVE... [AND WINGS COVERING THE GREATER PART OF THE BODY]. What is meant by **THE GREATER PART?** — Rab Judah said in the name of Rab, It means the greater part of the length [of the body]. Others say [in the name of Rab]. The greater part of the girth [of the body]. R. Papa said: We therefore require the [wings to cover the] greater part of the length, as well as the greater part of the girth of the body.

Our Rabbis taught: If it has no [leaping legs] now but will grow them later on, as in the case of the zahal,¹⁰ it is permitted. R. Eliezer son of R. Jose says. [The verse], Which have leaping legs,¹¹ includes those that have none now but will grow them later on. What is the zahal? — Abaye answered: It is the iskera.¹⁰

Our Rabbis taught: Even those of them ye may eat, the arbeh after its kind,¹² etc. The ‘arbeh’ is the gobai,¹³ the ‘sol'am’ is the vashon,¹³ the ‘hargol’ is the nippol,¹³ and the ‘hagab’ is the gadian.¹³ Wherefore does

the verse add ‘after its kind’ to each? To include the zipporeth keramim, the Jerusalem yohana, the ‘arzubia and the razbonith respectively.

In the school of R. Ishmael it was taught: [In this verse] we have a number of general propositions and a number of particular instances.¹⁴ Thus, the arbeh is the gobai, ‘after its kind’ includes

- (1) The bracketed passage is omitted in MS.M.
- (2) Gen. XIV. 1. In many texts of the Torah, particularly those based on Occidental or Palestinian tradition, this name is written as two words, thus לעמר כדר
- (3) I.e., it is not permissible to end one line with כדר and commence the next line with לעמר.
- (4) Ending one line with בת and commencing the next with היענה. Evidently these words have each a specific connotation, and בת refers to the egg.
- (5) Rashi adds, provided it does not seize prey, so that the bird has all the four characteristics of cleanness.
- (6) עפרתא a small bird supposed to be the humming bird. It was generally recognized as permitted.
- (7) Whereas the humming-birds, although they catch food thrown to them in the air, eat it only after they have put it upon the ground (Rashi).
- (8) Species associate with species, and according to R. Eliezer the zarzir (the starling) is unclean because it is found always in the company of ravens.
- (9) And this criterion would be accepted by the Rabbis too.
- (10) A species of locust born without leaping legs but these grow in the course of time.
- (11) Lev. XI. 21. There is in this verse a vital difference between the Kethib (the actual written text) and the Kere (the traditional reading). According to the former the rendering of the verse is, ‘Which have no leaping legs’, and according to the latter, ‘which have leaping legs’. R. Eliezer b. Jose interprets the verse on the basis of the were and the Kethib, viz., those that have none (Kethib) now but have them (Kere) later on are permitted.
- (12) Lev. XI, 22. This verse specifies four varieties of locusts that are clean, viz., arbeh, sol'am, hargol, and hagab, and each is identified here by a more popular name. In the verse each is followed by the phrase ‘after its kind’, which serves to include the various types of each particular species. The identifications suggested are purely tentative and for the most part are

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based on Lewysohn, Zoologie des Talmuds, p. 286ff.

(13) These have been identified as the migratory locust, the bald locust, the green grasshopper, and the cricket respectively.

(14) Each 'after its kind' is regarded as a general proposition, and each named variety a specification; moreover at the head of the verse there is also a general proposition ('These ye may eat', Lev. XI, 21) which serves as such for each of the specifications. Hence we may argue on the principle of 'generalization and specification' for each of the four specifications. V. infra p. 66a top.

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the zipporeth keramim. Now from this I know to include all types that are not bald,¹ but whence would I learn to include even those that are bald? The verse therefore states the 'sol'am' which is the nippol [the bald locust], and 'after its kind' [stated with it] includes the ushkaf.² I would now include all types whether they are bald or not, provided they are tailless,³ but whence would I learn to include even those that have a tail? The verse therefore adds the hargol which is the rashon,⁴ and 'after its kind' [stated with it] includes the karsefeths and the shahlanith.⁵ I would now include all types, whether bald or not, and whether tailless or not, provided they are not long-headed,⁶ but whence would I learn to include even those that are long-headed? I say, you can derive them from the general principle underlying these three classes. Thus, the distinctive feature of the arbeh⁷ is not that of the hargol, neither is the distinctive feature of the hargol that of the arbeh, and the distinctive feature of each of these two is not that of the sol'am, neither is the distinctive feature of the sol'am that of either of these two. The characteristics, however, which are common to all are: each have four legs, four wings, leaping legs, and wings covering the greater part of the body; hence we may include all types that have four legs, four wings, leaping legs, and wings covering the greater part of the body. But has not the zarzur also four legs,

four wings, leaping legs, and wings covering the greater part of its body? Will you also say that it is permitted?⁸ The verse therefore adds the 'hagab', that is to say, all must go by the name of hagab.⁹ Then will you say that if it goes by the name of hagab [it is permitted] even though it has none of the abovementioned characteristics? The Verse therefore states 'after its kind',¹⁰ to teach that every one must have all the abovementioned characteristics.

R. Ahai asked: But in the case of those [mentioned in the verse] none are long-headed.¹¹ Should you, however, suggest that as long as they are all alike in that they each have the four abovementioned characteristics, an analogy may be drawn and no objection can be raised, in that case the hargol need not have been mentioned, for since it has these four characteristics it could have been derived from the arbeh and the sol'am. But you would certainly object to this on the ground that they are tailless [and the hargol is not]; then here also you must object on the ground that none of them are long-headed. —

Rather said R. Ahai [argue thus]: The Divine Law need not have stated 'sol'am' for it could be derived from the 'arbeh' and the 'hargol'. Indeed, what objection could you raise? That the arbeh is not bald [and the sol'am is]? But the hargol is [also] bald. Or, that the hargol has a tail [and the sol'am has not]? But the arbeh is [also] tailless. Why then did the Divine Law state sol'am? Since it is of no purpose unto itself it can serve [to include all] those that are long-headed.

(1) Lit., 'that comes and has no baldness'. The class of locust comprehended under arbeh and its kind is distinctive in that none of them have any baldness at the top of the head. According to Aruch: 'they have no protuberance above the head'.

(2) Which is likewise bald.

(3) For the varieties of arbeh and sol'am are peculiar in that they have no tails.

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- (4) Which has a tail.
- (5) Which also have tails.
- (6) All types mentioned until now have short heads.
- (7) The arbeh, it must be remembered, is not bald and has no tail, the hargol is bald and has a tail, and the sol'am is bald but has no tail.
- (8) The zarzur was known as an unclean species.
- (9) This qualification excludes the zarzur which is not known as a hagab.
- (10) After the term hagab.
- (11) How than can we include those that have long heads?

Chullin 66a

Wherein is there a difference between the Tanna of the school of Rab¹ and the Tanna of the school of R. Ishmael? — In the long-headed species.² The Tanna of the school of Rab maintains, [The verse] Which have leaping legs³... [ye may eat] is a general proposition, 'arbeh', 'sol'am', 'hargol', and 'hagab',⁴ are specifications; we thus have a general proposition followed by several specifications, in which case the scope of the general proposition is limited to the particulars specified. Accordingly, those of the same kind [as those specified] are [included], but those not of the same kind are not [included], that is, we include all those that resemble those specified in every respect.⁵ The Tanna of the school of R. Ishmael on the other hand, maintains, Which have leaping legs... [ye may eat], is a general proposition; 'arbeh', 'sol'am', 'hargol', and 'hagab', are specifications; 'after its kind'⁴ is a further general proposition; we thus have two general propositions separated from each other by several specifications, which include such things as are similar to the particulars specified; accordingly we include all that are similar to those specified even in one respect only. But the first general proposition is not analogous in scope with the other general proposition! For the first general proposition — 'which have leaping legs' — implies, if it has [leaping legs] one may eat it,⁶ but otherwise one may not eat

it; whereas the second general proposition — 'after its kind' — implies that only those that have the four characteristics [are permitted]! — The Tanna of the school of R. Ishmael nevertheless interprets texts of this kind⁷ by the principle of 'general propositions and specifications'. Indeed, the dictum which is expressed frequently, that the Tanna of the school of R. Ishmael interprets texts of this kind by the principle of 'general propositions and specifications', emanates from here.

The Master said: 'Will you say that if it goes by the name of hagab [it is permitted] even though it has none of the abovementioned characteristics? The verse therefore states: 'after its kind', to teach that every one must have all the abovementioned characteristics'. But if it has not all the characteristics, whence could it have been inferred [that it is permitted]? Does not the Divine Law specify arbeh and hargol?⁸ — It would indeed be as you say had not sol'am been stated, but now that sol'am is actually stated, and serves to include all that are long-headed, it might also be suggested that it shall include every variety, [even those that have but the slightest resemblance to those specified];⁹ he therefore teaches us [that this is not so]. Why is it that there [in the first Baraitha] the sol'am is identified with the rashon, and the hargol with the nippol, and here [in the Baraitha of the Tanna of the school of R. Ishmael] the sol'am is identified with the nippol, and the hargol with the rashon? — Each Tanna states the appellation by which each is recognized in his locality.¹⁰

OF FISHES: ALL THAT HAVE FINS AND SCALES. Our Rabbis taught: If it has no [fins and scales] now but grows them later on, as the sultanith¹¹ and the 'afian,¹² it is permitted; if it has them now but sheds them when drawn out of the water, as

(1) I.e., the author of the first Baraitha, supra p. 352. The Baraitha is a quotation from the Sifra

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debe Rab, hence the author of it is called a Tanna of the school of Rab.

(2) According to the Tanna of the school of R. Ishmael, whose process of interpretation is set forth in the text below, the result is that sol'am and hagab are each rendered superfluous for their own sakes, i.e., the varieties they represent would have been inferred by the principle of 'two general propositions separated from each other by specifications'. These terms are therefore utilized for the following purposes: the former to permit the long-headed species, and the latter to forbid the zarzur, v. supra 65b. According to the Tanna of the school of Rab, however, each particular specification can include only those equal to it in every respect, and as none of the specified types are long-headed the result is that the long-headed species of locusts are forbidden.

(3) Lev. XI, 21.

(4) Ibid. 22.

(5) Lit., 'in two respects'; (i) that have the four characteristics mentioned, and (ii) that are not long-headed (Maharsha).

(6) Irrespective of whether or not it possesses all the other characteristics.

(7) I.e., texts which contain two general propositions, the scope of one being wider than the other. V. Zeb. 4b.

(8) And each of these shows all the four characteristics.

(9) Namely, that have only one of the four characteristics.

(10) But each Tanna refers to the same variety of locust.

(11) A species of small fishes, possibly 'the sprat'. V. Lewysohn, Zoologie des Talmuds, p. 260.

(12) Perhaps 'the sardine'.

Chullin 66b

the colias, scomber, swordfish, athrias and tunny, it is permitted. We have learnt elsewhere:¹ All [fishes] that have scales have also fins, but there are some that have fins but no scales. Those that have fins and scales are clean, but those that have fins and no scales are unclean. But consider, we rely upon scales, the Divine Law then should have stated scales only [as the distinguishing mark] and not fins! — Had the Divine Law only stated scales and not fins I might have said that the word for scales [Kaskasim]² meant fins, and even

unclean fishes [would have been permitted]; the Divine Law therefore stated fins as well as scales. But even now that the Divine Law states fins as well as scales, whence do we know that the term Kaskasim means [the scales that cover the fish like] a garment? — Because it is written: And he was clad with kaskasim [a coat of mail].³ This being so, the Divine Law need not have stated fins at all but only scales⁴ [kaskasim]! — R. Abbahu said, and so it was taught in the school of R. Ishmael, [It is stated in order] to make the teaching great and glorious.⁵

Our Rabbis taught: Since the verses⁶ stated that you may eat that which has fins and scales, I would have inferred that you may not eat that which has not; and since the verse⁷ stated that you may not eat that which has not fins and scales, I would have inferred that you may eat that which has. Why then are both verses stated? To teach that he⁸ infringes a positive as well as a negative command.⁹ Why does Scripture state, These ye may eat of all that are in the waters?¹⁰ Because [without this verse] I should have argued thus: since Scripture has permitted [to eat the creeping things of the water¹¹ in two verses], in one verse expressly and in the other impliedly,¹² then just as when it expressly permitted them it referred only to those that were in [the water of] vessels, so, too, when it impliedly permitted them it permitted only those that were in vessels. Whence should I have known that one may bend down and swallow without any hesitation even those found in cisterns, ditches, or caverns?

It is therefore written: These ye may eat of all that are in the waters. Where does Scripture permit those [creeping things] found in [the water of] vessels?¹¹ In the verse: These ye may eat of all that are in the waters... [in the seas and in the rivers], which signifies that [those creeping things found] in the seas and in the rivers, if they

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have [fins and scales) you may eat, and if they have not [fins and scales] you may not eat, whereas all those found in [the water of] vessels you may eat, even though they have not [fins and scales]. But perhaps [I ought to say that] those found in vessels you may not eat at all, even though they have [fins and scales]! —

You cannot say so, for it is written: And all that have not fins and scales in the seas and in the rivers, of all that swarm in the waters... [they are a detestable thing unto you!],¹³ which signifies that [those found] in the seas and in the rivers, if they have not [fins and scales], you may not eat, whereas [those found] in vessels, even though they have not [fins and scales], you may eat. Perhaps [I ought to argue thus], ‘In the waters’¹⁴ is a general proposition¹⁵ ‘in the seas and in the rivers’ is a specification; we thus have a general proposition followed by a specification, in which case the scope of the general proposition is limited to the particulars specified; hence only with regard to those found in the seas and in the rivers [are the distinguishing marks of fins and scales essential], but not with regard to those found in gutters and trenches!¹⁶ — ‘In the waters’, is repeated thus stating another general proposition. But here these two general propositions follow one another!¹⁷ —

Rabina said, [It is to be interpreted] as said in the West, viz., Wherever you find two general propositions that follow one another

(1) Nid. 51a.

(2) Heb. קשקשים.

(3) I Sam. XVII, 5. The same word Kaskasim is here used to describe the coat of mail as being made of scales or thin plates of metal.

(4) For there is now no longer any room for doubt since the verse from Sam. clearly indicates the true meaning of kaskasim, namely scales.

(5) Isa. XLII, 21. Strictly then ‘fins’ need not have been stated in the verse at all but was

written only in order to remove any possible doubt or misunderstanding regarding kaskasim.

(6) Lev. XI, 9.

(7) Ibid. 10.

(8) Who eats a fish that has no fins and scales.

(9) I.e., the express prohibition of Lev. XI, 10, and the implied prohibition of v. 9, which has the force of a positive precept.

(10) Ibid. 9. As this verse concludes with ‘them ye may eat’, the opening words are indeed superfluous.

(11) Even though they have not fins and scales.

(12) V. infra 67a the dispute between R. Aha and Rabina.

(13) Ibid. 10.

(14) Ibid. 9.

(15) Implying that all that are in the waters require fins and scales.

(16) So that all creeping things found in gutters and in trenches, and a fortiori those found in standing water as e.g. in cisterns, are permitted. This being so, the previous exposition of v. 9 which establishes that all creeping things found in cisterns, etc. are permitted is rendered superfluous.

(17) And are not separated by any specified particulars.

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you insert the subsequent specification between them and treat the whole as if it were two general propositions separated by the specification. [Now the argument here will run as follows:] ‘In the waters’ is a general proposition, ‘in the seas and in the rivers’ is a specification, ‘in the waters is another general proposition; we thus have two general propositions separated by the specification, in which case they include such things as are similar to the particulars specified. Therefore, as the particulars specified clearly indicate running water, so everything to be included must be found in running water.

What does it include? It includes gutters and trenches, namely, that [all creeping things found therein] are subject to the restriction.¹ And what does it exclude? It excludes cisterns, ditches and caverns, namely, that [whatsoever found therein] is free from all restriction. But perhaps [I

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ought to say], as the particulars specified clearly refer to water contained in the ground, so everything to be included must be found in water contained in the ground!

What does it include? It includes cisterns, ditches and caverns, namely, that [whatsoever found therein] is subject to the restriction. And what does it exclude? It excludes vessels, [namely, that whatsoever found therein is free from all restriction]. — If this were right, then what does the previous exposition of the verse: *These ye may eat [of all that are in the waters], teach us?*²

A Tanna of the school of R. Ishmael taught: Since there is written in this verse: *In the waters... in the waters* [without any specification of particulars between them], it must not be interpreted by the principle of ‘general proposition and specification’ but rather by the principle of ‘amplification and limitation’.³ Thus, ‘In the waters’ is an amplifying proposition, ‘in the seas and in the rivers’ is a limitation, ‘in the waters’ is another amplifying proposition; we thus have two amplifying propositions separated by a limitation, in which case [well-nigh] everything is to be included.

What does it include? It includes gutters and trenches, namely, that [whatsoever found therein] is subject to the restriction. And what does it exclude? It excludes cisterns, ditches and caverns, namely, that [whatsoever found therein] is free from all restriction. But perhaps I ought to say: What does it include? It includes cisterns, ditches and caverns, namely, that [whatsoever found therein] is subject to the restriction. And what does it exclude? It excludes vessels [namely, that whatsoever found therein is free from all restriction]! — If this were right, then what does the previous exposition of the verse: *These ye may eat [of all that are in the waters], teach us?*² And why should I not accept the

reverse argument?⁴ — Because of the view expressed by R. Mattithiah. For R. Mattithiah b. Judah taught: Why do you prefer to conclude that [creeping things found in] cisterns, ditches and caverns, are free from all restriction, but [those found in] gutters and trenches are under the restriction? I say that [those found in] cisterns, ditches and caverns, are free from all restriction because the water therein is as it were, enclosed as in vessels, whereas [those found in] gutters and trenches are under the restriction since the water thereof can in no wise be regarded as enclosed in vessels. In which verse is its implied and in which express? —

R. Aha and Rabina differ. One says: The verse which treats of those that have [fins and scales]⁶ indicates the express permission, but that which treats of those that have not [fins and scales]⁷ indicates the implied permission. The other says: The verse which treats of those that have not [fins and scales] indicates the express permission, but that which treats of those that have [fins and scales] indicates the implied permission. What is the reason of him who holds that the verse which treats of those that have [fins and scales] indicates the express permission? — He would say: It is from this verse that we derive the permission [for the creeping things found] in vessels.⁸ And what is the reason of him who holds that the verse which treats of those that have not [fins and scales] indicates the express permission? — He would say: It is this verse which suggests the true interpretation of the other, for from the other verse alone I might have argued [that those found] in vessels, even though they have [fins and scales], you must not eat.⁹

R. Huna said: A man should not pour beer [into a vessel] at night, and strain it through twigs, for fear that a worm [from the beer] might drop on to the twigs and thence fall

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into the vessel, and he would [if he swallowed the worm with the beer] infringe the law of Every creeping thing that creepeth upon the earth.¹⁰ If so, even [when he pours it directly] into the vessel we should apprehend lest the worm drop on to the side of the vessel and then fall into the vessel! — That would be the natural way of things.¹¹ Whence do you know [to make such a distinction]? —

From [the following Baraitha] which was taught: Whence should I have known that one may bend down and swallow without any hesitation even those found in cisterns, ditches and caverns? It is therefore written: ‘These ye may eat of all that are in the waters’. Now perhaps these creeping things had at some time previously crawled to the edge [of the cistern] and had fallen back [into the cistern]. You must therefore say that that would be the natural way of things; then here, too, we say that that is the natural way of things.

R. Hisda said to R. Huna, There is [a Baraitha] taught that supports your contention: [The verse,] ‘And every creeping thing that creepeth upon the earth [is a detestable thing; it shall not be eaten]’, includes insects found in liquids that have been passed through a strainer. The reason [then that they are forbidden] is because they had passed through a strainer, but had they not passed through a strainer they would be permitted.¹²

Samuel said: A cucumber which became wormy

- (1) That is, they must have fins and scales in order to be permitted.
- (2) For even without the exposition of this verse, it is now suggested that the creeping things found in the water of vessels are free from the restriction of fins and scales. This verse therefore serves to indicate the line of argument that is to be adopted in the interpretation of the general propositions and specifications, namely, that only the creeping things found in running

water, e.g. in gutters and trenches, are restricted to the qualification of fins and scales, but those found in cisterns, ditches and caverns, are permitted in all circumstances.

(3) For the logical basis of interpretation of these two principles and the differences between them, v. Rashi s.v. במים במים and Shebu., Sonc. ed., p. 12, n. 3, and Sanh., p. 301, n. 1.

(4) For the argument by the principle of amplification and limitation is to a certain extent arbitrary, for on what ground should one thing be excluded rather than the other? Consequently the last argument raised in the text by way of objection could well be adopted, and as for the rejoinder, ‘what does the verse: These ye may eat of all that are in the waters, teach us?’ it would refer to creeping things found in gutters and trenches, and would reach us that even these would be free from the restriction of fins and scales. On the other hand, it would be said that the scope of the amplification would be extended to bring creeping things found in cisterns, etc. under the restriction! This hypothetical reasoning is, however, nullified by the analytic argument of R. Mattithiah below.

(5) Sc. the permission to eat all creeping things found in the water of vessels even though they have not fins and scales.

(6) V. 9.

(7) V. 10.

(8) V. supra, p. 357. This verse clearly suggests that the qualification of fins and scales applies only to creatures found in the seas and in the rivers, as is stated explicitly in the verse, and not to creatures found in the water of vessels.

(9) V. supra, p. 357.

(10) Lev. XI, 41. If the worm had crawled upon the twigs it would be regarded as having crawled upon the earth, and consequently included in the prohibition of this verse. On the other hand the law is clearly established, supra, that worms found in any liquid in any vessel are permitted.

(11) And would not be regarded in law as having crawled out of the water; it is therefore permitted.

(12) For there is nothing to suggest that the insects had crawled upon the earth.

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during its growth is forbidden because of the prohibition of Every creeping thing that creepeth upon the earth.¹ Shall we say that there is [a Baraitha] that supports his view?

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For one [Baraita] teaches: [The verse,] ‘[Every creeping thing that creepeth] upon the earth’, excludes mites found in lentils, bugs in pea pods, and insects in dates and dried figs.²

Another [Baraita], however, teaches: The verse: ‘Every creeping thing that creepeth upon the earth’, includes insects found in the roots of the olive and of the vine.³ Now presumably each [Baraita] speaks of [insects found in] the fruit, and [yet there is no contradiction between them, for] the latter [Baraita] refers to fruit during growth, whereas the former to fruit no longer growing!⁴ No. In either case the fruit was in the course of growth, nevertheless there is no contradiction, for the former [Baraita] refers to [insects found in] the actual fruits whereas the latter to [insects found in] the stock of the tree. Indeed there is proof [for this distinction], for it reads [in the latter Baraita], ‘Insects found in the roots of the olive and of the vine’. This is conclusive.

R. Joseph raised the following questions: What is the law if the insect left the fruits and immediately died?⁷ or if part of the insect left the fruit?⁸ or if it was in mid-air?⁹ These questions remain undecided.

R. Ashi raised these questions, What if the insect moved [from the inside of a date] to the outside? or to the top of the datestone? or if it moved from one date to another [that was sticking to it]? These questions also remain undecided.¹⁰

R. Shesheth¹¹ the son of R. Idi said: Parasites¹² are forbidden, because they come from outside.¹³ R. Ashi demurred, saying: If they come from the outside then they should surely be found in the excretory passages!¹⁴

Others report this passage thus: R. Shisha the son of R. Idi said: Parasites are

permitted, because they are generated within. R. Ashi said: Of course this is so, for if they come from the outside they should surely be found in the excretory passages!

The law is: Parasites are forbidden because they might enter through the nostril whilst the animal is asleep.¹⁵ Maggots¹⁶ [found under the skin] of animals are forbidden, of fish are permitted.

Rabina once said to his mother, ‘Let me swallow these [maggots with the fish] and I shall eat them’. R. Mesharsheya, son of R. Aha, asked Rabina, Why is this case different from what was taught [in the following Baraita]: [The verse], And their carcasses ye shall have in detestation,¹⁷ includes maggots of cattle?¹⁸ — He replied: There is no comparison between the two. Cattle are [in a forbidden state until] rendered permitted by slaughtering, and since these maggots had not been rendered fit by slaughtering, they always remain in the forbidden state. Fish, on the other hand, are [always in a permitted state, for they are] permitted by the mere taking up; the maggots therefore generated in a permitted state.

Our Rabbis taught: Goeth upon the belly¹⁹ means the snake, ‘whatsoever’ includes the earthworm, and all that are like unto it. ‘Upon all fours’ means the scorpion, ‘whatsoever’ includes the beetle and all that are like unto it. ‘Hath many feet’ means the centipede, ‘whatsoever’ includes all that are like unto it and all that resemble the latter.

It was taught: R. Jose, son of the Damascene, says: The leviathan²⁰ is a clean fish,²¹ for it is written: His scales are his pride,²² and it is also written: ‘Sharpest potsherds are under him’.²³ ‘Scales’, these are the scales that cover him; ‘sharpest potsherds are under him’, these are the fins wherewith he propels himself.

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- (1) Lev. XI, 41. V. supra 58a.
- (2) I.e., these insects may be eaten together with the fruit.
- (3) And they are forbidden.
- (4) I.e., worms found in fruit while still upon the tree are forbidden, but those found in plucked fruit are permitted. This distinction supports Samuel's view.
- (5) And these would not be regarded as crawling upon the ground even though the fruit is still in the course of its growth, contra Samuel.
- (6) That had already been plucked off the tree.
- (7) But it did not actually crawl upon the ground. May it be eaten or not? The question is, Is movement an essential in this prohibition or not?
- (8) E.g., the head of the insect had already touched the ground and actually moved upon it although the body was still in the fruit.
- (9) I.e., the insect fell out of the fruit and was swallowed before it reached the ground.
- (10) It must be assumed in these and in the preceding questions that the insect generated spontaneously in the fruit itself and that it had never before been outside the fruit.
- (11) MS.M.: R. Shisha.
- (12) Found in the lungs and in the liver of cattle (Rash), or found in fish (Tosaf.).
- (13) They had previously crawled upon the earth but were swallowed by the animal with its food.
- (14) I.e., in one of the organs of the alimentary canal.
- (15) And thus found their way through the respiratory passages into the lungs.
- (16) Possibly 'the gadfly'. V. Lewysohn, *Zoologie des Talmuds*, p. 318.
- (17) Lev. XI, 11.
- (18) Presumably the same prohibition should also apply to maggots found in fish.
- (19) Ibid. 42. The verse, which is here interpreted part by Part, reads as follows: Whatsoever goeth upon the belly, and whatsoever goeth upon all fours, or whatsoever hath many feet, even all creeping things that creep upon the earth, then, ye shall not eat.
- (20) Cf. Job XL, 25ff. A fish reserved by God for a feast for the righteous in the world to come, v. B.B. 74b.
- (21) For it has fins and scales, the marks of a clean fish, although Biblically it is referred to as a serpent, cf. Isa. XXVII, 1.
- (22) Job XLI, 7.
- (23) Ibid. 22.

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CHAPTER IV

MISHNAH. IF AN ANIMAL WAS IN DIFFICULT LABOUR AND THE FOETUS PUT FORTH ITS FORE-LIMB AND WITHDREW IT WITHIN,¹ IT MAY BE EATEN.² IF IT PUT FORTH ITS HEAD, THOUGH IT WITHDREW IT WITHIN, IT IS CONSIDERED AS BORN.³ WHATSOEVER IS CUT OFF FROM THE FOETUS WITHIN THE WOMB [AND LEFT INSIDE] MAY BE EATEN, BUT WHATSOEVER IS CUT OFF FROM THE SPLEEN OR KIDNEYS [OF THE ANIMAL AND LEFT INSIDE] MAY NOT BE EATEN.⁴ THIS IS THE RULE: THAT WHICH IS FROM THE BODY OF THE ANIMAL IS FORBIDDEN, BUT THAT WHICH IS NOT FROM THE BODY OF THE ANIMAL IS PERMITTED.

GEMARA. Rab Judah said in the name of Rab: The actual limb [that was put forth] is forbidden. Why? Because the verse says. Ye shall not eat any flesh in the field torn of beasts [trefah],⁵ which implies that any flesh that had got beyond its bound is forbidden.⁶ [An objection was raised.] We have learnt: IF AN ANIMAL WAS IN DIFFICULT LABOUR AND THE FOETUS PUT FORTH ITS FORE-LIMB AND WITHDREW IT WITHIN, IT MAY BE EATEN. Presumably [IT MAY BE EATEN] refers to the actual limb! — No, it refers to the fetus [that is within]. If it refers to the fetus, why does [the Tanna] say AND WITHDREW IT? Even if it did not withdraw it [the fetus would be permitted]! — Indeed the law is the same even though it did not withdraw it within, but because he stated in the second clause. IF IT PUT FORTH ITS HEAD, THOUGH IT WITHDREW IT WITHIN, IT IS CONSIDERED AS BORN, he says also in the first clause AND WITHDREW IT. But what does the second clause teach us? That

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as soon as the head emerged it is considered as born?

But we have learnt it elsewhere:⁷ ‘Who is considered a firstborn for the right of inheritances and not for the priest?’⁹ He that was born after a premature child the head of which had even emerged alive, or after a nine-months child the head of which had emerged dead.¹⁰ Now this is so because the head [of the nine-months child] had emerged dead, but had it emerged alive then the child that was born after this would not be considered a firstborn, even for the right of inheritance!¹¹ Should you, however, say that [there] it was taught with regard to man, and [here] it is taught with regard to beasts, because we could not apply the principle as established in the case of beasts to man, inasmuch as there is no ante-chamber in beasts,¹² neither could we apply the principle as established in the case of man to beasts, inasmuch as the face of a human being is a principal feature;¹³ surely we have expressly learnt it [even with regard to beasts], viz., If part of the afterbirth emerged [before slaughtering the dam] it may not be eaten,¹⁴ for it¹⁵ is a token of birth in the case of woman and also a token of birth in the case of beasts.

Now if you were to say that the withdrawal of the limb within, which is stated in the first clause [of our Mishnah], is to be particularly stressed,¹⁶ it is well; for then we could say that the second clause was stated on account of the first clause. But if you say that neither the first nor the second clause is to be particularly stressed [for any special teaching], then why are they stated at all? — It is not so, for, in point of fact, [IT MAY BE EATEN] refers to the actual fetus [and not to the limb], but as R. Nahman b. Isaac had said [elsewhere]: It would not have been necessary to mention [the withdrawal of the limb within] except in so far as it affects the part where it is cut off, likewise we may say here. It was only

stated in so far as it affects the part where it is cut off.¹⁷

Come and hear: If an animal was in difficult labor and the fetus put forth its fore-limb and withdrew it within, and then the dam was slaughtered, it may be eaten. If the dam was slaughtered, and then it withdrew it within,¹⁸ it may not be eaten. If it put forth its fore-limb and it was immediately cut off, and then the dam was slaughtered, that which is outside¹⁹ is unclean,²⁰ and also forbidden [to be eaten], but that which is inside is clean,²¹ and permitted. If the dam was slaughtered and then [the limb] was cut off,

(1) Before the slaughtering of the animal. The animal, however, was slaughtered before the fetus was born.

(2) V. Gemara. The general principle is that with the slaughtering of an animal everything that is within it, e.g., a fetus, is rendered permitted. The Gemara, however, argues as to the effect of the slaughtering upon the limb which was put out of the womb prior to the slaughtering.

(3) And is not rendered permitted by the slaughtering of the animal.

(4) V. supra 55a. The spleen and the kidneys are specifically mentioned since a lesion of these organs does not render the animal trefah.

(5) Ex. XXII, 30.

(6) The implication is in the phrase in the field, i.e., any flesh that had gone out of its precincts or bounds, e.g., consecrated meat of a sin-offering outside the sanctuary, or meat of a peace-offering outside the walls of Jerusalem, or, as here, an embryo outside the womb, is forbidden like trefah.

(7) Bek. 46a, where this principle is established. It is therefore inappropriate to say that the first clause is stated on account of a second clause which is itself unnecessary.

(8) To be entitled to a portion in the inheritance twice as much as any one of his brothers. Deut. XXI, 17.

(9) I.e., that the father is not obliged to redeem this child from the priest by payment of five shekels, the prescribed money of redemption; cf. Num. XVIII, 16.

(10) The distinction is this: with regard to the law of inheritance the Torah contemplates a viable firstborn child, a child on whose death the parent would have to go into mourning

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(derived by the Rabbis by interpreting רֵאשִׁית אָוֶנוֹ, Deut. XXI, 17, ‘the beginning of his strength’, as ‘the beginning of his mourning’). With regard to the law of the redemption of the firstborn, however, it was intended to apply to ‘whatsoever openeth the womb’, Ex. XIII, 2, whether the child born was living or not.

(11) Thus establishing the principle that with the emergence of the head the child is deemed born.

(12) I.e., the forepart of the female genitals. So that as soon as the head emerges from the womb of the beast and sees the light of day it is forthwith regarded as born.

(13) And therefore with the emergence of the head the human being is deemed born.

(14) V. infra 77a. For it may be that the head of the fetus was contained in that part of the afterbirth which emerged, in which case the fetus would be regarded as born and would not be rendered permitted by the subsequent slaughtering of the dam, and the afterbirth which belongs to it would likewise be forbidden.

(15) The emergence of the afterbirth.

(16) To teach that in such circumstances even the limb which had emerged is rendered permitted by the slaughtering of the dam.

(17) Thus: if the limb had been withdrawn into the womb, then only that part which had actually emerged would have to be cut off as forbidden meat; but if it had not been withdrawn, then the limb which had emerged plus a little more of that which is within would have to be cut away as forbidden meat.

(18) I.e., the dam was slaughtered whilst the limb of the fetus protruded from its womb, but immediately after the slaughtering the limb was withdrawn into the womb.

(19) I.e., the limb that had been cut off.

(20) For a limb cut off from the living animal is a source of uncleanness like nebelah; v. infra 128b.

(21) The rest of the fetus is rendered permitted by the slaughtering of its dam and likewise free from uncleanness, and it does not suffer any uncleanness by reason of its contact with this limb, because it is a living animal, and a living animal cannot contract uncleanness.

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the flesh¹ is [unclean] like that which had touched nebelah:² so R. Meir. But the Sages say: It is unclean like that which had touched a slaughtered trefah animal.³ Now it says in the first clause, ‘If the fetus put

forth its fore-limb and withdrew it within, and then the dam was slaughtered, it may be eaten. Presumably [‘it may be eaten’] refers to the actual limb! — No, it refers to the fetus. But if it refers to the fetus, [how can we explain] the next clause which reads: ‘If the dam was slaughtered and then it withdrew it within, it may not be eaten’? If it refers to the fetus, why is it forbidden? —

As R. Nahman b. Isaac had said [elsewhere]: It would not have been necessary to mention it except in so far as it affects the part where it is cut off; we may say the same here: It was only stated in so far as it affects the part where it is cut off.⁴ But surely this is not so. For when Abimi came from Be Huzais he brought with him the following teaching: ‘If [the fetus] withdrew the hoofs within, you may eat, and if it withdrew two hoofs within, you may eat’. Presumably this means, if it withdrew the hoof within, you may eat the hoof! — No, it means, if it withdrew the hoof within, you may eat the fetus. But if it refers to the fetus, why does it state ‘if it withdrew [the hoof]’? Even if it did not withdraw it [the fetus would be permitted]! — R. Nahman b. Isaac said: It would not have been necessary to mention [the withdrawal of the hoof within] except in so far as it affects the part where it is cut off.⁷ But since two texts are adduced here,⁸ presumably one teaches that the actual limb [is permitted] and the other the rule with regard to the place where [the limb is] cut off.⁹ — No. One teaches the rule with regard to the place where it is cut off¹⁰ and the other teaches that a fetus with uncloven hoofs that is in the womb of the cow [is permitted] even according to the view of R. Simeon. For the ruling of R. Simeon,¹¹ that an animal with uncloven hoofs that was brought forth by a cow is forbidden, applies only to the case where it came forth into the world, but where it was still within the womb of the dam it is permitted.

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Ulla said in the name of R. Johanan: The actual limb is permitted. Whereupon Rab Judah said to Ulla: 'But both Rab and Samuel have said that the actual limb is forbidden!' He replied: 'Would that I had of the dust of Rab and Samuel! I would fill my eyes with it!'¹² Nevertheless thus said R. Johanan: Everything was included in the general rule of the verse: Ye shall not eat any flesh in the field torn of beasts [trefah].¹³ But since Scripture expressly mentioned the case of the sin-offering namely that if it was taken out of its bounds and also brought in again it is forbidden, it is clear that only in the case of a sin-offering is this so, but in all other cases if they got back within their bounds they would be permitted.¹⁴

An objection was raised. It is written: Ye shall not eat any flesh in the field torn of beasts [trefah]. Why does the verse add [trefah]? [for this reason.] Since we find that Second Tithe or First-fruits, if they were taken out of their bounds, and were brought in again they are permitted; now we might have thought that in this case,¹⁵ too, that is also the law, the verse therefore adds, trefah. How is this derived from the verse?

Rabbah said: It is like trefah; just as a trefah animal, once it has been rendered trefah, can never be permitted, so also flesh which had got out of its bounds can never be permitted again!¹⁶ This is indeed a refutation of Ulla's view.

The Master said: 'Since we find that Second Tithe or First-fruits, if they were taken out of their bounds, etc.' Where do we find this? From the following verse: Thou mayest not eat within thy gates the tithe of thy corn, etc.¹⁷ that is to say, only within thy gates thou mayest not eat them, but if they were taken out [of Jerusalem] and brought in again, they are permitted.

Those in the West report it¹⁸ in this version: Rab says: The emergence of a limb is regarded as the birth of that limb;¹⁹ R. Johanan says: The emergence of a limb is not regarded as the birth of that limb.²⁰ What is the actual difference between them?²¹ — Whether to render forbidden the lesser portion of the limb that was within or not.²²

The question was raised: According to him who says that the emergence of a limb is not regarded as the birth of that limb, what would be the law if the fetus first put forth one fore-limb and withdrew it within, and then the other fore-limb and withdrew it within, [and then other parts of its body and withdrew them within,] and so on until, all in all, the greater portion of the fetus had emerged? Are we to say that here it is obvious that the greater portion of the fetus has emerged [and it is deemed fully born], or since each part had been withdrawn within it remains withdrawn? And if you were to accept the view that since each part had been withdrawn within it remains withdrawn, it will further be asked,²³ what would be the position if the fetus put forth a fore-limb and it was cut off, then another fore-limb and it was cut off [and so with the other limbs] until the greater portion of the fetus had been cut off? Are we to say that it is obvious that the greater portion has emerged [and it is deemed fully born], or perhaps we should say [it is deemed born] only when the greater portion of the fetus emerged at one time? —

Come and hear. [We have learnt:]

- (1) Of the fetus and of the dam.
- (2) As the limb that protruded was not affected by the slaughtering of the dam, it is unclean like nebelah, and renders unclean by contact the rest of the fetus as well as the flesh of the dam.
- (3) The Sages hold that the limb that protruded is to this extent affected by the slaughtering that it has thereby been rendered clean and is not a source of uncleanness like nebelah. This is on all fours with the case of a trefah animal which, if

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slaughtered, is thereby rendered clean and is not regarded as nebelah. Nevertheless according to Rabbinic decree, the flesh of a slaughtered trefah animal would render consecrated things unclean by contact, v. infra 73a.

(4) So that the ruling in the second clause 'It may not be eaten' only means that a little more than the part which protruded may not be eaten but the rest of the fetus may.

(5) The modern Khuzistan.

(6) These words are in Deut. XIV, 6: And every beast that parteth the hoof, and cleaveth the cleft into two hoofs... in the beast, ye may eat, from which is derived the general law that the fetus within the dam is rendered permitted by the slaughtering of the dam. The interpretation is: And every beast... in the beast, ye may eat; the hoof... in the beast, ye may eat; and two hoofs... in the beast ye may eat. That is, if the fetus put forth two hoofs (i.e., two legs) and then withdrew one within, the latter would be permitted by the slaughtering of the dam but not the other which remained protruding. If, however, both hoofs were withdrawn within, both would be permitted.

(7) And the Baraitha reported by Abimi informs us that if the fetus withdrew the hoof within, one may even eat the part where the hoof was subsequently cut off, though, of course, not the hoof itself. Likewise, if the fetus withdrew its two hoofs within, one may even eat the part where each hoof was cut off.

(8) The expressions 'the hoof' and 'two hoofs'; v. p. 368, n. 9.

(9) I.e., if the limb was withdrawn within, even the limb itself would be permitted; and if the limb was not withdrawn within, then the part where it was subsequently cut off would be permitted. As far as the part where the limb is cut off is concerned there should be no difference in law whether it put forth one or two hoofs, so that there would be no need of two texts to permit it in both cases.

(10) I.e., only if the limb was withdrawn within would the part where it was subsequently cut off be permitted.

(11) V. Bek. 6b.

(12) Such was his veneration for these two scholars.

(13) Ex. XXII, 30. The general proposition is that anything that gets out of its prescribed bounds (i.e., into the field) is forbidden. V. supra p. 365 n. 6.

(14) The verse in Lev. X, 18 clearly demonstrates that the flesh of a sin-offering if taken out beyond the Temple precincts is rendered unfit and must be burnt, whether or not it was once again brought into the Temple

precincts. Now it must be remembered that the case of the sin-offering is just one of the instances implied in Ex. XXII, 30, so that it need not have been expressly mentioned (v. supra p. 365, n. 6). The fact that it is stated suggests that in a particular respect it is different from other cases of 'out of bounds', and that is, that in this case even if it were brought back within its bounds it would be of no avail and the flesh would still have to be burnt. On the other hand, in all other cases of this class, the fact that it has been brought in again within bounds would be an effective remedy.

(15) The case of the limb of a fetus which protruded from the womb.

(16) Even though it had been brought back within bounds.

(17) Deut. XII, 17.

(18) The dispute between Rab and R. Johanan as to whether or not the actual limb which had emerged but which is now withdrawn is rendered permitted by the slaughtering of the dam.

(19) Lit., 'there is birth to limbs'. And the slaughtering of the dam would not render this limb permitted even though it was drawn in within the womb at the time of the slaughtering.

(20) So that if the limb was within the womb at the time of the slaughtering it would be rendered permitted.

(21) Between the first version of the dispute and the second version (Rashi). According to the Alfasi the question is: What is the practical issue between Rab and R. Johanan? For according to the version in the West, even R. Johanan agrees that the part of the limb which had emerged is forbidden. V. Asheri a.l.

(22) I.e., the greater portion of a limb emerged but a little of it remained inside. There will in this case be a difference of view as to the opinion expressed by Rab according to the first or second version. According to the second version Rab maintains that the emergence of a limb is regarded as the birth of that limb, similarly he would hold that the emergence of the greater portion of a limb is reckoned as the birth of that entire limb, hence even the lesser portion of the limb which had never emerged would not be rendered permitted by the slaughtering of the dam. According to the first version this lesser portion would be rendered permitted, for it is only the actual part of the limb which had emerged that is forbidden. According to Alfasi, the law as to the lesser portion of the limb that remained within is the issue between Rab and R. Johanan.

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(23) And this even according to him who maintains that the emergence of a limb is deemed to be the birth of that limb.

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THIS IS THE RULE: WHAT IS FROM THE BODY OF THE ANIMAL IS FORBIDDEN, BUT WHAT IS NOT FROM THE BODY OF THE ANIMAL IS PERMITTED. Now what does the term **NOT FROM THE BODY** include?¹ Surely it includes such a case as the above!² — No. It includes a fetus with uncloven hoofs which is in the womb of the cow. And [it is permitted even] according to R. Simeon. For although R. Simeon ruled that an animal with uncloven hoofs which was brought forth by a cow is forbidden, that is so only where it came forth into the world, but where it was still in the womb of the dam it is permitted.

R. Hanania propounded the question: What if the fetus [in the womb of an animal consecrated as a peace-offering] put forth its fore-limb into the Temple court?³ For [it might be argued,] since the Temple court is the bounds for consecrated animals it would also be the bounds for this⁴ [sc. The fetus]; or it is not the bounds for this [fetus], for the bounds of the fetus are the womb of its dam!

Whereupon Abaye said to him: But you might have raised this question with regard to consecrated animals which are holy in a minor degree in Jerusalem.⁵ Nevertheless you did not raise the question with regard to consecrated animals which are holy in a minor degree, because it is clear that the bounds of the fetus are the womb of its dam; then in the previous question too we must say that the bounds of the fetus are the womb of the dam.⁶

Ilfa raised this question: What is the law if a fetus put forth its fore-limb [out of the womb of its dam] after the first [throat]

organ but before the second organ [was cut]? Is the first organ to be reckoned together with the second in order to render it [the fore-limb] clean so that it be not nebelah or not?⁷ —

Raba answered: Certainly it must be so reckoned; for if the [cutting of the] first organ followed by the [cutting of the] second organ has the effect of rendering [the animal] permitted to be eaten, then surely it has the effect of rendering [the limb] clean so that it be not nebelah!⁸

R. Jeremiah raised the question: Are we concerned at all about its offspring?⁹ What are the circumstances of the case? If we say that it covered a normal cow, then why is this question raised only with regard to this animal which has a limb forbidden on account of its protrusion [prior to the slaughtering of the dam]? Indeed it might be raised with regard to the more general case of an animal that was taken out [alive from the womb of the slaughtered dam].

For R. Mesharsheya said: According to him who maintains that we must take into account the seed of the male¹⁰ if an animal that had been taken out [alive from the womb of the slaughtered dam] covered a normal cow there is no remedy for the offspring?¹¹ — The question can be considered only in the case where it covered a cow which, like itself,¹² had been taken out [alive from the womb of the slaughtered dam]. What [then is the position of the offspring]? Do we say that each limb [of the progenitors] produces the identical limb [in the offspring], so that here it¹³ must be cut off but the rest is permitted; or do we hold that the seed is mixed up?¹⁴

Subsequently he [R. Jeremiah] said: It is obvious that the seed is mixed up, for otherwise the blind should produce a blind offspring, and the crippled a crippled offspring. We therefore must say that the

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seed is mixed up, but the question that was raised was really this: an ordinary animal is the product of the forbidden fat and of the blood [of the sire],¹⁵ nevertheless it is permitted, then here also it should be permitted;¹⁶ or perhaps we only permit the product of two prohibited substances but not of three?¹⁷ But according to whom is it?¹⁸ According to R. Meir there are the prohibitions of the forbidden fat and of the blood but not of the protruded limb,¹⁹ and according to R. Judah there is indeed the prohibition of the protruded limb but not of the forbidden fat. For it was taught: The law of the sciatic nerve²⁰ applies also to a fetus, and the fat [of the fetus] is forbidden. So R. Meir.

R. Judah says: It does not apply to a fetus, and the fat [of the fetus] is permitted!²¹ — We must therefore say that the outcome [of prohibited causes] is to be disregarded, and it is certainly permitted; and the question put, was really this: May one drink the milk [of this particular animal]?²² After all the milk of all animals is very much like a limb taken away from the living animal, nevertheless it is permitted, likewise in this case [it should be permitted]; or perhaps [we ought to distinguish this case, for] in all other cases the prohibition can be remedied by slaughtering, but in this case it cannot.²³ This must remain undecided.

WHATSOEVER IS CUT OFF, etc. Whence do we know this? — For it is written: And every beast that parteth the hoof... in the beast, [it ye may eat];²⁴ this includes the fetus. If so,²⁵ one ought to be able to make it a substitute for a consecrated animal. How is it then that we have learnt: ‘One cannot make a limb a substitute for a consecrated fetus, or a fetus for a consecrated limb, or a limb or a fetus for a whole [consecrated animal], or a whole animal for either of these’?²⁶ Rather it is derived from the expression: And every... in the beast,²⁷ which includes the fetus. If so, even if part

of the spleen or of the kidneys of the animal was cut away [and left inside] it should also be permitted, wherefore have we learnt, ‘WHATSOEVER IS CUT OFF FROM THE FOETUS IN THE WOMB [AND LEFT INSIDE] MAY BE EATEN, BUT WHATSOEVER IS CUT OFF FROM THE SPLEEN OR THE KIDNEYS [OF THE ANIMAL AND LEFT INSIDE] MAY NOT BE EATEN’? —

The verse adds: It [ye may eat], that is, when ‘it’²⁸ is whole [ye may eat everything found therein] but not when part is wanting. But then according to this, if one slaughtered an animal and found therein a sort of dove the latter should be permitted, wherefore has R. Johanan stated: ‘If one slaughtered an animal and found therein a sort of dove it is forbidden to be eaten’?

(1) For it cannot apply only to the case where a limb of the fetus was cut off, as that case is expressly stated earlier in the Mishnah.

(2) I.e., where a small portion only of the fetus remained within the womb, although the greater part of the fetus had been cut off limb by limb as each emerged, it is still permitted.

(3) I.e., while the sacrifice was being slaughtered within the precincts of the Temple court the fetus put forth a limb out of the womb into the space of the Temple court.

(4) And therefore even the limb that protruded would be rendered permitted by the slaughtering of the dam for it had not gone out beyond the bounds of the Temple court.

(5) E.g., where the fetus in the womb of an animal consecrated for a peace-offering put forth a limb out of the womb in Jerusalem, and withdrew it within, and subsequently the dam was slaughtered in the Temple court. Now according to him who maintains that even though the limb was withdrawn within at the time of the slaughtering the limb is nevertheless forbidden, the question here is, would the slaughtering of the dam render permitted even the limb that had emerged previously, since the limb had not got beyond the bounds prescribed for the eating of the flesh of a peace-offering, or not?

(6) So that the limb would not be rendered permitted by the slaughtering of the dam.

(7) For when cutting the first organ, at which time the limb had not yet protruded, the effect

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of that cutting was twofold, (a) to render the limb of the fetus clean, and (b) to render it permitted to be eaten; but at the cutting of the second organ, at which time the limb had already protruded, the only possible effect of that cutting was to render the limb clean (v. infra 72a). Since the effects produced by the cutting of each organ are not equal, the question arises whether the first organ can be reckoned together with the second in order to produce the effect common to both, viz., that the limb be rendered clean. V. supra p. 176, n. 1.

(8) The answer is this: if only the question of rendering the limb clean is considered it is immaterial whether the fetus put forth its limb before or after or in the course of the slaughtering. Therefore the effect of cutting both organs must be to render the limb clean. The fact that at the time of the cutting of the first organ it was possible that the entire fetus, including this limb, might have been rendered permitted to be eaten, and that this became impossible because of the putting forth of the limb, can be ignored. The argument is an a fortiori argument because it is well established that less is required to render an animal clean than is required to render it permitted to be eaten.

(9) This fetus, which had put forth a limb during the slaughtering of its dam, was taken out of the womb alive. Consequently the whole of it is permitted to be eaten, and strictly without first being slaughtered as it has already been rendered permitted by the slaughtering of its dam, except for that limb which would remain forbidden always. In the course of time it was mated with a cow and begot a calf. The question therefore is, whether the limb of the calf corresponding to the forbidden limb of its sire is also forbidden or not.

(10) v. infra 79a. The meaning is that the creation of each offspring is directly attributable half to the female dam and half to the male sire.

(11) Because from the maternal side it requires to be slaughtered, but from the paternal side it does not; hence the offspring is considered, notionally, as half slaughtered, and nothing now can be done to it to remedy this state.

(12) The cow, too, had one limb forbidden on account of it having protruded at the time of the slaughtering of its dam (Tosaf.).

(13) I.e., the limb which corresponds to the forbidden limb of the male sire; or, according to Tosaf., of its progenitors, v. Maharam.

(14) I.e., the seed represents all the organs of the male as one whole, and cannot be distributed into separate parts, each part to represent a distinct organ; consequently the offspring being

the product of a sire which has a forbidden limb is entirely forbidden.

(15) For it is held that every part of the body is a contributory factor in the act of procreation, including also the two forbidden substances in the animal body, viz., the blood and the fat.

(16) Even though in the case of this offspring there is an additional prohibited factor, viz., the forbidden limb of the male sire.

(17) Namely, that in a fetus taken out alive from the womb of its slaughtered dam after it had protruded a limb, there are inherent three prohibitions, viz., that of the blood, of the forbidden fat, and of the protruded limb.

(18) I.e., according to whom are there three prohibitions.

(19) For according to R. Meir, v. infra 74a, even the fetus that was within the womb at the time of the slaughtering of its dam is not rendered permitted thereby, consequently there is no particular prohibition attached to it on account of the limb that protruded.

(20) V. infra 89b, Cf. Gen, XXXII, 33.

(21) Infra 74b, 94b, Tos. Hul. VII.

(22) Which as a fetus had put forth a limb out of the womb during the slaughtering of its dam and was afterwards extracted from the womb.

(23) For the prohibition of the protruded limb can in no manner be removed.

(24) Deut. XIV, 6. The interpretation is, every beast in a beast, i.e., the fetus in the womb of its dam, is permitted by the slaughtering of the dam.

(25) That the fetus is referred to biblically as a 'beast'.

(26) Tem. 10a. Cf. Lev. XXVII, 10, where the term 'beast' is also used and on this account the law is established that a fetus or a limb is precluded from the law of substitution.

(27) Deut. *ibid.* The implication is that everything found in the beast is permitted.

(28) Sc. the slaughtered animal.

Chullin 69b

— That [which is found within the animal] must have cloven hoofs [in order to be permitted], but this is not the case here. But then according to this, an animal with uncloven hoofs found in the womb of a cow should be forbidden.¹ — Surely the following teaching of the school of R. Ishmael was taught in the school of R. Simeon b. Yohai,² viz. The verse states: The hoof... in the beast, ye may eat.³

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R. Shimi b. Ashi said: In truth it is as was suggested originally,⁴ and as for your difficulty from [the Mishnah], ‘One cannot make a limb a substitute, etc.’ [the answer is that] that is the opinion of R. Simeon who compares the law of Substitution to the law of Cattle Tithe,⁵ so that just as the law of cattle tithe does not apply to limbs or a foetus⁶ so also the law of substitution does not apply to limbs or a fetus. Whence do you know this?⁷ — Because we have learnt:⁸ R. Jose said,⁹ Is it not the case that, in connection with animal offerings, if one said: ‘Let the foot of this animal be a burnt-offering’, the whole is a burnt-offering? Similarly, if one said: ‘Let the foot of this animal be a substitute for that [consecrated animal]’, the whole animal should become consecrated as a substitute.

Now with whom does R. Jose argue thus?¹⁰ Do you say with R. Meir and R. Judah? But they do not hold this view.¹¹ Surely it was taught: I might have thought that if one said: ‘Let the foot of this animal be a burnt-offering’, the whole would become a burnt-offering, it is therefore written: All that any man giveth of such unto the Lord shall be holy,¹² that is, of such’ shall be holy, but not the whole of it. But I might have thought that the whole animal is unconsecrated,¹³ it therefore says: ‘shall be’, that is, it shall remain in its former status. What is to be done? The animal must be sold for the purpose of burnt-offerings and the money realized is ordinary unconsecrated money except for the value of this limb. So R. Meir and R. Judah.

R. Jose and R. Simeon, however, say: Whence do we know that if one said: ‘Let the foot of this animal be a burnt-offering’, the whole is a burnt-offering? Because it is written, shall be, which suggests that the whole of it is holy.¹⁴ With whom then does R. Jose argue [in the first case]? Is it with R. Meir and R. Judah? But they do not

hold this view. It therefore can only be with R. Simeon. — It need not be so, for R. Jose argues on the basis of his own independent view.¹⁵

MISHNAH. IF AN ANIMAL WAS IN DIFFICULT LABOUR WITH ITS FIRST YOUNG, ONE MAY CUT OFF EACH LIMB [As IT COMES OUT] AND THROW IT TO THE DOGS.¹⁶ IF THE GREATER PORTION CAME FORTH¹⁷ IT MUST BE BURIED,¹⁸ AND THE DAM IS EXEMPT FROM THE LAW OF THE FIRSTLING.¹⁹

GEMARA. It was stated: If a third [of the firstling] came forth and was [immediately] sold to a gentile, and then another third came forth,²⁰ R. Huna says: It is holy. Rabbah says: It is not holy. R. Huna says it is holy, because he maintains that the holiness is retrospective, so that as soon as the greater portion has come forth it becomes evident that it was holy from the first,²¹ and he who purchased has purchased nothing at all. Rabbah, however, says it is not holy, because he maintains that the holiness is prospective,²² so that he who purchased has made a valid purchase. They are indeed consistent in their views, for it was also stated: If a third [of the firstling] was extracted from the side and two thirds came forth normally through the womb, R. Huna says, It is not holy. Rabbah says: It is holy.

R. Huna says it is not holy, for he maintains his principle that the holiness is retrospective, and here when the greater part first came forth, it had not entirely passed through the womb.²³ Rabbah, however, says it is holy, because he maintains his principle too, that the holiness is prospective, and here the greater part had come forth through the womb.²⁴ Now both disputes had to be [reported]. For if we had learnt only this dispute, we might have said that only here does R. Huna hold [that the holiness is

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retrospective], for [if he were to hold otherwise]²⁵ he would be tending to leniency;²⁶ whereas in the other dispute since [he would by such a view' be] tending to stringency, I might say that he would agree with Rabbah.

(1) But this is permitted according to all opinions, even according to R. Simeon, v. supra 68b.

(2) This is probably the correct meaning of the line which involves a slight alteration of the text, but the emendation is supported by MS.M. V. Yoma 59a, Zeb. 53b, 119b. Cur. edd.: A Tanna of the school of R. Ishmael taught like R. Simeon b. Yohai.

(3) In this verse Deut. Xlv, 6, the terms 'hoof and 'hoofs' are both employed, and the interpretation suggested is that an animal with one hoof, i.e., which has uncloven hoofs, or an animal with hoofs, i.e., which has cloven hoofs, if found in the beast, may be eaten.

(4) That the term 'beast' includes the fetus also.

(5) Cf. Lev. XXVII, 32. According to those Rabbis, however, who do not agree with R. Simeon, the law is clear that a fetus can be rendered a substitute for a consecrated animal.

(6) Since the verse: Lev. *ibid.* 'whatsoever passeth under the rod' cannot apply to these.

(7) That the opinion expressed in the Mishnah quoted from Tem. 10a, 'One cannot render a limb a substitute, etc.' is that of R. Simeon.

(8) Tem. 10a.

(9) R. Jose is of the opinion that a limb can be made a substitute for a consecrated animal and supports his view by the argument he sets forth in the text.

(10) The opinion preceding R. Jose's with which R. Jose differs is expressed anonymously.

(11) I.e., the view stated in the premise of R. Jose's argument. It is evident from the form of his argument that his disputant would concede the law assumed in the premise.

(12) Lev. XXVII, 9.

(13) Save that the owner must redeem the limb by paying into the Temple treasury a sum of money equal to the value of the limb.

(14) Heb. *יהיה*, 'shall be', a term redundant in the verse. The exposition is that even where part only of the animal was consecrated, the whole 'shall be holy'.

(15) And it is not to be assumed that his premise was conceded by others. R. Jose merely bases his argument upon his own interpretation of verses.

(16) For it is not holy as a firstling until it has been born, i.e., when at least the greater portion of it had emerged.

(17) I.e., at the same time, v. Gemara.

(18) And may not be put to any use.

(19) I.e., the young which she bears hereafter will not be considered a firstling. This rule, according to Rashi, refers to both clauses of the Mishnah, but according to Maim. only to the second.

(20) So that now the greater portion of the firstling has been born.

(21) I.e., at the beginning of the delivery it was holy, so that the gentile purchaser could acquire no rights therein.

(22) I.e., at the beginning of the delivery no holiness attached to it, and the gentile purchaser of the first third has made a valid purchase. Consequently this firstling even when it is fully born is not holy because of the share which the gentile has in it. Cf. Num. III, 13, and Bek. I, 2.

(23) According to R. Huna it is simultaneous with the birth of the greater part of the young that the holiness attaches. If therefore at this moment there is some cause which prevents the holiness from attaching, the young will never be deemed holy. In this case the holiness does not attach because the first part of the young was extracted from the side and did not pass normally through the womb. Cf. Ex. XIII, 2 'Whatsoever openeth the womb'.

(24) Even though this occurred only at the end of delivery, the firstling is holy.

(25) Sc. that the holiness is prospective.

(26) Since the young would not be deemed holy as a firstling.

Chullin 70a

And if we had Garnet only the other dispute, we might have said that only there does Rabbah hold [that the holiness is prospective], whereas in this dispute I might say that he would agree with R. Huna. Therefore both [disputes] had to be [reported].

[An objection was raised]. We have learnt: IF AN ANIMAL WAS IN DIFFICULT LABOUR WITH ITS FIRST YOUNG, ONE MAY CUT OFF EACH LIMB [AS IT COMES OUT] AND THROW IT TO THE DOGS. Presumably this means, each limb is cut off and left where it is.¹ Now if you

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hold that the holiness is retrospective then it [sc. each limb] ought to be buried!² — No, the meaning is that each limb is cut off and thrown [to dogs]. But where each limb was cut off and left there, you would hold, would you not, that it must be buried? If so, why does the Tanna state in the second clause, **IF THE GREATER PORTION CAME FORTH³ IT MUST BE BURIED?** He should have made a distinction in the first case, thus: This holds good only where each limb was cut off and thrown [to the dogs], but where each limb was cut off and left there, it must be buried!⁴ — This is actually what is meant: This holds good only where each limb was cut off and thrown [to the dogs], but where each limb was cut off and left there, it is considered as if the greater portion came forth [at the same time], and must be buried.

Raba raised the question: Do we apply the principle of ‘the greater part’ to limbs or not?⁵ What are the circumstances of the case? Should you suggest the following case, namely, that the greater part [of the young] came out [of the womb] and this included the lesser part of a limb, the question therefore being: Are we to reckon this lesser part of the limb, which is outside, together with the greater part of its limb,⁶ or with the greater part of the young?⁷ — But it is obvious that we do not ignore the greater part of the young and take into consideration the greater part of the limb! Rather the case must be as follows: half of the young came out and this included the greater part of a limb; the question therefore is: Are we to reckon the lesser part of the limb which is inside together with the greater part of the limb,⁸ or not?—

Come and hear. [We have learnt:] **IF THE GREATER PORTION CAME FORTH IT MUST BE BURIED.** Now what is meant by ‘the greater portion’? Does it mean actually the greater portion [of the young]? But surely we have learnt before now the

principle that the greater part is like the whole! It would mean therefore that only half came out but it included the greater part of a limb!⁹ — No, the fact was, that the greater part [of the young] came out and it included the lesser part of a limb, and [the Mishnah] teaches us that we must not ignore the greater part of the young and consider the greater part of the limb.¹⁰ Raba raised these questions: What is the law if one wrapped it up¹¹ in bast, or in a garment, or in its afterbirth? [You ask] ‘In its afterbirth’? But that is the normal condition! —

XXXXX

Render, In the afterbirth of another animal. What if She¹² wrapped it up and got hold of it and brought it out? But what are the circumstances?¹³ If [you say] it came out with the head first, then it has thereby ‘opened the womb’. Rather it must be that it came out with the legs first.¹⁴ What if a weasel [inserted its head into the womb and] took the foetus into its mouth and thus extracted it? [You ask] ‘And thus extracted it’? Then it has brought it forth!¹⁵ —

Render thus: What if the weasel took the foetus into its mouth, extracted it thus, inserted its head again into the womb and spewed it out therein, and then the foetus came forth of its own?¹⁶ What is the law if one joined two wombs [of two animals] to each other and the foetus issued from the one womb and entered the other?¹⁷ Shall we say that it¹⁸ exempts only its own [dam from the law of the firstling] but it does not exempt another [animal] or perhaps it exempts also another animal? — These questions remain undecided.

R. Aha raised this question: What is the law if the walls of the womb opened wide [and the foetus fell out if it]? Is it the air space of the womb that renders the firstling holy, — a condition which exists in our case, or is it

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the contact with the womb that renders the firstling holy — a condition which is absent in our case?

Mar son of R. Ashi raised this question: What if the walls of the womb were torn away? [You ask] Torn away? Then there is no womb here at all!¹⁹ It means: What if the walls of the womb were torn away and it now rested on the neck of the young?²⁰ Can [the womb only] render holy when it is in its natural place and not when it is out of its place, or even when out of its place it can also render holy? R. Jeremiah put this question to R. Zera: What if the walls of the womb were peeled?²¹ He replied: You are touching upon a question which we have already discussed.

For R. Zera had raised this question (others say: R. Zera had put this question to R. Assi): What is the law if what was left [of the womb] was more than what was gone, but the young passed through the part that was gone;²² or if what was gone was more than what was left but the young passed through that part that was left of it?²² Now I was in doubt only in such a case as where what was gone [of the womb] was more than what was left, for there at least something was left of it. But in the case where the walls of the wombs were entirely peeled I have no doubt at all.²³

(1) And even though there may be before us a number of limbs which together would make up the greater part of the young, each may nevertheless be thrown to the dogs, apparently because the holiness is not retrospective, contra R. Huna.

(2) For as soon as the greater part is collected together it appears retrospectively that this firstling was holy from the beginning, and, being dead, it must therefore be buried.

(3) Which implies at the same time.

(4) And it would not have been necessary to teach us that where the greater part of the young came forth in one mass it must be buried.

(5) Is the lesser part of a limb always to be reckoned with the greater part thereof or not?

(6) In which case, when we subtract this lesser part of a limb from that which has come out and reckon it together with the rest of that limb which is within the womb, the result is that the greater portion of the young has in law not emerged and is not deemed fully born; consequently it may be cut up for dogs, for there is no holiness upon it.

(7) And the young would be regarded now as fully born, and would at once be holy as a firstling.

(8) So that it would be regarded as if the greater part of the young had emerged and would therefore be deemed fully born.

(9) And the Mishnah teaches us that in such a case the lesser part of the limb, which is inside, is to be counted with the rest of the limb, and thus render the young fully born.

(10) Even though the greater portion of the limb is still within the womb, the lesser portion, however, having emerged, is reckoned with the rest of the young that has emerged, so that the young is now deemed fully born.

(11) The foetus was wrapped up in one of these articles and was thus extracted from the womb of its dam but no part of the foetus came into direct contact with the womb. Now it is the womb that renders the firstling holy, for throughout the Torah the firstling is described as that which 'openeth the womb' (e.g., Ex. XIII, 2). The question raised by Raba is this: must there be actual contact between the foetus and the womb when the foetus is being delivered, and otherwise it would not be regarded holy as a firstling, or is it sufficient that it passes through the womb although it makes no direct contact?

(12) The subject of the verb used is feminine whereas in the first question of Raba it is masculine. According to Rashi it refers to the woman who assists the delivery. She wrapped her hands around the foetus and thus extracted it so that there was no contact between the foetus and the womb of its dam. Tosaf. report a textual variant on the authority of R. Hananel; instead of אִמְתָּהּ 'she got hold of it' the reading is אִמְתָּהּ 'his sister'. The interpretation, accordingly, is this: there were twins within the womb, one male and the other female, and at the time of delivery it so happened that the female wrapped around and covered the male, so that there was no actual contact between the male twin and the womb.

(13) V. next note.

(14) The question 'What are the circumstances?' refers, according to Rashi, to all the cases raised by Raba, and the exposition is as follows: It certainly cannot be thought of

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that the garment, etc. was wrapped around the foetus whilst it was still in the womb of its dam, as it is hardly possible to do so; some part therefore of the foetus must have emerged. Now it cannot be the head, for then the question could not arise, since by the emergence of the head it is deemed fully born, and so holy as a firstling. It can only be, therefore, that the legs of the foetus had emerged and then the whole of it was wrapped up. According to the variant text adopted by Tosaf. (v. n. 2) and the interpretation suggested, this question of the Gemara refers only to the last question of Raba, and the exposition is as follows: If the head of the female twin came out first, then the male cannot in any circumstance be deemed holy as a firstling, for it had not 'opened the womb' but was born second. It must be, therefore, that the legs of the female twin came out first, and these were wrapped around the head of the male, so that, were it not for the question of direct contact with the womb, the male twin, being born first, by virtue of the emergence of its head, would be deemed a firstling.

(15) Since it was not brought forth naturally but was extracted by the weasel it would not be holy as a firstling (R. Gershom). According to Rashi the position is identical with the first case stated by Raba.

(16) And the question is whether it would be holy as firstling when later it is delivered naturally from the womb of its dam.

(17) When the foetus leaves the womb of the second animal, would the latter thereby be exempt from the law of the firstling, so that what it next bears would not be deemed holy as a firstling, or not?

(18) A firstling emerging from a womb.

(19) It being assumed that the womb was gone before the young emerged, in which case there is no doubt at all that it is not holy as a firstling.

(20) During a difficult delivery the young had wrenched away the entire womb of its dam and had emerged with it upon its neck.

(21) The meaning of this is very doubtful. Rashi suggests two interpretations: (i) the inner membrane of the womb had peeled away. i.e., the whole of the womb was intact except that it had been reduced in thickness by the removal of a layer of its substance; (ii) the whole of the womb within had been destroyed but the external edges remained intact. The Aruch suggests, (iii) the whole of the womb was intact but the external edges were cut away.

(22) In each case the young was located in the forepart of the womb which constitutes but the smaller part of the womb; in the first case, however, only the forepart was gone but the rest

remained intact, whereas in the second case only the forepart remained intact but the rest was gone.

(23) That the firstling which passed through this mutilated womb is not holy. It must be pointed out that with regard to these questions the Rabbis of old already recognised that they were purely of academic interest and in no wise did they consider the actual occurrence of such cases as probable or even possible. V. Tosaf. Ketub. 4b s.v. 72, and also Tosaf. Yeb. 102b s.v. 721.

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MISHNAH. IF A FOETUS HAD DIED WITHIN THE WOMB OF ITS DAM AND THE SHEPHERD PUT IN HIS HAND AND TOUCHED IT, HE IS CLEAN, WHETHER IT WAS A CLEAN OR UNCLEAR ANIMAL.¹ R. JOSE THE GALILEAN SAYS, IF IT WAS AN UNCLEAR ANIMAL HE WOULD BE UNCLEAR, AND IF IT WAS A CLEAN ANIMAL HE WOULD BE CLEAN.

GEMARA. What is the reason of the first Tanna's view? — R. Hisda said: It is an a fortiori argument; for if the dam [when slaughtered] has the effect of rendering [the foetus] permitted to be eaten then surely [whilst alive] it will at least have the effect of rendering it clean so that it be not nebelah.² We find that this is so of clean animals; whence do we know it of unclean animals? —

From the verse: And if any beast die,³ that is, an unclean animal, of which ye may eat,³ that is, a clean animal. The unclean animal is equated with the clean: as the foetus within a clean animal is clean so the foetus within an unclean animal is also clean. And what is the reason for the view of R. Jose the Galilean? —

R. Isaac said: It is written: And whatsoever goeth upon its paws among all beasts that go on all fours, [. . . whoso toucheth their carcass shall be unclean],⁴ that is, whatsoever goeth upon unparted hoofs

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within the living beast I have declared to be unclean unto you. This being so, even an animal with unparted hoofs [found dead] in the womb of a [living] cow should also be unclean, for it is of those that go upon unparted hoofs within the beast! — [The verse refers to those] that go upon unparted hoofs within the beasts that go on four [hoofs], but this is a case of one that goes upon unparted hoofs within a beast that goes on eight⁵ [hoofs]. Then a cow found in the womb of a camel should not be unclean,⁶ for it is a case of one that goes upon eight [hoofs] within a beast that goes on four! — ‘Goeth’ [might have been written, but there is actually written], whatsoever goeth, thus including the case of a cow found in the womb of a camel.⁷ Then an animal with unparted hoofs found in the womb of an animal also with unparted hoofs⁸ should be unclean,⁹ for it is a case of one that goes upon four [hoofs] within a beast that goes on four! — For this purpose R. Hisda's a fortiori argument might be applied.¹⁰ To this R. Ahadboi b. Ammi demurred: Then the pig within the womb of a sow should not be unclean,¹¹ for it is a case of one that goes upon eight hoofs within a beast that also goes upon eight! —

R. Nahman b. Isaac therefore said, [R. Jose's view is derived] from the following verse: If anyone touch any unclean thing, whether it be the carcass of an unclean beast, or the carcass of unclean cattle, or the carcass of unclean creeping things.¹² [Now it will be asked:] Does the carcass of unclean cattle alone render unclean but not that of clean cattle? What is it then?¹³ It is the young [within the womb]; in unclean animals it is unclean, and in clean animals clean. But since this has been derived from the verse adduced by R. Nahman b. Isaac, to what purpose do I put the verse stated by R. Isaac? — Were it not for the verse stated by R. Isaac, I might have said that the entire verse [adduced by R. Nahman b. Isaac] is employed for the purpose of

Rabbi's teaching;¹⁴ he therefore teaches us otherwise.¹⁵

It was taught: R. Jonathan said: I said to Ben ‘Azzai: We have learnt that the carcass of clean cattle conveys uncleanness, that the carcass of unclean cattle conveys uncleanness, and that the carcass of unclean wild animals conveys uncleanness; but we have not learnt it about the carcass of clean wild animals. Whence do we know it? Said he to me: It is written: Whatsoever goeth upon its paws among all beasts that go on all fours.¹⁶ Said I to him: The verse does not say: ‘all beasts’, it says ‘among all beasts’, and this clearly deals with the rule concerning animals that go upon unparted hoofs found within the beasts.¹⁷ Said he to me: And what does Ishmael say in this matter? Said I to him: It is written: And if any cattle die,¹⁸ that is unclean cattle, ‘of which ye may eat’, that is clean cattle. And we have learnt that wild animals are included under the term ‘cattle’, and cattle are included under the term ‘wild animals’. Hence clean wild animals would come under ‘clean cattle’, unclean wild animals under ‘unclean cattle’,

(1) The terms ‘clean’ and ‘unclean’ referring to animals mean such species as are permitted or forbidden to be eaten respectively.

(2) For the basis of this a fortiori argument v. supra p. 374, end of n. 1.

(3) Lev. XI, 39.

(4) Ibid. 27. The term ‘goeth upon its paws’ is interpreted by the Rabbis as referring to an animal that has single or undivided hoofs; and ‘among all beasts’ is interpreted literally ‘in the living beast’, thus referring to the unclean foetus in the womb of the living beast.

(5) I.e., four parted hoofs.

(6) And should not render him that touches it unclean. But R. Jose holds that in all cases the foetus within the womb of an unclean animal is unclean.

(7) That it is unclean.

(8) The dam, however, was a permitted animal as it was born of a clean animal.

(9) I.e., should render unclean.

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(10) V. supra; if the slaughtering of the dam renders the foetus permitted to be eaten it surely renders it clean!

(11) Nor render one unclean.

(12) Lev. V, 2.

(13) In which there is implied a distinction between the carcass of clean cattle and that of unclean cattle.

(14) V. infra 72a. Since the verse Lev. V, 2, adduced by R. Nahman b. Isaac, is required for Rabbi's exposition, the only guiding rule in the law of uncleanness of beasts is that contained in Lev. XI, 39, where by reason of the analogy implied in that verse clean and unclean cattle are placed on the same footing.

(15) For since R. Isaac has dealt with Lev. XI, 27, whereby he has drawn a distinction between clean and unclean cattle, R. Nahman b. Isaac is now free to employ Lev. V, 2, in order to draw a further distinction between them as regards the foetus, so therefore only a portion of this latter verse is employed for Rabbi's exposition.

(16) Lev. XI, 27. The verse continues: whose toucheth their carcass shall be unclean; hence all beasts even clean beasts convey uncleanness. Throughout this passage the Heb. terms *חיה* and *בהמה* are translated literally and according to their strict meaning, the former connoting undomesticated animals and is translated 'wild animals' or 'beasts', the latter connoting domesticated animals and is translated 'cattle'.

(17) V. supra, the exposition of R. Isaac.

(18) Lev. XI, 39.

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unclean cattle under 'unclean wild animals', and clean cattle under 'clean wild animals'. He then said to me these very words: Alas for Ben 'Azzai, that he did not attend upon R. Ishmael. Whence do we infer that wild animals are included under the term 'cattle'? —

For it is written: These are the cattle which we may eat: the ox, the sheep [and the goat,] the hart, and the gazelle, and the roebuck.¹ How is this to be explained? It must be that wild animals are included under the term 'cattle'. Whence do we infer that cattle are included under the term 'wild animals'? —

For it is written: These are the wild animals which ye may eat; among all the cattle that are on the earth, whatsoever parteth the hoof.² How is this to be explained? It must be that cattle are included under the term 'wild animals'. Now,³ clean wild animals come under 'cattle' with regard to the characteristics [of cleanness].⁴ Unclean wild animals come under 'unclean cattle' with regard to the prohibition of 'interbreeding'.⁵ Unclean cattle come under 'unclean wild animals' with regard to the following teaching of Rabbi.

For it was taught: Rabbi says: It is sufficient when I read in the verse, [the carcass of an unclean] beast,⁶ why then are cattle also stated? To deduce the following: It says here unclean cattle,⁶ and there also unclean cattle;⁷ just as there it refers to the eating of holy food while unclean, so here it refers to the eating of holy food while unclean.⁸ Clean cattle come under 'clean wild animals' with regard to 'formation'.⁹ For we have learnt: If a woman miscarried [and brought forth] something resembling cattle or a wild animal or a bird, whether it be a clean or unclean species, if it was a male she must observe¹⁰ [the periods prescribed] for a male, and if it was a female she must observe [the periods prescribed] for a female; if its sex was not known she must observe [the periods prescribed] both for a male and for a female.¹¹ So R. Meir. The Sages say: Whatsoever has not the human form is not considered a child.¹² According to the Rabbis what need is there for that verse?¹³ — It serves entirely for Rabbi's exposition.¹⁴

MISHNAH. IF THE FOETUS OF A WOMAN DIED WITHIN THE WOMB OF ITS MOTHER AND THE MIDWIFE PUT IN HER HAND AND TOUCHED IT, THE MIDWIFE IS RENDERED UNCLEAN FOR SEVEN DAYS, BUT THE MOTHER IS CLEAN UNTIL THE FOETUS COMES OUT.

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GEMARA. Rabbah said: Just as an unclean object that has been swallowed cannot render unclean,¹⁵ so a clean object that has been swallowed cannot be rendered unclean.¹⁶ Whence do I learn that an unclean object that has been swallowed cannot render unclean? —

For it is written: And he that eateth of the carcass of it shall wash his clothes.¹⁷ Does this not hold good even though he ate of it a short while before sunset? And yet the Torah says that he becomes clean.¹⁸ Perhaps there it is different, for the reason is that it is no longer fit for a stranger!¹⁹ Now according to R. Johanan it is well,²⁰ for he says: For either purpose²¹ [it is nebelah] until it becomes unfit for a dog.²² But according to Bar Padda who says, [It is nebelah] for conveying the graver uncleanness until [it becomes unfit] for a stranger, and for conveying the lighter uncleanness until [it becomes unfit] for a dog, the reason might well be that it is no longer fit for a stranger!²³ —

Even so, granted that it is not fit for a stranger if it was swallowed in his presence, it is, however, fit for a stranger if swallowed not in his presence.²⁴ We have thus learnt that an unclean object that has been swallowed [cannot render unclean]; whence do we learn that a clean object that has been swallowed [cannot be rendered unclean]? — By an a fortiori argument. If an earthenware vessel that is covered with a closely fitting lid, which cannot prevent the unclean matter that is in it from conveying uncleanness,²⁵ (for a Master has stated, uncleanness that is closed up²⁶ breaks through upwards to the sky), nevertheless protects any clean matter that is within it from becoming unclean,²⁷

(1) Deut. XIV, 4, 5, under the heading 'cattle', בהמה, are specified the ox and the sheep and also the hart and the gazelle and the latter two are of the class חיה, 'wild animals'.

(2) Lev. XI, 2,3. A literal translation of the verse. The term חיה at the head of the verse signifies the class of animals spoken of, and among that class, forming a section thereof, are mentioned cattle to which these rules apply. Hence it is apparent that cattle are included under the term 'wild animals'.

(3) Since it is established that the term 'cattle' includes wild animals and the term 'wild animals' includes cattle, the Gemara proceeds to apply these rules and to derive practical results therefrom.

(4) V. supra 59a. The characteristics of cleanness of animals are expressed in the Torah only in connection with 'cattle'.

(5) The prohibition of breeding diverse kinds (Lev. XIX, 19) applies to all animals, whether clean or unclean; nevertheless in the Torah it is expressly stated only in connection with 'cattle'.

(6) Lev. V, 2: If anyone touch any unclean thing whether it be the carcass of an unclean beast or the carcass of unclean cattle... and be guilty. In atonement for the guilt committed Scripture prescribes the bringing of a sin-offering, the nature of which varies according to the means of the sinner.

(7) Ibid. VII, 21: And when any one shall touch any unclean thing... or unclean cattle... and eat of the flesh of the sacrifice... that soul shall be cut off from his people.

(8) Thus it is established by Rabbi that the guilt implied in the verse is that of a person who, forgetting his uncleanness, partakes of sacrificial meat or enters the Sanctuary. This argument of Rabbi is based on the assumption that the term 'cattle' is superfluous, but this is so only if it is held that cattle are included under the term 'wild animals'; v. Sheb. 7a.

(9) In the story of the Creation the expression 'formed' is used both in the creation of man (Gen. II, 7) and in the creation of wild animals (ibid. 19), but not in the creation of cattle. From the similarity of expression is derived a similarity of law, namely, that if a woman miscarried, bringing forth a human form or something resembling an animal, she is unclean as after a childbirth. Now this law should not have applied to cattle (i.e., an abortion resembling cattle) were it not for the principle that the term 'wild animals' includes cattle.

(10) Cf. Lev. XII. On the birth of a male the mother must observe seven days of uncleanness and thirty-three days of purification, and on the birth of a female fourteen days of uncleanness and sixty-six days of purification.

(11) The stricter aspect of each is applied to the mother, viz., fourteen days of uncleanness (as if it were a female) and only twenty-six days of

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purification (as if it were a male, and the total of days must not exceed forty).

(12) And the mother is not obliged to observe the laws of uncleanness as after the birth of a human child. V. Nid. 21a.

(13) The Rabbis of our Mishnah who maintain that the dead foetus within the womb, either of a clean or unclean animal, is clean, must apply to some other purpose that verse which R. Nahman b. Isaac adduced (Lev. V, 2: If anyone touch any unclean thing, etc. supra p. 386) in support of the view of R. Jose the Galilean, that the dead foetus within the womb of an unclean animal is unclean.

(14) Since the expression 'unclean' as stated of cattle is required for Rabbi's exposition, this same expression is also stated of wild animals for the sake of uniformity. The text, however, of this last question is doubtful. The MS.M. and Tosaf. a.l. have the following reading: 'הנחמא לר' מאיר אלא לרבנן מאי איכא למימר. And the interpretation is this: It is well according to R. Meir (for he has introduced a specific rule in the law of childbirth on the basis of the principle that the term 'wild animals' includes cattle). But what can be said from the point of view of the Rabbis who differ from R. Meir? (In which case is this principle applied?)

(15) E.g., the dead foetus (that is 'swallowed' or enclosed) in the womb of its mother does not render the mother unclean; v. our Mishnah.

(16) E.g., if a person swallowed a clean ring and subsequently entered a room where a corpse lay, the ring would not become unclean though he himself is rendered unclean; v. infra.

(17) Lev. XI, 40; the verse adds: And be unclean until the even, i.e., until sunset.

(18) He is not rendered unclean again immediately after sunset by reason of the unclean nebelah food that is still undigested within him, because of the rule that unclean food that has been swallowed cannot render unclean.

(19) From Deut. XIV, 21: Ye shall not eat nebelah, thou mayest give it to the stranger, is derived the rule that only that is deemed nebelah which is in the condition fit to be eaten by a stranger. Since this food has been swallowed, even if vomited out, it is no more fit for a stranger, hence it is not deemed nebelah and therefore does not render him unclean after sunset.

(20) And the principle that an unclean object that has been swallowed cannot render unclean is indeed to be derived from the above quoted verse.

(21) Whether to convey the graver uncleanness, i.e., to render men and vessels unclean or to

convey the lesser uncleanness, i.e., only to render foodstuffs unclean.

(22) And as the undigested food if vomited out would be fit for a dog it should, according to R. Johanan, render the eater unclean immediately after sunset, nevertheless the Divine Law declares him clean obviously because unclean matter that has been swallowed cannot render unclean.

(23) So that what this man has eaten is no longer accounted as nebelah and that is the reason why he is not rendered unclean immediately after sunset, but not because it is unclean matter that has been swallowed.

(24) So where a person swallowed whole a morsel of nebelah without chewing it a moment before sunset and yet he is declared clean immediately after sunset, although the morsel if ejected again is fit to be eaten by a stranger who has not seen it in the mouth of another, the reason can only be that it is swallowed uncleanly and so cannot render unclean.

(25) E.g., if within an earthenware vessel that was covered with a tightly fastened lid there was an olive's bulk of a corpse, whosoever comes under the same roof as this vessel is rendered unclean, for the unclean matter being compressed in a close space bursts, as it were, the sides of the vessel and the uncleanness breaks through upwards and downwards. Cf. Ohol. VII, 1, XIV, 6.

(26) Compressed in a grave or shut up in a box. Provided in all these cases that there was no space to the extent of a cubic handbreadth above the unclean matter.

(27) Cf. Num. XIX, 15; and V. supra 25a.

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how much more so in the case of a man, who prevents the unclean matter that is in him from rendering him unclean, that he should protect the clean matter that is in him from becoming unclean! But perhaps that is so only in the case of an earthenware vessel, since it cannot render unclean by its outside;¹ will you then say that it is so also in the case of a man who can convey uncleanness from the outside? —

Are we dealing with the outside? No, on the contrary, we are dealing with the inside, and [with regard to the inside of] an earthenware vessel [the Jaw] is more strict,

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since it can convey uncleanness by its air-space.² We have thus learnt the law regarding uncleanness swallowed from above,³ but whence do we know that it is so even when the uncleanness was swallowed from below?⁴ —

From the following a fortiori argument. If in the upper part of the body where no decomposition [of food] takes place [the fact that it is swallowed] prevents [the unclean matter from conveying uncleanness], how much more so In the lower part where the actual decomposition takes place! But decomposition takes place below only if the food comes from above! —

Even so, the fact that decomposition takes place below is a stronger point.⁵ We have now learnt the law regarding uncleanness swallowed by man, but whence do we know it with regard to uncleanness swallowed by an animal? —

From the following a fortiori argument. If in the case of man, who is capable of conveying uncleanness whilst alive, the fact that it is swallowed prevents [the unclean matter from conveying uncleanness], how much more so is it in the case of animals, which are incapable of conveying uncleanness whilst alive, that the fact that it is swallowed prevents [the unclean matter within from conveying uncleanness]! But perhaps that is so only with regard to man since he must tarry a prescribed period in a house stricken with leprosy;⁶ will you then say that it is so also with regard to animals which need not tarry a prescribed period in a house stricken with leprosy?⁷ —

In respect of what things, do you say, that an animal need not tarry the prescribed period in a house stricken with leprosy? It is [obviously] in respect of those things that are laden upon it. But for such things man too need not tarry within!⁸ For we have learnt: If a person entered a house stricken

with leprosy carrying his clothes over his shoulders and his sandals and rings in his hands, he and they become unclean forthwith. If he was clothed in his garments, his sandals on his feet, and his rings on his fingers, he becomes unclean forthwith but they remain clean until he carries there the length of time required for eating half a loaf⁹ of wheaten bread, but not barley bread, reclining and eating it with a condiment.¹⁰

Raba said: But we have learnt both these rules.¹¹ We have learnt the rule concerning swallowed unclean matter, and we have learnt the rule concerning swallowed clean matter. Concerning swallowed unclean matter we have learnt the following Mishnah:¹² If a person swallowed an unclean ring,¹³ he must immerse himself¹⁴ and thereafter may eat terumah;¹⁵ if he vomited it forth [after this immersion], it is still unclean and has rendered him unclean.¹⁶ And concerning swallowed clean matter we have learnt the following Mishnah:¹² If a person swallowed a clean ring, entered a tent wherein lay a corpse, was sprinkled [with purification waters] the first time and the second time,¹⁷ immersed himself, and then vomited it forth, it remains as it was before!¹⁸ —

Rabbah had in mind the case where a person swallowed two rings, one clean and the other unclean, [and he teaches that] the unclean ring will not render the clean ring unclean.¹⁹

(1) Since with regard to earthenware vessels the laws of uncleanness have in certain respects been relaxed, it is also reasonable to hold that any clean matter that is 'swallowed up' or enclosed within an earthenware vessel is protected from uncleanness.

(2) Which is not the case with man. So that the a fortiori argument is of even greater force, for if an earthenware vessel, which can be rendered unclean and also convey uncleanness through its air-space, has the power of protecting the clean object that is enclosed in it from becoming

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unclean, surely man ought to protect the clean object that he has swallowed from becoming unclean!

(3) I.e., through the mouth.

(4) I.e., the unclean matter was inserted into the body from below via the rectum. It must be, says Rashi, that it was inserted by a tube so that the unclean matter did not come into direct contact with the body of the person. It must further be explained that this action was performed a little before sunset as above.

(5) In the argument; so that the a fortiori reasoning holds good.

(6) In order that the clothes that he is wearing be also rendered unclean. This rule is derived from the fact that Lev. XIV, 46 states: He that goeth into the house... shall be unclean until the even, whereas the next verse (Lev. XIV, 47) states: And he that lieth in the 'house shall wash his clothes; and he that eateth in the house shall wash his clothes. This presupposes that a longer stay in the house renders also the clothes worn by the person unclean. Since therefore the law of uncleanness in this respect with regard to man is not so severe, one would reasonably suppose that uncleanness emanating from a swallowed unclean object would not affect man.

(7) For in the case of an animal laden with goods that enters a house stricken with leprosy both the animal and the goods are immediately rendered unclean.

(8) For articles laden upon a person as a burden and not worn as clothes are also rendered unclean forthwith.

(9) I.e., one meal. A loaf equal in size to eight eggs (according to Maim. six eggs) is held to be sufficient for two meals in connection with 'Erub.

(10) Neg. XIII, 9. Accordingly the a fortiori argument is valid to prove that an unclean object swallowed by an animal cannot convey uncleanness.

(11) What then is the point of Rabbah's teaching?

(12) Mik. X, 8.

(13) It was rendered unclean by reason of its having been brought into contact with a corpse in which case the ring, being of metal, assumed the same degree, and not a lesser degree, of uncleanness as the corpse itself, v. supra 3a.

(14) Because he was rendered unclean by contact with the ring before swallowing it.

(15) But he is not rendered unclean by the unclean ring, that is, in his body, thus proving that a swallowed unclean matter cannot render unclean.

(16) For it must have touched his person as it was vomited forth.

(17) On the third and seventh day of his uncleanness respectively. Cf. Num. XIX, 19.

(18) I.e., clean; thus proving that a swallowed clean matter cannot contract uncleanness. For had the ring suffered uncleanness when the man entered under the same roof as the corpse, at which time the ring was swallowed within him, it would not now when vomited forth be clean, for the immersion and purification of the man could be of no avail in regard to the ring.

(19) This is a special case which could not so readily have been inferred from the cases stated in the above quoted Mishnahs. For it might have been suggested that the reason for the ruling in those two cases was that the contact between the ring and the person was made in the secret parts of the body, and such contact is not accounted as contact in order to contract or convey uncleanness. In the case, however, where two rings were swallowed and both now lie in the secret parts, the argument of secret contact cannot apply for it is as though they are together in a chest when one would certainly render the other unclean. Rabbah, however, by stating his view that even in the case of two rings one cannot render the other unclean, strikingly informs us that the ground for the rulings in the Mishnah is that the matter is swallowed and for that reason it cannot contract or convey uncleanness. V. Tosaf. s.v. יב.

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But is not the case of the foetus and the midwife [of our Mishnah] similar to two rings,¹ nevertheless the foetus renders the midwife unclean? —

Rabbah replied,² It is different in the case of the foetus because it must eventually come out!³ Raba retorted: The foetus, [you say] must eventually come out; and must not the ring also eventually come out? —

Raba therefore replied: The 'Pumbedithans' (by which R. Joseph is meant) know the reason for it. For R. Joseph said in the name of Rab Judah who said it in the name of Samuel: This uncleanness [of the midwife] was not imposed by Biblical law but by decree of the Scribes. Why is it said 'was not imposed by Biblical law but by decree of the

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Scribes'? — So that you should not say that our Mishnah agrees [only] with R. Akiba who holds that a [dead] foetus whilst yet in the womb of its mother is unclean;⁴ for indeed it is even in accordance with R. Ishmael who holds that the [dead] foetus whilst yet in the womb of its mother is clean, yet here the uncleanness [to the midwife] was imposed by Rabbinic decree. Why? —

R. Hoshaiia said: As a precaution lest the foetus protrude its head beyond the ante-chamber.⁵ Then this should apply to the mother too!⁶ — The mother would feel it.⁷ Then she might tell the midwife of it?⁸ — She is too distraught. Where do we find the respective views of R. Ishmael and R. Akiba? — It was taught: The verse: And whosoever toucheth in the open field... [a dead body],⁹ excludes the dead foetus whilst yet in the womb of its mother;¹⁰ so R. Ishmael. R. Akiba says: It includes the stone that covers the grave and the stones that support it.¹¹ And R. Ishmael? — The [uncleanness of the] covering stone and supporting stones is established by tradition.¹² And R. Akiba? — He maintains that the [dead] foetus whilst yet in the womb of its mother is unclean.¹³ Whence does he [R. Akiba] derive this¹⁴ from the Torah? —

R. Oshaia answered: It is written: Whosoever toucheth a dead body in a human body.¹⁵ Now what can a dead body in a human body refer to? You must say it refers to a [dead] foetus in the womb of its mother. And R. Ishmael?¹⁶ — He requires this verse to establish the law that a quarter log of blood that issued from a dead body conveys uncleanness. For it is written: Whosoever toucheth a dead body [or] the life element of man.¹⁷ Now what is the life element of a man that renders unclean? You must say, it is a quarter log of blood.¹⁸ R. Akiba, on the other hand, adheres to his view that a quarter log of blood that issued

from two corpses will render unclean [men and vessels that are] in the tent.¹⁹ For it was taught: R. Akiba says: Whence do I know that a quarter log of blood that issued from two corpses renders unclean [men and vessels that are] in the tent? From the verse: He shall not go in to any dead bodies,²⁰ which suggests one quantity [of blood] from two corpses.

MISHNAH. IF AN ANIMAL WAS IN DIFFICULT LABOUR AND THE FOETUS PUT FORTH ITS FORE-LIMB AND A PERSON IMMEDIATELY CUT IF OFF AND THEN SLAUGHTERED THE DAM, THE FLESH [OF THE FOETUS]²¹ IS CLEAN. IF HE SLAUGHTERED THE DAM FIRST AND THEN CUT IF OFF, THE FLESH²² IS UNCLEAN LIKE THAT WHICH HAD TOUCHED NEBELAH: SO R. MEIR. BUT THE SAGES SAY, IT IS UNCLEAN²³ LIKE THAT WHICH HAD TOUCHED A SLAUGHTERED TREFAH [ANIMAL];²⁴

- (1) For both the foetus and the hand of the midwife are together 'swallowed' within the womb of the mother.
- (2) Read with var. lec. 'Rabbi can reply to you' v. D.S.
- (3) And therefore is not regarded as swallowed.
- (4) Accordingly the midwife, is by Biblical law rendered unclean by reason of contact with the foetus, for a swallowed unclean matter can convey uncleanness; the mother, however, remains clean because the uncleanness touches her in her secret parts and this does not render her unclean.
- (5) In which case, according to all views, the midwife would become unclean by Biblical law, for the foetus is by the protrusion of its head regarded as born.
- (6) I.e., this Rabbinic decree should apply also to the mother, to render her unclean.
- (7) Whether the head of the foetus has emerged or not.
- (8) She might warn the midwife that the head of the foetus has already emerged into the ante-chamber.
- (9) Num. XIX, 16.
- (10) The expression in the open field suggests that the uncleanness is exposed and not concealed or shut up as in the case of the foetus.

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(11) That these too render a person unclean for these are usually to be seen 'in the open field'. The Heb. terms are גולל and דופק. According to Rashi, the former means the upper board and the latter the side boards of the coffin. The translation in the text follows the interpretation of these terms suggested by Tosaf. V. Keth. 4b s.v. ע"ד; and Nazir, Sonc. ed., p. 202, n. 5.

(12) The verse (Num. XIX, 15) therefore, according to him, serves to exclude the foetus, since there is a tradition that accounts for the uncleanness of the covering stone and supporting stones.

(13) And as R. Akiba does not regard the uncleanness of the covering stone and supporting stones as established by tradition he derives it expressly from the above verse.

(14) Sc. that the dead foetus whilst yet in the womb of its mother is unclean.

(15) Num. XIX, 13. A literal translation of the verse. The Heb. נפש, usually translated 'soul' or 'life' often means 'body'.

(16) Does not the interpretation of this latter verse contradict his view?

(17) Num. XIX, 13. Such is the translation of the verse according to R. Ishmael. נפש here means the blood which is the life element in man; cf. Lev. XVII, 14, Deut. XII, 23.

(18) The loss of this quantity of blood is regarded as the loss of vital blood, for this quantity is the minimum necessary for maintaining life in a human being. Log is a liquid measure equal to the capacity of six eggs.

(19) Consequently no verse is required to indicate that a quarter log of blood from one corpse renders unclean.

(20) Lev. XXI, II. The plural נפשות 'bodies', indicates at least two, whereas מת 'dead', being in the singular, indicates a single quantity of blood equal to the quantity necessary for maintaining life, i.e., a quarter log.

(21) It will not be rendered unclean from contact with the protruded limb because it is in the womb and is part of a living animal and it is established law that a living animal cannot contract uncleanness. V. supra 68a bot.

(22) Of the foetus as well as the animal itself. V. supra 68b top.

(23) Rabbinically and only in respect of consecrated animals.

(24) V. Gemara.

RENDERS IT CLEAN, SO THE SLAUGHTERING OF THE ANIMAL SHOULD RENDER THE [PROTRUDING] LIMB CLEAN. R. MEIR REPLIED TO THEM, NO, FOR WHEN YOU SAY THAT THE SLAUGHTERING OF A TREFAH [ANIMAL] RENDERS IT CLEAN YOU ARE CONCERNED WITH [THE ANIMAL] ITSELF, BUT CAN YOU SAY THAT IT WILL RENDER CLEAN THE LIMB WHICH IS NOT PART OF [THE ANIMAL] ITSELF? [BUT] WHENCE DO WE LEARN THAT THE SLAUGHTERING OF A TREFAH ANIMAL RENDERS IT CLEAN? [OUGHT WE NOT RATHER TO ARGUE THUS,] AN UNCLEAN ANIMAL MAY NOT BE EATEN, AND TREFAH ALSO MAY NOT BE EATEN; THEN JUST AS SLAUGHTERING DOES NOT RENDER AN UNCLEAN ANIMAL CLEAN¹ SO SLAUGHTERING SHOULD NOT RENDER A TREFAH ANIMAL CLEAN? NO. YOU MAY STATE THIS OF AN UNCLEAN ANIMAL FOR AT NO TIME WAS IT FIT [FOR SLAUGHTERING]; CAN YOU ALSO STATE THIS OF A TREFAH ANIMAL WHICH HAD A TIME WHEN IT WAS FIT² [FOR SLAUGHTERING]? AWAY WITH THIS ARGUMENT THAT YOU HAVE PUT FORWARD! FOR WHENCE WOULD WE KNOW THIS OF AN ANIMAL THAT WAS BORN TREFAH FROM THE WOMB?³ [SUBSTITUTE THEREFORE THIS ARGUMENT]: NO. YOU MAY STATE THIS OF AN UNCLEAN ANIMAL SINCE IT BELONGS TO THE CLASS TO WHICH SLAUGHTERING DOES NOT APPLY; CAN YOU ALSO STATE THIS OF A TREFAH ANIMAL WHICH BELONGS TO THE CLASS TO WHICH SLAUGHTERING DOES APPLY? [ACCORDINGLY], THE SLAUGHTERING OF A LIVE EIGHT MONTHS' BIRTH DOES NOT RENDER IT CLEAN, SINCE TO ITS KIND SLAUGHTERING DOES NOT APPLY.⁴

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FOR JUST AS WE FIND THAT THE SLAUGHTERING OF A TREFAH ANIMAL

GEMARA. Wherefore [is the foetus rendered unclean]? It has made covert contact with uncleanness and covert contact with uncleanness does not render

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[that which was clean] unclean. Shall we then say that R. Meir here too asserts his view?⁶ For we have learnt:⁷ 'If a piece of cloth three handbreadths square [that had contracted midras uncleanness]⁸ was divided, it is free from midras uncleanness⁹ but is unclean by reason of its contact¹⁰ with midras uncleanness. So R. Meir.¹¹ And we have learnt further:¹² R. Jose said: What midras uncleanness has it touched? But, [it is admitted,] if one that had an issue touched it, it would now be unclean by reason of its contact with one that had an issue'¹³

Surely there has been reported in connection with the above the following statement of Ulla viz., They¹⁴ stated their views only in respect of a cloth three handbreadths square that was divided, but if a piece of cloth three finger-breadths square was cut away from a large garment [that had contracted midras uncleanness], [all agree that] it is rendered unclean [by virtue of contact] with the rest [of the garment] at the moment that it was severed from the rest.¹⁵ Here too, it will be said that it [sc. The foetus] is rendered unclean [by virtue of contact] with the limb at the moment that it is severed from the limb!¹⁶ Rabina said: A garment is not intended for cutting up but a foetus is, and whatsoever is intended for cutting up

(1) This is the conclusion arrived at by the Rabbis from the interpretation of Lev. XI, 26. V. Sifra on this verse.

(2) I.e., before it was rendered trefah.

(3) According to the argument that has been submitted it would follow that an animal that was born trefah is not rendered clean by slaughtering, but this is not the case; hence that argument fails.

(4) An eight months' birth is not a viable animal and therefore slaughtering does not apply to it, for it is not within the category of cattle or sheep.

(5) Lit., 'uncleanness in secret parts'. The only contact made by the foetus with the unclean limb is at the point where the two are joined but where subsequently they will be cut away from

each other, and that contact is covert and not exposed.

(6) That covert contact with uncleanness does convey the uncleanness. The author of our anonymous Mishnah is R. Meir, hence the introduction of R. Meir into this argument; cf. Sanh. 86a.

(7) Kel. XXVII, 20.

(8) I.e., a person suffering with a discharge from his body had put his full weight upon this cloth, e.g., by sitting or standing upon it or by leaning against it. Cf. Lev. xv, 4. And whatever has been thus rendered unclean by מדרס 'pressure', provided it was not less than three handbreadths square, will render unclean men and vessels.

(9) Being less than three handbreadths square it can no longer render men or vessels unclean, but it can render foodstuffs or liquids unclean provided it was not reduced in size to less than three finger-breadths square.

(10) The only contact is at the line in the undivided cloth along which it was subsequently cut, but there the contact was not exposed.

(11) The words 'So R. Meir' are not found in the Mishnah cited; cf. Kel. ibid.

(12) So MS.M. What follows is the continuation of the cited Mishnah; cur. edd. 'it was taught'.

(13) If a person that had an issue stood upon it with his bare feet, this cloth would have contracted uncleanness on two grounds', viz., because of the pressure and also by reason of direct contact. Now when the cloth is divided and is thereby reduced to less than the minimum size required for midras uncleanness this uncleanness will have disappeared and the cloth will no longer render men and vessels unclean; it will, however, be capable of rendering foodstuffs and liquids unclean by reason of the additional uncleanness brought about by the contact which still remains, provided, of course, it was not reduced to less than three finger-breadths square.

(14) Sc. R. Meir and R. Jose.

(15) Lit., 'from its father', i.e., from the stock or rest of the material. The cloth, all agree, is unclean by reason of contact with midras uncleanness; for contact there was inasmuch as it is almost impossible to cut away a portion of cloth from the garment without the two coming into contact if only at the moment that they are being severed; and moreover the contact was exposed contact.

(16) I.e., the same reasoning applies to the severing of the foetus from the limb so that even R. Jose would agree that it is unclean by reason of the said contact.

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is already accounted as cut up.¹ According to whom is this teaching? [Is it only] according to R. Meir? For we have learnt: vessels that have very long handles which are to be cut down need be immersed only as far as the measure² [that has been determined]. R. Judah³ says: The whole of it must be immersed! — You can even say that [the teaching of our Mishnah] is in accordance with the view of the Sages, for a mass of foodstuffs is always to be regarded as separated into parts and [the parts] as touching each other. Now according to Ulla it is well that [the Mishnah] states: **AND THEN CUT IT OFF**,⁴ but according to Rabina why does it state, **AND THEN CUT IT OFF**?⁵ — Since it states, in the first clause, **AND CUT IT OFF**, it states in the second clause too, **AND THEN CUT IT OFF**.

BUT THE SAGES SAY, IT IS UNCLEAN LIKE THAT WHICH HAD TOUCHED A SLAUGHTERED TREFAH ANIMAL. But does a slaughtered trefah animal render anything unclean? It does indeed, as stated by Samuel's father. For Samuel's father stated: A trefah animal that was slaughtered renders holy things unclean.⁶

FOR JUST AS WE FIND THAT THE SLAUGHTERING OF A TREFAH [ANIMAL] RENDERS IT CLEAN, SO THE SLAUGHTERING OF THE ANIMAL SHOULD RENDER THE [PROTRUDING] LIMB CLEAN. It was taught: R. Meir said to them, But what was it that rendered this limb clean, so that it be not nebelah? Was it not the slaughtering of its dam? Then it should also render it permitted to be eaten!

They replied: It is often the case that an act has a greater effect upon that which is not part of itself than upon that which is part of itself; for we have learnt: 'Whatsoever is

cut off from the foetus within the womb [and left inside] may be eaten, but whatsoever is cut off from the spleen or the kidneys [of the animal and left inside] may not be eaten.⁷ What does this mean? — Raba, others say Kadi,⁸ replied: There is an omission here, and this is the real teaching. R. Meir said to them, But what was it that rendered this limb clean so that it be not nebelah? Was it not the slaughtering of its dam? Then it should also render it permitted to be eaten!

They replied: The case of a trefah [animal] proves otherwise, for the slaughtering renders it clean, so that it be not nebelah, and yet does not render it permitted to be eaten. He retorted: It is not so. For when you say that the slaughtering of a trefah [animal] renders it clean, you are concerned with [the animal] itself; but can it render clean the limb which is not part of [the animal] itself?

They replied: It is often the case that an act has a greater effect upon that which is not part of itself than upon that which is part of itself; for we have learnt: Whatsoever is cut off from the foetus within the womb [and left inside] may be eaten, but whatsoever is cut off from the spleen or the kidneys [of the animal and left inside] may not be eaten. There is [also a Baraita] taught which expressly states it so. R. Meir said to them, But what was it that rendered this limb clean so that it be not nebelah?

They replied: The slaughtering. Then, said he, it should also render it permitted to be eaten. They replied: The case of a trefah [animal] proves otherwise, for the slaughtering renders it clean, so that it be not nebelah, and yet does not render it permitted to be eaten. He retorted: When you say that the slaughtering of a trefah [animal] renders it clean or [that the slaughtering of an animal renders clean] the limb that hangs loose,⁹ you are

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concerned with [the animal] itself; but can it render clean the [limb of the] foetus which is not part of [the animal] itself?

They replied: It is often the case that an act' has a greater effect upon that which is not part of itself than upon that which is part of itself; for we have learnt: Whatsoever is cut off from the foetus within the womb [and left inside] may be eaten, but whatsoever is cut off from the spleen or the kidneys [of the animal and left inside] may not be eaten.

R. Simeon b. Lakish said: Just as they¹⁰ differ with regard to the [limb of the] foetus so they differ with regard to loose limbs.¹¹

R. Johanan said: They differ only with regard to the limb of the foetus, but with regard to a loose limb of the animal all agree that at the slaughtering it is accounted as detached.¹²

R. Jose b. Hanina said: What reason does R. Johanan suggest for the view of the Rabbis?¹³ — In this case [of the foetus] there is a remedy for it by withdrawal [into the womb],¹⁴ but in that case [of the loose limb] there is no remedy for it by withdrawal.

An objection was raised. R. Meir said to them: It is not so. When you say that the slaughtering of a trefah [animal] renders it clean, or [that the slaughtering of an animal renders clean] the loose limb, you are concerned with [the animal] itself, but can it render clean the [limb of the] foetus which is not part of the animal itself?

(1) So that the contact between the limb and the foetus in our Mishnah cannot be said to be covert.

(2) But that part of the handle which is to be cut away need not be immersed, for it is regarded as already cut away.

(3) The reading in the text, 'So R. Meir; but the Sages say' has been corrected so as to correspond with the text in Mikv. X, 5 from

where the Mishnah is quoted. It is true, however, that the first opinion, although reported anonymously, is that of R. Meir.

(4) For then only, i.e., at the moment that the limb is being severed from the foetus, does the foetus contract uncleanness by virtue of contact with the unclean limb.

(5) Even though it had not been cut off it is, according to Rabina, considered as already severed and the foetus would be rendered unclean by its contact.

(6) So according to Maim. Yad, Aboth Hatumah, II, 8. According to Rashi (infra 123b) a trefah consecrated animal that was slaughtered still renders unclean.

(7) Supra 68a.

(8) Aliter: 'as the case may be', i.e., some introduce other persons.

(9) V. infra 127b where it is established that if an entire limb of an animal was torn away but not completely severed and the animal was subsequently slaughtered, the slaughtering has the effect of rendering this limb clean, so that it be not regarded as a limb detached from a living animal which is, like nebelah, a source of uncleanness that renders men and vessels unclean.

(10) Sc. R. Meir and the Sages in our Mishnah.

(11) According to R. Meir the slaughtering of the animal will not render the hanging limb clean, but according to the Sages it will.

(12) Lit., 'the slaughtering brings about the falling off'. The slaughtering has no effect upon it, for the limb is regarded as having already become detached or having already fallen away from the animal prior to the slaughtering, and is therefore unclean like nebelah.

(13) I.e., the Sages in the Mishnah.

(14) V. supra 68b where R. Johanan maintains that the limb of a foetus that had been withdrawn into the womb before the slaughtering of the dam is rendered permitted to be eaten by the slaughtering.

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Now this is all well according to R. Simeon b. Lakish, for then he [R. Meir] would be arguing from their point of view.¹ For according to my view, [says R. Meir] there is no difference between the limb of the foetus and the loose limb of the animal; they are both alike. But according to R. Johanan this is a difficulty!² — We must therefore say that if [the dispute was]

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reported it was reported as follows: R. Simeon b. Lakish said: Just as they differ with regard to the [limb of the] foetus so they differ with regard to loose limbs. R. Johanan said: They differ only with regard to the limb of the foetus, but with regard to the loose limb of the animal all agree that at the slaughtering it is not accounted as detached.³ R. Jose b. Hanina said: What reason does R. Johanan suggest for R. Meir's view? — One⁴ is part of the animal but the other is not.

R. Isaac b. Joseph said in the name of R. Johanan, All agree that at death [the limb] is accounted as detached,⁵ and that at the slaughtering it is not accounted as detached. What is [the subject that is] spoken of? If you say the limb of the foetus, surely there is a difference of opinion with regard to it!⁶ And if you say the loose limb of the animal, but we have already learnt it both of death and also of slaughtering! We have learnt it of death [in the following Mishnah]: If the animal died, the flesh [that was hanging loose] must be made susceptible [to contract uncleanness],⁷ but the limb [that was hanging loose] conveys uncleanness as the limb of a living animal and not as the limb of a dead animal [nebelah]:⁸ so R. Meir.⁹ We have also learnt it of slaughtering [in the following Mishnah]: If the animal was slaughtered, they¹⁰ have been rendered susceptible [to contract uncleanness] by the blood: so R. Meir. R. Simeon says: They have not been rendered susceptible [to contract uncleanness]!⁹ —

From this [last Mishnah] I might have thought that 'rendered susceptible' referred only to the [loose] flesh.¹¹ But does it not say: 'They have been rendered susceptible'?¹² — It might have been thought [that 'they' refers to] flesh that hangs loose from the animal and also to flesh that is severed from the limb.¹³ And why is one more certain than the other?¹⁴

— I might have argued that, since it conveys the graver uncleanness as long as it is with the whole [limb],¹⁵ it does not require to be rendered susceptible [to uncleanness]. We are therefore taught [that it does].¹⁶

R. Joseph said: Hold fast to the ruling of R. Isaac b. Joseph,¹⁷ for Rabbah b. Bar Hana is in agreement with him. For it was taught: The verse: Ye shall not eat any flesh that is torn of beasts in the field,¹⁸ includes [within its prohibition] any limb or flesh that hangs loose from cattle, wild beasts, or birds at the time of slaughtering. But Rabbah b. Bar Hana added in the name of R. Johanan,

(1) R. Meir contends that even if his opponents' view, namely, that the slaughtering of the animal renders the limb that hangs loose clean, were right (which he does not admit), the conclusion drawn from it cannot be sustained.

(2) The statement of R. Johanan, namely, that it is agreed by all that the limb that hangs loose is not rendered clean by the slaughtering, is clearly contradicted by the passage quoted.

(3) And the limb is rendered clean by the slaughtering, although it is not thereby permitted to be eaten.

(4) Sc. the loose limb in contrast with the protruding limb of the foetus.

(5) If a limb was hanging loose from an animal and the animal died, this limb is not regarded unclean as nebelah i.e., as part of the carcass, but rather unclean as a limb that had been detached from a living animal. And the difference between the two is this: a portion of nebelah the size of an olive will render unclean, whereas a portion severed from a limb that had become detached from a living animal will not, for only when the limb is complete in its entirety with flesh, bones and veins, will it render unclean, and not otherwise.

(6) Between R. Meir and the sages as to the effect of the slaughtering upon it.

(7) By first being made wet by water or moistened by any of the other liquids specified by the Rabbis (v. Mak. XI, 4). Cf. Lev. XI, 38.

(8) Thus proving that at death the limb is accounted as detached since it is regarded as the limb of a living animal. It will, accordingly, only convey uncleanness when complete; v. supra n 2.

(9) Infra 127b.

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(10) I.e., the flesh and the limb that were hanging loose from the animal. The fact that they require to be rendered susceptible to uncleanness clearly proves that they are themselves clean by reason of the slaughtering, hence it is evident that at the slaughtering the loose flesh and limbs are not considered detached.

(11) But not to a complete limb that was hanging loose. In the latter case it might be held by R. Meir that the limb is itself a source of uncleanness, and as such does not require to be rendered susceptible by moistening, inasmuch as at the slaughtering it was accounted as detached; it was therefore necessary for R. Johanan to teach that all agree that the limb is itself clean, for at the slaughtering the limb is not accounted as detached.

(12) In the plural: thus clearly referring to something else besides the loose flesh.

(13) I.e., flesh which was cut away from the limb after the slaughtering, which limb was hanging loose at the time of the slaughtering.

(14) Why was it necessary for the Tanna to refer expressly to flesh that was severed from a limb? In what way is it to be distinguished from flesh that hangs loose from the animal?

(15) Lit., 'by its father'. For a whole limb renders unclean men and vessels, like nebelah.

(16) For once the flesh has been severed from the limb it can no more convey the graver uncleanness; consequently it must be rendered susceptible to uncleanness in accordance with the principle laid down in Nid. 51a, and infra 121a.

(17) That all agree that at the slaughtering the limb is not accounted as detached; in other words the slaughtering of the animal has an effect upon the loose limb, even to the extent of rendering it permitted to be eaten.

(18) Ex. XXII, 30.

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In such cases there is only the mere precept to keep aloof.¹

R. Joseph was sitting before R. Huna and recited as follows: Rab Judah said in the name of Rab: He who eats this² incurs a flogging. Thereupon a certain Rabbi said to him [R. Huna], pay no attention to him [R. Joseph], for thus said R. Isaac b. Samuel b. Martha in the name of Rab: He who eats it does not incur a flogging. R. Huna then

said, upon whom should we rely? Thereupon R. Joseph turned his face away [in anger] and remarked: What is the difficulty? I was speaking of the death [of the animal] when the limb is accounted as detached,³ but he was speaking of the slaughtering when the limb is not accounted as detached.⁴

Raba said: Whence is derived the rule of the Rabbis that at death a loose limb is accounted as detached and at the slaughtering it is not accounted as detached? From the verse. And upon whatsoever any of them, when they are dead, doth fall, it shall be unclean.⁵ Now what does this verse exclude? Should you say it excludes [creeping things] whilst they are alive, but these are expressly excluded by the words 'of their carcass'!⁶ It clearly teaches that at death the limb is accounted as detached but not at the slaughtering. R. Adda b. Ahaba said to the Raba, But the verse deals with creeping things?⁷ — He replied: Since its serves no purpose in the case of creeping things to which slaughtering does not apply, you may refer it to cattle. But it is indeed necessary [with regard to creeping things to teach] that they must be 'as at death', that is, they convey uncleanness only when moist but not when dry. — The expression, 'when they are dead', occurs twice.⁹ R. Hisda said: They differ only with regard to the limb of a live¹⁰ foetus, but with regard to the limb of a dead foetus all agree that at the slaughtering the limb is accounted as detached. Rabbah however said: As they differ in the one case so they differ in the other also.

THE SLAUGHTERING OF A LIVE EIGHT MONTHS' BIRTH... [FOR TO ITS KIND SLAUGHTERING DOES NOT APPLY]. But has it not been taught: The slaughtering of a live eight months' birth could prove [otherwise], for even though slaughtering applies to its kind, the

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slaughtering does not render it clean? — R. Kahana answered, [It means that] through its dam slaughtering applies to its kind.¹¹ And our Tanna? — He does not consider as a refutation [the fact that slaughtering applies to it] through its dam. But that Tanna who does consider this a refutation, whence does he derive the rule that the slaughtering of a trefah [animal] renders it clean? — He derives it from the exposition of Rab Judah in the name of Rab. For Rab Judah said in the name of Rab, (others say: It was so taught in a Baraitha), It is written: And if there dieth of the beasts, [he that toucheth the carcass thereof shall be unclean,]¹² that is to say, some of the beasts convey uncleanness and some do not, and which are they?¹³ They are trefah [animals] which have been slaughtered.

R. Hoshai raised this question, What is the law if a person put his hand into an animal's womb and slaughtered therein a living nine months' foetus?¹⁴ This can be asked according to R. Meir's view and also according to the Sages' view. According to R. Meir the question is this, perhaps when R. Meir contended that an animal which was extracted [alive from the womb] must itself be slaughtered he referred only to an animal which came forth [alive] into the world, but whilst within the womb of its dam the slaughtering of it would not render it permitted.¹⁵ And on the other hand, perhaps [it is permitted] even according to the view of Rabbis, for the Divine Law permits [the foetus] by [the slaughtering of any two out of] four organs!¹⁶ —

R. Hananiah said: Come and hear. [We have learnt:] WHENCE WOULD WE KNOW THIS OF AN ANIMAL THAT WAS BORN TREFAH FROM THE WOMB?¹⁷ Now if it can be said [that the slaughtering of the foetus in its dam's womb renders it valid], then this also had a time when it was fit [for slaughtering], for a man might put his hand into the womb and

slaughter it there [before it was rendered trefah]! — Raba said to him, Render: 'an animal that was formed¹⁸ trefah from the womb', and this would be the case when, e.g., it has five legs.¹⁹

MISHNAH. IF A MAN SLAUGHTERED AN ANIMAL AND FOUND IN IT AN EIGHT MONTHS FOETUS, EITHER LIVING OR DEAD, OR A DEAD NINE MONTHS FOETUS, HE NEED ONLY TEAR IT OPEN²⁰ AND LET THE BLOOD FLOW OUT.²¹ IF HE FOUND IN IT A LIVING NINE MONTHS' FOETUS IT MUST BE SLAUGHTERED,²² AND HE WOULD THEREBY INCUR THE PENALTY FOR [INFRINGING THE LAW OF] 'IT AND ITS YOUNG':²³ SO R. MEIR. BUT THE SAGES SAY, THE SLAUGHTERING OF ITS DAM RENDERS IT PERMITTED.²⁴

(1) But there is no prohibition in the Torah even against the eating of this limb; as the foregoing verse is merely an indirect support for the Rabbinic restriction. It is obvious, therefore, that at the slaughtering the limb is not accounted as detached.

(2) Sc. the limb that was hanging loose at the time of the slaughtering of the animal.

(3) Consequently whosoever eats this limb incurs a flogging provided he was warned beforehand by the appropriate prohibition, namely, against eating a limb detached from a living animal, but not against eating nebelah.

(4) In which case there is merely the precept to keep aloof.

(5) Lev. XI, 32. The particular use of the Heb. יפול 'fall' in connection with במוותם, lit., 'on their death', suggests the teaching that only death causes the falling off of the limb but not the slaughtering.

(6) Ibid. 37.

(7) To which slaughtering does not apply; how then can the rule about slaughtering be excluded by inference from this verse?

(8) Sc. the expression במוותם, which is manifestly stated in order to exclude the slaughtering.

(9) Ibid. 31 and 32. One teaches the rule that only creeping things that are moist can convey uncleanness, and the other the exclusion of slaughtering.

(10) Since to its kind, i.e., living animals, slaughtering applies.

(11) For by the slaughtering of the dam the foetus within the womb is rendered permitted to

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be eaten as if it were itself slaughtered, so that one could say that slaughtering applies to its kind.

(12) Lev. XI, 39. A literal rendering of the verse.

(13) That do not convey uncleanness.

(14) It was subsequently delivered by the dam.

(15) And it is all the more so according to the Sages, since they maintain that slaughtering does not apply to a foetus.

(16) I.e., the slaughtering either of its own two organs of the throat or of the two organs of the throat of its dam will render the foetus permitted. And it is all the more so according to R. Meir, since he is generally of the opinion that slaughtering applies to a foetus.

(17) Which was never fit for slaughtering, since from birth is was a trefah.

(18) I.e., from the very beginning of the development of the embryo it was trefah, e.g. it was formed with five legs which renders it trefah, cf. supra 58b.

(19) The additional leg being a hind leg in which case the animal is trefah. Such a defect existed in the animal from the time that it was formed in the womb.

(20) It does not require to be slaughtered ritually for it has already been rendered permitted by the slaughtering of its dam.

(21) The blood is forbidden like the blood of its dam, but, unlike its dam, all its fat is permitted; v. infra 75a.

(22) R. Meir who is the author of this view contends that with the completion of nine months of pregnancy the foetus, if it is living, is deemed a separate being and is not rendered permitted by the slaughtering of the dam. The Sages, however, who dispute with him maintain that the nine months' living foetus is deemed a separate animal only on birth, but as long as it is within the womb it is part of the dam and is rendered permitted by the slaughtering of the dam.

(23) If he slaughtered it on the same day as its dam. V. Lev. XXII, 28.

(24) Lit., 'clean'.

Chullin 74b

R. SIMEON SHEZURI SAYS: EVEN IF IT IS FIVE YEARS OLD AND IS PLOWING THE FIELD, THE SLAUGHTERING OF ITS DAM RENDERS IT PERMITTED. IF HE RIPPED OPEN THE DAM AND FOUND IN IT A LIVING NINE MONTHS FOETUS, IT MUST BE SLAUGHTERED, SINCE ITS DAM HAS NOT BEEN SLAUGHTERED.

GEMARA. R. Eleazar said in the name of R. Oshaia: They argued about it [the foetus] only with regard to slaughtering. What does this exclude? — It excludes the fat¹ and the [sciatic] nerve.² What fat is meant? Is it the fat of the foetus? But is there not a dispute with regard to it? For it was taught:³ The law of the sciatic nerve applies also to a foetus, and the fat [of the foetus] is forbidden: so R. Meir.

R. Judah says: It does not apply to a foetus, and the fat [of the foetus] is permitted. And R. Eleazar had said in the name of R. Oshaia that their dispute referred to a living nine months' foetus, R. Meir ruling according to his principle⁴ and R. Judah according to his! And if it means the fat of the [sciatic] nerve, but is there not also a dispute about it? For it was taught:³ One must trace the sciatic nerve as far as it goes and must cut away the fat thereof at its roots: so R. Meir.

R. Judah says: One need only peel off the [fat at the] top⁵ [of the hip-bone]!⁶ — If indeed it was reported, it must have been reported as follows: R. Eleazar said in the name of R. Oshaia: They argued about it only with regard to the matters that affect the eating thereof,⁷ thus excluding the prohibitions of interbreedings⁸ and plowing with it.⁹

R. Simeon b. Lakish said: He who permits the fat [of the foetus] permits its blood, and he who forbids its fat forbids its blood.

R. Johanan says: Even he who permits its fat forbids its blood. R. Johanan raised this objection against R. Simeon b. Lakish: We have learnt: HE NEED ONLY TEAR IT OPEN AND LET THE BLOOD FLOW OUT!¹⁰ — R. Zera said: He [R. Simeon b. Lakish] only meant to say that one would not be liable to the penalty of Kareth.¹¹ Whose view are we considering? R.

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Judah's,¹² are we not? But let it be accounted no more than the blood that oozes out; has it not been taught: With regard to the blood that oozes [out of the animal after the slaughtering] there is only a formal prohibition;¹³ R. Judah says: There is the penalty of Kareth? —

R. Joseph, the son of R. Salla the pious, explained it in the presence of R. Papa: R. Judah interprets the expressions, 'blood' and no manner of blood;¹⁴ hence, whenever one would be liable [to the penalty of Kareth] for the life blood one would also be liable for the blood that oozes out, and whenever one would not be liable for the life blood¹⁵ one would not be liable for the blood that oozes out. The question was raised: May one redeem¹⁶ [the firstling of an ass] with a lamb extracted [out of the ewe's womb]?¹⁷

According to R. Meir's view there is no question at all; for since he declares that it must be slaughtered, it is obviously an ordinary lamb. The question only arises according to the view of the Rabbis¹⁸ who maintain that the slaughtering of its dam renders it clean. Now what is the law? Since they maintain that the slaughtering of its dam renders it clean, it is to be regarded as meat in a basket,¹⁹ is it not? Or [shall we say] since it runs to and fro, we apply to it the term lamb?²⁰ —

Mar Zutra says: We may not redeem with it; R. Ashi says: We may. R. Ashi said to Mar Zutra, 'How do you arrive at your view? You no doubt deduce it from the word 'lamb' used here²⁰ and also in the verse dealing with the paschal lamb;²¹ then it should follow, just as there the lamb must be a male, without blemish, of the first year,²¹ so here too it must be a male, without blemish, of the first year'. [Mar Zutra replied,] 'The repetition of: Thou shalt redeem,²⁰ extends the scope of the law'.²² [Said R. Ashi] 'If, as you say,

namely, that the repetition of, 'Thou shalt redeem', extends the scope of the law, then everything [should be allowed]'.²³ [Mar Zutra replied:] 'If that were so, of what use to you is the inference made by the term lamb'?²⁴

The question was raised: Do we reckon here the first and second degree of uncleanness or not?²⁵ R. Johanan said: We do reckon here the first and second degree of uncleanness;²⁶ R. Simeon b. Lakish said: We do not reckon here the first and second degree of uncleanness,²⁷ for it is regarded as a nut that rattles in its shell.

R. Simeon b. Lakish raised this objection against R. Johanan. We have learnt:²⁸ The flesh is unclean like that which had touched nebelah: so R. Meir. But the Sages say: It is unclean like that which had touched a slaughtered trefah [animal]. Now according to my view that they [the foetus and the dam] are one body, it is clear, for it [the foetus] was rendered susceptible [to contract uncleanness] by the blood of its dam;²⁹ but according to you [it will be asked:] whereby was it rendered susceptible to uncleanness? — He replied: By the slaughtering, and it is in accordance with R. Simeon's view.³⁰

R. Johanan raised this objection against R. Simeon b. Lakish. If it³¹ waded through a river it has thereby become susceptible to uncleanness, and if it next passed through a cemetery it has thereby become unclean. Now according to my view that they are two separate beings, it is clear that only if it had thus become susceptible to uncleanness [by passing through a river] it becomes [unclean], but if it had not thus become susceptible to uncleanness it is not [unclean]. But according to your view that they are one body [it is difficult, for surely] it had long ago become susceptible to uncleanness by the blood of its dam!³² —

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(1) The term 'fat' used here denotes that fat (heleb) which is forbidden in an ordinary animal, v. Lev. VII, 25.

(2) I.e., the fat and the sciatic nerve of the foetus are forbidden as in an ordinary animal, and there is no dispute about these (Rashi). According to R. Gershom, all agree that the fat and the nerve of the foetus are permitted.

(3) Infra 92b.

(4) That a living nine months' foetus is deemed an animal proper and must itself be slaughtered.

(5) But the remaining fat in the region of the nerve is permitted.

(6) The text of this passage is undoubtedly corrupt, for the whole argument about the fat-first the question as to what fat is meant, and secondly the dispute about the fat in the region close to the sciatic nerve — is entirely irrelevant to our subject. It is clear that the passage has been inserted here erroneously, and its proper place is infra 92b where it is actually found. Rashi submits the following emendation: Omit 'what fat is meant? Is it the fat of the foetus?' and also the entire passage beginning with 'And if it means...' This emendation is to a large measure supported by MS.M. V. Tosaf s.v. חלבו.

(7) I.e., whether one may or may not eat it without slaughtering, and whether its fat and its sciatic nerve are forbidden or not.

(8) Cf. Lev. XIX, 19.

(9) Yoked together with an animal of a different species. Cf. Deut. XXII, 10. These prohibitions, it is agreed by all, apply (so Rashi; according to R. Gershom: do not apply) to an animal that was extracted out of the womb.

(10) This refers to an eight months' foetus whose fat is permitted according to all views and yet the blood is forbidden and must be allowed to flow out.

(11) For eating the blood thereof. Only in this sense did Resh Lakish use the term 'permit'. For Kareth v. Glos.

(12) For it is R. Judah who permits the fat.

(13) Which carries with it the penalty of a flogging only.

(14) Lev. VII, 26. The term 'blood' alone would mean the life blood, but the expression no manner of blood' includes even the blood that oozes out of the animal after the slaughtering.

(15) As none of the blood of a foetus is regarded as life blood, hence none of its blood comes under the prohibition.

(16) Cf. Ex. XIII, 13.

(17) It must be assumed that this extracted lamb was of less worth than the firstling ass, for otherwise the question does not arise, since one may always redeem it with anything that is its worth (Rashi).

(18) The Sages in the Mishnah.

(19) And we may not redeem the firstling of an ass with meat of a slaughtered animal (if less than its worth, v. n. 4); v. Bek. 120.

(20) Ex. XIII, 13.

(21) Ibid. XII, 5. And just as a lamb which had been extracted from the ewe's womb is unfit for the paschal offering or any offering, it is likewise not fit for redeeming the firstling of an ass.

(22) To include those that are blemished or female or older than yearlings as fit to redeem with them.

(23) Even the lamb extracted from the ewe's womb.

(24) This inference therefore excludes the lamb extracted from the ewe's womb, whereas the repetition of 'Thou shalt redeem' includes those that are blemished or females or older than yearlings.

(25) I.e., where the dam was slaughtered, carrying in its womb a living nine months' foetus, and the dam was rendered unclean, the question arises: Does the foetus assume the same degree of uncleanness as the dam, or one degree less?

(26) The foetus and dam are two separate entities; the former would therefore be unclean in one degree less than the latter.

(27) The foetus and the dam are one entity so that the foetus assumes the same degree of uncleanness as its dam.

(28) Supra 720.

(29) For when part of a foodstuff has been moistened by one of the prescribed liquids the whole is rendered susceptible to contract uncleanness; here therefore the foetus, as part of its dam, is rendered susceptible to uncleanness by virtue of the moistening of the flesh about the throat of the dam by the blood of the slaughtering.

(30) V. supra 33a. As the slaughtering is also effective for the foetus the latter is thereby rendered susceptible to uncleanness.

(31) An animal extracted alive out of the slaughtered dam's womb.

(32) At the slaughtering of its dam.

Chullin 75a

It was a dry slaughtering,¹ and this ruling is not in accordance with R. Simeon's view.

Who is the Tanna that taught: 'If it waded through a river it has thereby become susceptible to uncleanness and if it next

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passed through a cemetery it has thereby become unclean'?² —

R. Johanan said: It is R. Jose the Galilean. For it was taught: R. Simeon b. Eleazar says in the name of R. Jose the Galilean: It contracts food uncleanness,³ and needs to be rendered susceptible [to contract uncleanness]. The Sages say,⁴ It does not contract food uncleanness, for it is a living being, and whatsoever lives cannot contract food uncleanness.

R. Johanan is indeed consistent in his view, for R. Johanan had also said that R. Jose the Galilean and Beth Shammai held the same view.⁵ R. Jose the Galilean expressed it [in the Baraitha we quoted] above. Beth Shammai expressed it [in the following Mishnah]:⁶ For we learnt: When do fish contract uncleanness? Beth Shammai say: As soon as they have been caught.⁷ Beth Hillel say: Only when they are dead. R. Akiba says: From the moment that they cannot live. What is the difference between them?⁸ R. Johanan replied: A fish that is struggling.⁹ R. Hisda raised the question: What is the law if such defects as [render an animal] trefah occurred in fish?¹⁰ This question can be asked both according to him who holds that a trefah animal can continue to live [for twelve months or more] and also according to him who holds that a trefah cannot continue to live. According to him who holds that a trefah can continue to live this question can be asked, for perhaps this is so¹¹ only in the case of animals whose vital force is considerable but not in the case of fishes whose vital force is slender.¹² And according to him who holds that a trefah cannot continue to live this question can also be asked, for perhaps this is so¹³ only in the case of animals, since to its kind slaughtering applies,¹⁴ but not to the case of fishes, since slaughtering does not apply to its kind!¹⁵ — It remains undecided.

If an animal cast forth an abortion, the fat thereof, says R. Johanan, is as the fat of an animal.¹⁶ R. Simeon b. Lakish says: It is as the fat of a wild beast.¹⁷ R. Johanan said: The fat thereof is as the fat of an animal, because [the coming into] the world¹⁸ renders it [an animal].¹⁹ R. Simeon b. Lakish said, [The fat thereof is] as the fat of a wild beast, because [the fulfilment of] the months [of pregnancy] is [also] essential in order to render it [an animal].

Others report it thus: Where the months of pregnancy had not been fulfilled [there is no doubt at all that] it is of no consequence.²⁰ They differ only in the case where a person put his hand into the womb of an animal, tore away some fat from the living nine months' foetus within, and ate it. R. Johanan says: This fat is as the fat of [an animal], because the [fulfilment of the] months [of pregnancy] alone renders it [an animal]. R. Simeon b. Lakish says: It is as the fat of a wild beast, because the [fulfilment of the] months [of pregnancy] coupled with the [coming into the] world renders it [an animal]. R. Johanan raised this objection against R. Simeon b. Lakish. [It was taught:] Just as 'the fat and the two kidneys' referred to in the case of the guilt-offering precludes that of a foetus,²¹ so wherever ['fat' is stated] it precludes that of a foetus. Now according to my view, [says R. Johanan], it is right that the verse finds it necessary to preclude it;²² but according to you, why is it necessary to preclude it?²³ — He replied: I derive my view from this very passage.²⁴

Others report it as follows: R. Simeon b. Lakish raised this objection against R. Johanan. [It was taught]: Just as 'the fat and the two kidneys' referred to in the case of the guilt-offering precludes that of a foetus, so wherever ['fat' is stated] it precludes that of a foetus. Now according to my view, [says R. Simeon b. Lakish,] it is right that the Divine Law precluded it;²⁵

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but according to you, why should it not be offered [upon the altar]? — He replied: It is like an animal which has not reached the prescribed age.²⁶

R. Ammi said: If a person slaughtered a trefah animal and found in it a nine months' living foetus, according to him who forbids [the other²⁷ without slaughtering] it is permitted,²⁸ and according to him who permits [the other without slaughtering] it is forbidden.²⁹

Raba said: Even according to him who permits [the other without slaughtering] it is permitted, for the Divine Law permits [the foetus] by [the slaughtering of any two out of] four organs.³⁰

R. Hisda said: If a person slaughtered a trefah animal and found in it a nine months' living foetus,

(1) No blood flowed out at the time of the slaughtering so that not even the dam was rendered susceptible to contract uncleanness. The act of slaughtering alone, according to this Tanna, does not render the animal susceptible to uncleanness, contra R. Simeon.

(2) In other words, that a living animal can contract uncleanness.

(3) This living animal, extracted out of the slaughtered dam's womb, would be rendered unclean, like an ordinary foodstuff, if it came into contact with uncleanness.

(4) In Tosef. Hul. IV, 'Rabbi says'.

(5) That living animals can contract uncleanness.

(6) 'Uk. III, 8.

(7) Even though they still live.

(8) Between R. Akiba and Beth Hillel (R. Gershom), or between R. Akiba and Beth Shammai (Tosaf.).

(9) I.e., in the throes of death and could not live even if put back into the water. According to Beth Hillel it cannot contract uncleanness; according to R. Akiba, it can. (R. Gershom). V. however Tosaf. s.v. גזר.

(10) Are fish rendered susceptible to contract uncleanness as soon as they have sustained a physical injury which in an animal would render it trefah or not? This question obviously arises only according to R. Akiba's view supra.

(11) Sc. that a trefah can continue to live.

(12) It might therefore be said that a fish, considering its low state of vitality the moment it sustains a physical injury is regarded as dead and is susceptible to contract uncleanness.

(13) Sc. that a trefah cannot continue to live and so might be regarded as dead.

(14) Since slaughtering applies to animals and a trefah cannot be slaughtered it might well be regarded as dead, but this is not so in the case of fishes.

(15) In MS.M. and according to the text before Rashi the reading is: since to its kind the rules of trefah apply... since the rules of trefah do not apply to its kind'. Shittah Mekubbezeth.

(16) And is forbidden to be eaten under the penalty of Kareth, v. Lev. VII, 25.

(17) I.e., the fat is as the flesh, and he who eats it is liable for infringing the prohibition of nebelah, (Deut. XIV, 21) which only involves a flogging but not Kareth. The prohibition of fat does not apply to that of a beast of chase.

(18) Lit., 'air'.

(19) The abortion is therefore regarded as an animal with all the restrictions attached thereto.

(20) I.e., the fat of such foetus is certainly not forbidden as fat.

(21) The guilt-offering had to be a male animal, hence the fat mentioned with regard to it which was to be offered upon the altar (cf. Lev. VII, 3, 4) cannot include that of a foetus found in the womb of the animal offered.

(22) Since for all purposes the fat of a nine months' living foetus is like that of an ordinary animal.

(23) Seeing that the fat thereof is not regarded as the fat of an animal.

(24) From the fact that the law expressly excludes the fat of the foetus from sacrificial rites R. Simeon b. Lakish concludes that such fat is in no wise deemed fat.

(25) For it is not like ordinary fat.

(26) Which in the first seven days of its life, though in every respect an animal, may not be offered as a sacrifice (cf. Ex. XXII, 29). Likewise with the fat of the foetus, although it is regarded as fat in every respect, it is nevertheless forbidden for sacrificial purposes.

(27) The nine months' living foetus found in the womb of a slaughtered animal; v. supra, the Mishnah 740.

(28) By its own slaughtering; for it is a separate being, unaffected by its dam.

(29) Even if it was itself slaughtered; for slaughtering does not apply to it. And it is not permitted by its dam since the dam was a trefah.

(30) I.e., either the two organs of its dam or its own two organs, for the foetus is rendered

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permitted either by its own slaughtering or by the slaughtering of its dam.

Chullin 75b

it needs to be slaughtered and is subject to the [priests' dues of the] shoulder, and the two cheeks, and the maw.¹ If it died [without being slaughtered], it is clean and does not convey uncleanness by carrying.² Thereupon Rabbah said to him: The ruling 'it needs to be slaughtered' obviously follows R. Meir's view, whereas the ruling 'it is clean and does not convey uncleanness by carrying' obviously follows the Rabbis' view! —

But according to your argument, you could raise this same objection against R. Hiyya; for R. Hiyya taught: If a person slaughtered a trefah [animal] and found in it a nine months' living foetus, it needs to be slaughtered and is subject to the [priests' dues of the] shoulder, and the two cheeks, and the maw. If it died, it is clean and does not convey uncleanness by carrying. The ruling 'it needs to be slaughtered', follows R. Meir's view, whereas the ruling 'it is clean and does not convey uncleanness by carrying' follows the Rabbis' view! — This is no difficulty at all, for R. Hiyya deals with the case where it was found dead [in the dam's womb].³ This is, however, a difficulty for you.⁴ — He replied: It is no difficulty for me either, for the Divine Law permits [the foetus] by [the slaughtering of any two out of] four organs.⁵

When R. Zera went up [to Palestine] he found R. Assi sitting and reciting the above statement [of R. Hisda]. 'Well spoken!' said R. Zera; 'R. Johanan also said so'. Are we to infer that R. Simeon b. Lakish disagrees with [R. Johanan]? — Some say: He was waiting and was silent; and others say: He was drinking and was silent.⁶

R. SIMEON SHEZURI SAYS, EVEN IF IT IS FIVE YEARS OLD... Is not his view

identical with that of the first Tanna? — R. Kahana replied: The difference between them is where it stood upon the ground.⁷ R. Mesharsheya said: According to him who maintains that we must take into account the seed of the male, if an animal which had been extracted alive [out of the womb of its dam] covered a normal cow, there is no remedy for the offspring.⁸ Abaye, said: All agree that if the animal which was extracted alive [out of the womb of its dam] had uncloven hoofs it is permitted.⁹ Why? Because everything extraordinary people remember very well.¹⁰

Others report it thus: Abaye said: All agree that if this animal with uncloven hoofs was extracted [alive out of the womb of its dam] which also was with uncloven hoofs and had been extracted [out of the womb of its dam], it is permitted. Why? Because a case with two extraordinary conditions people remember very well. Ze'iri said in the name of R. Hanina: The halachah is in accordance with R. Simeon Shezuri. Indeed R. Simeon Shezuri permitted [without slaughtering] its young and the offspring of its young and so on unto the end of all time. R. Johanan said: It alone is permitted [without slaughtering] but its young is forbidden. Adda b. Habu had an animal that had been extracted [alive out of the slaughtered dam's womb]. It was attacked by a wolf,¹¹ so he came to R. Ashi who advised him to slaughter it [immediately]. But, argued Adda, did not Ze'iri say in the name of R. Hanina that the halachah was in accordance with R. Simeon Shezuri? And indeed R. Simeon Shezuri permitted [without slaughtering] its young and the offspring of its young and so on unto the end of all time. Moreover, even R. Johanan disagreed only regarding its young but not regarding itself!¹² —

He replied, R. Johanan merely stated [what he thought to be] the view of R. Simeon Shezuri.¹³ But did not Rabin, son of R.

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Hanina, say in the name of Ulla on the authority of R. Hanina that the halachah was in accordance with R. Simeon of Shezuri? Moreover, is it not an established rule that wherever R. Simeon Shezuri stated his view¹⁴ the halachah is in accordance with him? —

He replied: I accept the following view. For R. Jonathan said: The halachah accords with R. Simeon Shezuri only in the case of ‘The dangerously ill person’ and in the case of ‘The terumah separated from the tithe of demai produce’. The case about the dangerously ill person is as we have learnt: At first it was held: If a man whilst being led out in chains [to execution] said: ‘Write out a bill of divorce for my wife’, it was to be written and also to be delivered to her.¹⁵ Later they laid down that the same rule applied also to one who was leaving on a sea journey or setting out with a caravan.¹⁶ R. Simeon Shezuri says: It also applies to a man who was dangerously ill.¹⁶ And the case about the terumah separated from the tithe of demai produce is as we have learnt: If the terumah that had been separated from the tithe of demai produce fell back into its place,¹⁷ R. Simeon Shezuri says, even on a weekday one need only ask him [sc. the seller] about it and eat it by his word.¹⁸ [

(1) V. Deut. XVIII, 3.

(2) Since it has been rendered clean by the slaughtering of its dam. ‘Carrying’ even without contact is one of the methods by which a carcass can convey uncleanness. It must be observed that the other method of conveying uncleanness, namely, by contact, is not excluded here.

(3) And in this case it is admitted by R. Meir that the slaughtering of the dam renders the foetus that is within it clean.

Accordingly the teaching of R. Hiyya is entirely in agreement with R. Meir.

(4) For R. Hisda did not explain that he was dealing with a foetus that had died in the womb.

(5) The ruling therefore entirely follows the Rabbis’ view since they hold that the foetus is permitted either by its own slaughtering or that of its dam.

(6) It is not known whether Resh Lakish disagreed or not, for R. Assi had left the room whilst R. Johanan was lecturing and Resh Lakish had not as yet commenced to argue with R. Johanan either because, as some say: Resh Lakish was in the habit of allowing him to finish his remarks without interruption, or because, as others say: Resh Lakish was drinking water at the time and therefore remained silent.

(7) Lit., ‘it made an impression of its parted feet on the ground’. According to the first Tanna, i.e., ‘The Sages’ in our Mishnah, since this animal goes about the fields like normal animals, it has been decreed by the Rabbis that it must be ritually slaughtered, for not everyone would know of the peculiarity of this animal to distinguish it from normal animals.

(8) V. supra 69a. As the offspring from the maternal side requires to be slaughtered but not from the paternal side, it is regarded as half slaughtered, and to continue the slaughtering now is of no avail because of the long pause between the beginning of the slaughtering, i.e., at birth, and now. This state in the animal could not arise if we accept the rule that the law permits the foetus either by its own slaughtering or by the slaughtering of its dam. V. however, Tosaf. ad loc.

(9) By the slaughtering of its dam even though it walks about in the field, and even according to the view of the Sages in our Mishnah.

(10) All people would take notice of this beast on account of its abnormality, and would remember all the peculiarities in connection with it.

(11) And it was dying (Rashi). There was no question at all whether or not it was to be considered trefah, but only whether it was necessary to have it slaughtered or not; v. Tosaf. ad loc.

(12) Why then was it necessary to have the beast slaughtered?

(13) Though he himself was not in agreement with it.

(14) Cur. edd. add ‘in the Mishnah’, but it is incorrect in view of the passage in Men. 31b. q.v.; v. Marginal Gloss.

(15) Even though he gave no instructions that it was to be delivered to his wife. It is assumed that he intended it to be delivered to her but omitted to say so owing to his perturbed state of mind.

(16) Git. 65b.

(17) I.e., was mixed up with the ordinary ‘common’ produce. The mixture now is permitted to be eaten by priests only, so that the loss to the owner is considerable.

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(18) In these special circumstances because of the loss involved, and since we are dealing with demai produce, i.e., produce that had been bought from an ‘am ha-arez or one who was not trusted with regard to the separation of the tithes, the Rabbis permitted the owner to enquire of the seller about it, and if the seller assured him that he separated the various dues he may rely upon his word. If this occurred on the Sabbath it would certainly be permitted to rely upon the seller's word for the honour of the Sabbath, but according to R. Simeon Shezuri this is permitted even on a weekday. V. Dem. IV, 1.

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MISHNAH. IF THE HIND LEGS OF AN ANIMAL WERE CUT OFF BELOW THE JOINT,¹ IT IS PERMITTED; IF ABOVE THE JOINT,² IT IS TREFAH. SO TOO IF THE JUNCTURE OF THE TENDONS³ WAS GONE, [IT IS TREFAH]. IF THE BONE WAS BROKEN BUT THE GREATER PART OF THE FLESH [AROUND THE FRACTURE] REMAINED, IT IS RENDERED CLEAN BY THE SLAUGHTERING;⁴ OTHERWISE IT IS NOT RENDERED CLEAN BY THE SLAUGHTERING.

GEMARA. Rab Judah said in the name of Rab who reported it in the name of R. Hiyya, **BELOW** means below the joint, and **ABOVE** means above the joint, and the joint referred to is the joint which is sold together with the head.⁵ Ulla said in the name of R. Oshaia: It is that joint which is clearly distinguishable in the camel.⁶ Ulla said to Rab Judah, ‘According to me, holding as I do that it is that joint which is clearly distinguishable in the camel, it is right that the Mishnah also states: **SO, TOO, IF THE JUNCTURE OF THE TENDONS WAS GONE.**⁷ But according to you, why does it state, **SO, TOO, IF THE JUNCTURE OF THE TENDONS WAS GONE?**’⁸ — He replied: ‘[It teaches that the animal is trefah] whether the bone was gone and the juncture of the tendons remained, or the juncture of the tendons was gone and the bone remained’. ‘But the

Mishnah expressly states **WERE CUT OFF**’⁹ — He [Rab Judah] was silent [and did not reply].

But when he [Ulla] had left, Rab Judah said to himself, ‘Why did I not answer him thus: **BELOW** means below the joint, but **ABOVE** means above the juncture of the tendons?’¹⁰ Later he said: ‘And did I not suggest an answer to him? but he retorted that the Mishnah expressly states: **WERE CUT OFF**. Then to this suggestion, too, [he would have retorted, that] the Mishnah expressly states: **ABOVE THE JOINT.**¹¹

R. Papa reported the passage thus: Rab Judah said in the name of Rab who reported it in the name of R. Hiyya, **BELOW** means below the joint and the juncture of the tendons, and **ABOVE** means above the joint and the juncture of the tendons. So, too, if the juncture of the tendons was gone [it is trefah]; and the actual joint meant is that [which was referred to in the statement] of Ulla in the name of R. Oshaia.¹² But is it possible to conceive of such a case, namely, that if the limb were cut off higher up the animal would live [and it would be permitted], and if it were cut off lower down the animal would die?¹³ —

R. Ashi retorted: Are you comparing defects with one other? Amongst the various defects we do not say that this resembles that; for one may cut the animal in one place and it will die and in another place and it will live. And this is the extent of the juncture of the tendons —

Rabbah said in the name of R. Ashi,¹⁴ That part which is off the bone.¹⁵ Rabbah son of R. Huna said in the name of R. Ashi: That part which is on the bone.¹⁶ Raba the son of Rabbah son of R. Huna said in the name of R. Assi: That part which is above the heel.¹⁷ A certain Rabbi was sitting before R. Abba and recited: It is that part which is on the

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heel; whereupon R. Abba said: Pay no attention to him, for thus said Rab Judah: It is that part which the butchers strike;¹⁸ and this corresponds with the view reported by Raba the son of Rabbah son of R. Huna in the name of Rab Judah. Rab Judah said in the name of Samuel: The juncture of the tendons of which the Rabbis spoke, is the place where the tendons converge. And how far does it extend? —

A certain Rabbi, whose name was R. Jacob, said: When I was at the school of Rab Judah, he said to us: Accept from me the following ruling which I heard from a great man, that is Samuel, viz., The juncture of the tendons of which they spoke is the place where the tendons converge, and it extends from the place where the tendons converge up to the place where they part. How much is this? —

Abaye said: Four finger-breadths in an ox. What is the extent in small cattle? — Abaye¹⁹ said: Where the tendons bulge it is part of the juncture, but not where they are sunken in; where they are hard it is part of the juncture but not where they are soft; where they are large it is part of the juncture but not where they are small; where they are white it is part of the juncture but not where they are not white.

- (1) Lit., 'from the joint downward'. V. Gemara.
- (2) Lit., 'from the joint upward'.
- (3) I.e., the Achilles Tendon, the name given to the aggregated tendons in the distal part of the tibia. V. Gemara.
- (4) And is even permitted to be eaten.
- (5) The term ארכובה used in the Mishnah means 'joint', there is however a difference of opinion in the Gemara as to which joint is intended. It must be remembered that the hind limb is made up of four divisions of bones. First there is the hip, the skeleton of which is formed by the innominate bones (קטלית); then the thigh, formed by the femur (קולית or ירך) and patella (ארכובה העליונה the knee-joint); then the leg, formed by the tibia (שוק) and the fibula (in the ox it is very rudimentary and is represented by a fibrous cord only); and finally the hind foot

which corresponds to the human foot and consists of the tarsus (ארכובה הנמכרת עם הראש), metatarsus and four digits. The tendons of the muscles behind the tibia are combined into one, termed the 'Achilles Tendon', and are attached to the heel or tuber calcis; this is what is meant by 'the juncture of the tendons' or צומת הגידים. According to Rab Judah the ארכובה of our Mishnah is the hind foot, all that part below the tarsus, which is usually sold with the head as offal; v. Diagram at end of Tractate.

(6) V. Bek. 42a. The joint referred to is the patella or knee-joint which lies between the lower extremity of the femur and the upper extremity of the tibia, and not, as Rab Judah says, the tarsus.

(7) Although we are taught that if the leg was cut off below the knee-joint it is permitted, nevertheless if the juncture of the tendons was gone, which is below the knee-joint, it is trefah.

(8) For if the leg was cut off at any point above the tarsus it is trefah, it is certainly so if cut at the juncture of the tendons, which is above the tarsus.

(9) Which obviously means that that part of the limb was absolutely severed, and the bone and the tendons were gone.

(10) And so it was also necessary for the Mishnah to teach the law if the leg was cut at the juncture of the tendons.

(11) Which means immediately above the joint and not above the juncture of the tendons.

(12) I.e., the knee-joint. And the law according to Rab Judah is this: If the leg was cut off at any point below the knee-joint and the tibia, which includes the juncture of the tendons, the animal is permitted; if cut off at any point above the knee-joint, i.e., in the femur, it is trefah. In the tibia it would be trefah only if the leg was cut off at the juncture of the tendons, but if cut off at any point in the tibia above this juncture it would be permitted. Accordingly Rab Judah is in agreement with Ulla's view.

(13) This position is most illogical.

(14) In MS.M., 'R. Assi'.

(15) The aggregated tendons of the leg are at their lower extremity attached to the tuber calcis (עריקומא or heel bone), they run upwards along the leg, first adhering to the tibia for a short distance and then separating from the bone and expanding into the muscles of the leg. According to Rabbah the most vital part of the juncture is from the point where it separates from the bone until it expands into the leg muscles. V. Diagram at end of Tractate.

(16) I.e., where it adheres to the tibia. According to Asheri the extent here meant is the whole of

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the distance that it adheres to the tibia and further also until it expands into the leg muscles.

(17) I.e., from the tuber calcis up to the point where it expands. This is the greatest extent of all.

(18) When commencing to flay the animal, or when about to purge the meat; it is immediately above the tuber calcis.

(19) This amud contains no footnotes.

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Mar son of R. Ashi said: Where they are transparent though not white [it is part of the juncture of the tendons]. Amemar said in the name of R. Zebid: It consists of three tendons, one thick and two thin. If the thick one was severed [it is trefah, for] the greater part of its structure has gone; and if the thin ones were severed [it is trefah, for] the greater number [of tendons] has gone.

Mar son of R. Ashi reports the above in favour of leniency thus: If the thick one was severed [it is permitted, for] there remains the greater number of tendons, and if the thin ones were severed [it is permitted, for] there remains the greater part of its structure. In birds the juncture consists of sixteen tendons; if one was severed, it is trefah.

Mar son of R. Ashi said: I was once standing before my father when there was brought to him a bird which he examined and found therein only fifteen tendons. One, however, appeared different from the others, so he split it and found that it was composed of two tendons; [he therefore declared it to be permitted.]

Rab Judah said in the name of Rab: With regard to the juncture of the tendons, if the greater part [was severed, it is trefah]. What is meant by 'the greater part'? The greater part of any one of them. When I stated this in the presence of Samuel he said to me, 'Consider, there are three [tendons], are there not? Even if one was entirely severed there still remain two!' Now the

reason is because there still remain two; but if there did not remain two it would not [be permitted]. This clearly is in conflict with the view of Rabbanai. For Rabbanai stated in the name of Samuel: If of the juncture of the tendons there only remained as much as the thread of a woolen cloak, it is permitted. Others say: By 'the greater part' is meant the greater part of each. [tendon].¹ When I stated this in the presence of Samuel he said to me, 'Consider, there are three [tendons], are there not? [Even if the greater part of each was cut] there still remains one third of each one'.² This accordingly supports the view of Rabbanai. For Rabbanai stated in the name of Samuel: If of the juncture of the tendons there only remained as much as the thread of a woolen cloak, it is permitted.

IF THE BONE WAS BROKEN, etc. Rab said, [Where the fracture was] above the joint,³ if the greater part of the flesh remained,⁴ both⁵ are permitted, and if not both are forbidden. [Where the fracture was] below the joint, if the greater part of the flesh remained, both are permitted, and if not the limb is forbidden⁶ but the animal is permitted. Samuel said: Whether the fracture was above or below the joint, if the greater part of the flesh remained, both are permitted, and if not the limb is forbidden but the animal is permitted. R. Nahman demurred saying: According to Samuel's view people will remark, 'A limb thereof is thrown on to the dung-heap and yet the animal is permitted'!⁷

Whereupon R. Aba son of R. Huna said to R. Nahman: Even according to Rab's views people will remark, 'A limb thereof is thrown on to the dung-heap and yet the animal is permitted!' — He replied. I mean this, people will remark, 'A vital⁹ limb of the animal is thrown on to the dung-heap and yet the animal is permitted!' They sent word from there [Palestine]: The law

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agrees with Rab's view.¹⁰ They later sent word: The law agrees with Samuel's view.

And yet another time they sent word: The law agrees with Rab's view; moreover, the limb conveys uncleanness by carrying. R. Hisda raised this objection. It was taught: It is not so. When you say that the slaughtering of a trefah animal renders it clean, or [that the slaughtering of an animal] renders the limb that hangs loose clean, you are concerned with [the animal] itself; but can it render clean the [limb of the] foetus which is not part of [the animal] itself?¹¹ Thereupon Rabbah said to him: Why go searching for objections? You could raise an objection from a Mishnah which we have learnt: If the animal was slaughtered they¹² are rendered susceptible [to contract uncleanness] by the blood [of the slaughtering]: so R. Meir. R. Simeon says: They are not rendered susceptible to uncleanness!¹³ — He replied, [The objection from] that Mishnah can be rejected as indeed we rejected it above.¹⁴

When R. Zera went up [to Palestine] he found R. Jeremiah [b. Abba] sitting and reciting the above statement [of Rab]. R. Zera thereupon remarked: 'Well spoken! So, too, did Arioch¹⁵ teach it in Babylon!' But who is Arioch? It is Samuel, is it not? But does he not disagree [with Rab]? — Samuel retracted his opinion in favour of Rab's.

Our Rabbis taught: Where the bone was broken and it protruded outside, if the skin and flesh cover the greater part of it, it is permitted; otherwise it is forbidden. What is meant by 'the greater part of it'? —

When R. Dimi came [from Palestine] he reported in the name of R. Johanan that it means, the greater part of its thickness.¹⁶ Others say: It means, the greater part [of the flesh] that surrounds it.¹⁷

R. Papa said: We therefore require the greater part of its thickness [to be covered by flesh], as well as the greater part [of the flesh] that surrounds it [to be intact].

Ulla said in the name of R. Johanan: The skin is like the flesh.¹⁸ R. Nahman said to Ulla: Why does not the Master rather say that the skin is to be reckoned with the flesh [to make up the required amount]?¹⁹ Does not [the above Baraitha] state 'skin and flesh'? — He replied: We interpret [that Baraitha] to mean, either skin or flesh.

Others report this as follows: Ulla said in the name of R. Johanan: The skin is to be reckoned together with the flesh [to make up the required amount]. R. Nahman said to Ulla: Why does not the Master rather say that the skin merely completes the [required amount of] flesh, adopting the stricter interpretation?²⁰ — He replied: I only know of the following incident. At the house of R. Isaac there was a young pigeon [whose leg was broken], and the skin, if reckoned together with the flesh, [covered up the greater part of the fracture].

The case was brought before R. Johanan and he declared it to be permitted. Thereupon R. Nahman retorted: You are speaking of a young pigeon! but the case of a young pigeon is quite different, because its skin is tender. [The case of a fracture which was covered for the most part with flesh and] tender sinews came before Raba. Said Raba: What have we to fear? In the first place, R. Johanan has declared that in respect of the sinews which later will become hard

- (1) And then only is it trefah.
- (2) Which together make up one whole tendon; and so should be permitted.
- (3) The joint spoken of in our Mishnah.
- (4) Covering the fracture.
- (5) I.e., the animal as well as the limb.
- (6) Since it hangs loose from the animal it is not rendered permitted by the slaughtering of the animal.

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- (7) This surely cannot be right.
- (8) In the case where the fracture occurred below the joint and the greater part of the surrounding flesh was gone.
- (9) That is, where the fracture was above the joint.
- (10) It will be seen that the only point of difference between Rab and Samuel is in the case where the fracture was above the joint and the greater part of the flesh around the fracture was gone. According to Rab both the limb and the animal are forbidden, whilst according to Samuel the animal is permitted even though the limb is forbidden.
- (11) In this Baraitha it is admitted by all that a limb that hangs loose from the animal is rendered clean by the slaughtering of the animal. How then can it be said that it conveys uncleanness by 'carrying'?
- (12) I.e., the loose limb and the pieces of flesh that hang loose from the animal.
- (13) The dispute is only with regard to their being rendered susceptible to contract uncleanness in the future, but both agree that the limb itself does not convey uncleanness. V. infra 127b; supra 73b.
- (14) V. supra 73b. It was there suggested that that Mishnah does not deal with a loose limb at all but only with pieces of flesh that hang loose from the limb or from the animal itself.
- (15) A title of dignity applied to Samuel, the contemporary of Rab. It is probably a Persian adaptation of 'judge' (Jastrow). V. Kid., Sonc. ed., p. 189, n. 11. V. also Rashi here, and in Men. 38b.
- (16) Sc. of the bone; i.e., only a small part of the surface of the fracture was exposed whereas the greater part was covered by the flesh and skin.
- (17) I.e., the greater part of the flesh around the fracture was whole and not lacerated. Even though the entire surface of the fracture had projected and was exposed, it would be permitted.
- (18) The skin is considered an adequate covering over the fracture even though all the flesh underneath the skin was gone.
- (19) I.e., that the covering over the fracture shall consist half of skin and half of flesh, but not as was suggested entirely of skin.
- (20) I.e., if the greater portion which surrounds the fracture consists for the most part of flesh but there is a little skin which completes the required amount, only then would it be permitted, but not where it consisted half of flesh and half of skin.

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people may be counted in to partake thereof in the Passover-offering.¹ Secondly, 'the Torah doth spare the money of Israel'. Whereupon R. Papa said to Raba: But on the other hand there is the view of R. Simeon b. Lakish,² and moreover it is here a question involving a prohibition of the Torah,³ and you say: What have we to fear? — He [Raba] remained silent. But why did he remain silent? Has not Raba himself declared that the law agrees with R. Simeon b. Lakish only in those three cases?⁴ — In this case it is different, for R. Johanan retracted his view in favour of that of R. Simeon b. Lakish, for he said: 'Do not worry me [with any more of your arguments] for I regard that Mishnah as the opinion of an individual'.⁵

There once came to Abaye the case where the bone was broken and had protruded outside, and a fragment thereof had broken off. He held the case over three Festivals.⁶ Thereupon R. Adda b. Mattena said [to the owner of the animal:] Go and put the case to Raba the son of R. Joseph b. Hama, whose knife is sharp.⁷ He took it to him and Raba said: Let us see, [the Baraitha] taught, 'If the bone was broken and protruded outside'. What does it matter to me whether a portion had fallen away or it was all there?⁸

Rabina enquired of Raba: What is the law if the [required amount of] flesh was scattered⁹ [around the fracture], or was in shreds, or had decomposed? — R. Huna the son of R. Joshua replied: Any flesh [that has decomposed so] that the surgeon must scrape it away [is to be regarded as gone entirely].

The question was raised: What is the law if the flesh [that covered the fracture] was perforated, or had peeled off [the bone], or

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was slit, or the inner layer¹⁰ [of flesh close to the bone] was gone? —

Come and hear. ‘Ulla said in the name of R. Johanan: The skin is as good as the flesh!¹¹ — Perhaps there the skin holds its own place.¹²

R. Ashi said: When we were at the school of R. Papi he enquired of us: What is the law if some of the flesh around the fracture was cut away in a circle like a ring?¹³ And I suggested an answer from the following statement of Rab Judah in the name of Rab, ‘I enquired about this of scholars and doctors and they said: One should make incisions around the edges of the flesh with a bone and it will then heal up, but [not with] an iron instrument [for it] would cause inflammation’. R. Papa said: Provided the bone was firmly attached to it.¹⁴

MISHNAH. IF A PERSON SLAUGHTERED AN ANIMAL AND FOUND IN IT AN AFTERBIRTH, HE WHO IS NOT FASTIDIOUS MAY EAT IT.¹⁵ IT DOES NOT CONTRACT UNCLEANNESS,¹⁶ EITHER FOOD UNCLEANNESS OR THE UNCLEANNESS OF NEBELAH. IF HE INTENDED TO EAT IT, IT CAN CONTRACT FOOD UNCLEANNESS BUT NOT THE UNCLEANNESS OF NEBELAH.¹⁷ IF PART OF THE AFTERBIRTH EMERGED [BEFORE THE SLAUGHTERING OF THE DAM], IT MAY NOT BE EATEN;¹⁸ FOR IT¹⁹ IS A SIGN OF BIRTH IN A WOMAN AND ALSO A SIGN OF BIRTH IN AN ANIMAL. IF AN ANIMAL WHICH WAS WITH YOUNG FOR THE FIRST TIME CAST FORTH AN AFTERBIRTH, IT MAY BE THROWN TO DOGS;²⁰ BUT IN THE CASE OF A CONSECRATED ANIMAL IT MUST BE BURIED.²¹ IT MAY NOT BE BURIED AT CROSS-ROADS OR HUNG ON A TREE, FOR THESE ARE AMORITE PRACTICES.²²

GEMARA. Whence do we know it?²³ — [From the following.] Our Rabbis taught:

The verse: Whatsoever... in the beast, that shall ye eat,²⁴ includes the afterbirth. I might say that even if part of it came forth [out of the womb it is also permitted], the verse therefore states ‘that’, ‘that’ [shall ye eat] but not the afterbirth. But let us consider, [it is accepted that] there can be no afterbirth without young, why then is any verse necessary [to exclude an afterbirth that had come forth]?²⁵ — Indeed the verse is merely a support.

IT DOES NOT CONTRACT UNCLEANNESS. R. Isaac b. Nappaha raised this question: What is the position with regard to an ass's skin which was seethed?²⁶ In what respect [does the question arise]? If in respect of food uncleanness, we have learnt it;

(1) One fulfils one's obligation by eating these sinews of the Passover offering, for being now tender they are regarded as flesh; v. Pes. 84a.

(2) That these sinews are not regarded as flesh since in a short time they will become hard and uneatable.

(3) Whether the animal is trefah or not.

(4) Except in three cases mentioned in Yeb. 36a, where the view of R. Simeon b. Lakish prevails, the law always accords with the opinion of R. Johanan against that of R. Simeon b. Lakish. In this dispute therefore Raba was right in ignoring

the view of R. Simeon b. Lakish.

(5) V. Pes. 84a. R. Johanan originally held that whatsoever was edible now was considered flesh, and based his view on the Mishnah infra 122a, ‘The skin of the head of a tender calf is considered flesh’, although when the calf grows up this skin will harden and become inedible. Subsequently R. Johanan changed his view and ruled that the skin of the head of a tender calf does not contract uncleanness since it hardens later on. When confronted by R. Simeon b. Lakish with the above quoted Mishnah he replied that he did not adopt the ruling of that Mishnah since it was merely the opinion of an individual Rabbi. V. supra 55b, and infra 122a.

(6) To discuss the law with those Rabbis who assembled for the purpose of listening to festival discourses. V. Yeb., Sonc. ed., p. 862, n. 12.

(7) I.e., he is capable of acute logical reasoning.

(8) Since the greater part of the fracture is covered up by flesh and skin it is permitted.

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(9) Does such flesh afford a sufficient protection over the fracture or not?

(10) Lit., 'the lower third'.

(11) If the skin itself can serve as a sufficient covering how much more so the skin with two thirds of the thickness of the flesh!

(12) I.e., the skin adheres firmly to the bone so that it is a firm covering, whereas in the last question the flesh was not attached to the bone (Rashi and R. Gershom). According to R. Hananel and R. Tam the text is רייריה 'fibers', and not דידיה, and the meaning is that the skin was attached to the bones by fibrous tissue.

(13) Can such a deficiency heal up or not?

(14) Sc. the flesh. In that case it will eventually heal up.

(15) For it has been rendered permitted by the slaughtering of the animal. Heb. גוש דיפה, lit., 'a good soul; i.e., one who is not squeamish.

(16) If it came into contact with unclean matter, for it is not regarded as a foodstuff.

(17) I.e., if the animal died the afterbirth is not deemed part of the carcass and will not convey uncleanness as nebelah.

(18) For it may have contained the head of the foetus which would then be regarded as born, and the afterbirth which belongs to it would not be rendered permitted by the slaughtering of the animal.

(19) Sc. the emergence of the afterbirth.

(20) It is in no wise regarded sacred as a firstling for, in the first place, it might have contained a female young which is not sacred; and even if we assume that it did contain a male young, there is the further possibility that it was a male young of a species of animals different from its dam (גמרא, v. Gemara infra) which also is not sacred. Hence the greater probability is that it was not a sacred young.

(21) For the young, whether male or female, of a consecrated animal is sacred; and being dead, must be buried and not put to ally use.

(22) These were superstitious practices whereby, it was believed, the animal would be prevented from any further miscarriages. Such heathen superstitions are forbidden in Ex. XXIII, 24: Ye shall not do as they do.

(23) That the afterbirth found in an animal is permitted.

(24) Lev. XI, 3.

(25) Since the part of the afterbirth which emerged may have contained the greater part of the foetus, in which case it is deemed fully born, it is obvious that the slaughtering will not render it permitted.

(26) I.e., boiled for a long time. Is it regarded as a foodstuff or not?

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and if in respect of the uncleanness of nebelah, we have also learnt it. As to food uncleanness it was taught: A skin or an afterbirth cannot contract food uncleanness; if the skin was seethed or the afterbirth intended to be eaten, it can contract food uncleanness. As to the uncleanness of nebelah it was taught: It is written, [He that toucheth] the carcass thereof,¹ but not its skin or its bones or its sinews or its horns or its hoofs. And Rabbah son of R. Hana had said that [the verse] was only necessary [to exclude these] when they were stewed in a pot!² — Indeed [the question was raised] in respect of food uncleanness, but the law might be different in the case of an ass's skin since it is loathsome.

IF PART OF THE AFTERBIRTH EMERGED. R. Eleazar said: The rule [in the Mishnah] applies only to the case where there was no foetus within,³ but where there was a foetus within we have no apprehension that it contained another foetus.⁴ R. Johanan said: Whether there was a foetus within or not, we apprehend another foetus. But this surely is not so, for R. Jeremiah has declared that R. Eleazar adopts a stricter views [than R. Johanan]! — Indeed if it was reported it must have been reported as follows: R. Eleazar said: The rule [in the Mishnah] applies only to the case where it⁶ was not attached to the foetus,⁷ but where it was attached to the foetus we do not apprehend another foetus. R. Johanan said: We are guided by the rule that there can be no afterbirth without a foetus; but where it⁶ contained a foetus, whether it was attached to the foetus or not, we do not apprehend another foetus. This now accords with the dictum of R. Jeremiah that R. Eleazar adopted a stricter view.⁸

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There is [a Baraita] taught in support of R. Eleazar's view,⁹ viz., If a woman brought forth an abortion which resembled a beast or a wild animal or a bird, and there was an afterbirth too, if the afterbirth was attached to it we do not apprehend another foetus;¹⁰ but if it was not attached to it, I must impose upon this woman the restrictions of two births, for I may suppose that the foetus of this afterbirth as well as the afterbirth of this foetus had dissolved.¹¹

IF AN ANIMAL WHICH WAS WITH YOUNG FOR THE FIRST TIME CAST FORTH AN AFTERBIRTH [IT MAY BE THROWN TO DOGS]. Why? — R. Ika the son of R. Ammi said: Because the majority of animals give birth to something which is holy as a firstling whereas a minority of animals give birth to something which is not holy as a firstling, to wit, a nidmeh.¹² Now all animals that bear young bear half males and half females;¹³ add therefore the minority of nidmeh to the half females, with the result that the males constitute a minority.¹⁴

BUT IN THE CASE OF A CONSECRATED ANIMAL IT MUST BE BURIED. Why? — Because the majority [of young born by a consecrated animal] is holy.¹⁵

IT MAY NOT BE BURIED AT CROSS-ROADS. Abaye and Raba both stated: Whatever is done for medicinal purposes is not prohibited as Amorite practices, and whatever is not done for medicinal purposes is prohibited as Amorite practices. But has it not been taught that a tree which casts its fruit may be painted with red paint or laden with stones? Now it may be laden with stones so that

(1) Lev. XI, 39.

(2) For otherwise they certainly would not be regarded as foodstuffs.

(3) I.e., in that part of the afterbirth which still remained inside the womb there was not found a

foetus or any signs of one; this being so, and because of the principle that there can be no afterbirth without a foetus, the foetus must have been in that part of the afterbirth which had emerged so that it was thereby born; hence the afterbirth is forbidden.

(4) I.e., there is no reasonable ground to assume that in that part of the afterbirth which had come out there was another foetus, and that this afterbirth belonged to it, so that this afterbirth belonging to a born foetus would be forbidden. We assume rather that this afterbirth belongs to the foetus that is found within it, and which has not yet come out of the womb, so that the afterbirth is permitted.

(5) Whereas according to the terms of the above dispute R. Eleazar adopts the more lenient view.

(6) Sc. the afterbirth.

(7) In this case, even though there is a foetus in that part of the afterbirth which is still within the womb, the afterbirth is forbidden, for since this foetus is not attached to the afterbirth, there is the possibility of there having been another foetus in that part of the afterbirth which had come out and had dissolved, and this afterbirth belongs to it.

(8) For where that part of the afterbirth that was still inside the womb contained a foetus but was not attached to it, according to R. Eleazar we must take into consideration the possibility of there having been another foetus within it, whereas according to R. Johanan we do not; hence R. Eleazar adopts the stricter view.

(9) That there is a distinction between an afterbirth that is attached to the foetus and one that is not so attached.

(10) This woman therefore would be clean if no blood issued from her womb, for the bringing forth of these animal-like abortions is not accounted a birth, in accordance with the view of the Rabbis that whatsoever has not the form of man is not accounted a birth (v. Nid. 21a and Tosaf. a.l.). If these animal-like abortions were accounted a birth she would be unclean even though no blood issued from the womb, v. Rashi on Lev. XII, 2.

(11) Because of the possibility of the presence of another foetus, perhaps a female one which had dissolved, in this afterbirth, this woman would have to observe the period of uncleanness as for the birth of a female, i.e., fourteen days; but, on the other hand, there may not have been another foetus at all, and the afterbirth in fact belongs to this animal-like abortion, and inasmuch as an animal-like abortion is not accounted a birth, she therefore would not have the advantage of any period of purity at all. V. Lev. c. XII.

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(12) Heb. כְּמִזְמָה 'like, similar to'; e.g. a ewe which gave birth to what looked like a kid, or a goat which gave birth to what looked like a lamb. This is not holy as a firstling, v. Bik. II, 5.

(13) And a female is not holy as a firstling.

(14) And since we do not take the minority into consideration the foetus is not holy and may be thrown to the dogs.

(15) For the young of a consecrated animal, whether male or female, is holy, save for the case of a nidmeh.

Chullin 78a

its [productive] strength be weakened,¹ but why may it be painted with red paint?² — The purpose is that people will observe it and pray for its recovery. As it was taught: [It is written:] And he shall cry: Unclean, unclean,³ that is to say, he shall make known [his affliction] to his fellow men that they may pray for him. Likewise, he upon whom a calamity has befallen should make known [his trouble] to his fellow men that they may pray for him. Rabina said: According to whom is it that we suspend a cluster [of dates] on a tree [which casts its fruit]?⁴ — It is in accordance with the above Tanna.

CHAPTER V

MISHNAH. [THE LAW OF] IT AND ITS YOUNG⁵ IS IN FORCE BOTH WITHIN THE LAND OF ISRAEL AND OUTSIDE IT, BOTH DURING THE EXISTENCE OF THE TEMPLE AND AFTER IT, IN RESPECT OF BOTH UNCONSECRATED AND CONSECRATED ANIMALS. THUS, IF ONE PERSON SLAUGHTERED AN ANIMAL AND [ANOTHER]⁶ ITS YOUNG, BOTH ANIMALS BEING UNCONSECRATED, [AND THEY SLAUGHTERED THEM] OUTSIDE THE SANCTUARY, THEY ARE BOTH VALID,⁷ BUT [HE WHO SLAUGHTERED] THE SECOND INCURS FORTY STRIPES.⁸ IF BOTH ANIMALS WERE CONSECRATED [AND THEY WERE SLAUGHTERED] OUTSIDE THE SANCTUARY, [HE WHO SLAUGHTERED] THE FIRST INCURS THE

PENALTY OF KARETH,⁹ BOTH ANIMALS ARE INVALID, AND EACH INCURS FORTY STRIPES.¹⁰ IF BOTH ANIMALS WERE UNCONSECRATED [AND THEY WERE SLAUGHTERED] INSIDE THE SANCTUARY, BOTH ANIMALS ARE INVALID,¹¹ AND [HE WHO SLAUGHTERED] THE SECOND INCURS FORTY STRIPES.¹² IF BOTH ANIMALS WERE CONSECRATED [AND THEY WERE SLAUGHTERED] INSIDE THE SANCTUARY, THE FIRST IS VALID AND [HE WHO SLAUGHTERED IT IS] NOT CULPABLE, BUT [HE WHO SLAUGHTERED] THE SECOND INCURS FORTY STRIPES,¹² AND IT IS INVALID.¹³ IF [THE FIRST ANIMAL WAS] UNCONSECRATED AND [THE SECOND] CONSECRATED [AND THEY WERE BOTH SLAUGHTERED] OUTSIDE THE SANCTUARY, THE FIRST IS VALID AND [HE WHO SLAUGHTERED IT IS] NOT CULPABLE, BUT [HE WHO SLAUGHTERED] THE SECOND INCURS FORTY STRIPES AND IT IS INVALID. IF [THE FIRST WAS] CONSECRATED AND [THE SECOND] UNCONSECRATED [AND THEY WERE BOTH SLAUGHTERED] OUTSIDE THE SANCTUARY, [HE WHO SLAUGHTERED] THE FIRST INCURS THE PENALTY OF KARETH AND IT IS INVALID, AND THE SECOND [ANIMAL] IS VALID, AND EACH INCURS FORTY STRIPES.¹⁴ IF [THE FIRST WAS] UNCONSECRATED AND [THE SECOND] CONSECRATED [AND THEY WERE BOTH SLAUGHTERED] INSIDE THE SANCTUARY, THEY ARE BOTH INVALID, AND [HE WHO SLAUGHTERED] THE SECOND INCURS FORTY STRIPES.¹² IF [THE FIRST WAS] CONSECRATED AND [THE SECOND] UNCONSECRATED [AND THEY WERE BOTH SLAUGHTERED] INSIDE THE SANCTUARY, THE FIRST ANIMAL IS VALID AND [HE WHO SLAUGHTERED IT IS] NOT CULPABLE, BUT [HE WHO SLAUGHTERED] THE SECOND INCURS FORTY STRIPES¹² AND IT IS INVALID. IF [THE FIRST WAS SLAUGHTERED]

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OUTSIDE THE SANCTUARY AND [THE SECOND] INSIDE, BOTH BEING UNCONSECRATED ANIMALS, THE FIRST IS VALID AND [HE WHO SLAUGHTERED IT IS] NOT CULPABLE, BUT [HE WHO SLAUGHTERED] THE SECOND INCURS FORTY STRIPES AND IT IS INVALID. IF [THE FIRST WAS SLAUGHTERED] OUTSIDE THE SANCTUARY AND [THE SECOND] INSIDE, BOTH BEING CONSECRATED ANIMALS, [HE WHO SLAUGHTERED] THE FIRST INCURS THE PENALTY OF KARETH, EACH INCURS FORTY STRIPES,¹⁵ AND BOTH ANIMALS ARE INVALID. IF [THE FIRST WAS SLAUGHTERED] INSIDE THE SANCTUARY AND [THE SECOND] OUTSIDE, BOTH BEING UNCONSECRATED ANIMALS, THE FIRST IS INVALID AND [HE WHO SLAUGHTERED IT IS] NOT CULPABLE, BUT [HE WHO SLAUGHTERED] THE SECOND INCURS FORTY STRIPES¹⁶ AND IT IS VALID. IF [THE FIRST WAS SLAUGHTERED] INSIDE THE SANCTUARY AND [THE SECOND] OUTSIDE, BOTH BEING CONSECRATED ANIMALS, THE FIRST IS VALID AND [HE WHO SLAUGHTERED IT IS] NOT CULPABLE, BUT [HE WHO SLAUGHTERED] THE SECOND INCURS FORTY STRIPES¹⁶ AND IT IS INVALID.

GEMARA. Our Rabbis taught: Whence do we know that the law of ‘It and its young’ applies to consecrated animals? Because the verse states: When a bullock or a sheep or a goat is brought forth... [thenceforth it may be accepted for an offering],¹⁷ and there immediately follows the verse: And whether it be an ox or a sheep, ye shall not kill it and its young both in one day,¹⁸ thus indicating that the law of ‘It and its young’ applies to consecrated animals. Perhaps then it applies only to consecrated animals and not to unconsecrated animals! — [This cannot be, for] the word ‘ox’ interrupts the subject matter.¹⁹ Perhaps then it applies to unconsecrated animals only and not to

consecrated animals! — Since it is written: ‘And... an ox’, the conjunction ‘and’ connects it with the previous subject. It should then follow, should it not, that as a hybrid cannot be a consecrated animal, so the law of ‘It and its young’ should not apply to a hybrid? Wherefore has it been taught: The law of ‘It and its young’ applies to a hybrid²⁰ and to a koy?²¹ And [there is] also [this difficulty] for it is written here, sheep, and Raba has declared,

- (1) For its excessive fertility was no doubt the cause for it casting its fruits. This is therefore not regarded as a superstitious practice.
- (2) Is this not an Amorite practice?
- (3) Lev. XIII, 45.
- (4) And we do not regard it as a superstitious practice.
- (5) Lev. XXII, 28; the penalty for the infringement of this prohibition is forty stripes. Whether the prohibition applies only to the cow or ewe and her young or also to the bull or ram and his young, is a question disputed in the Gemara infra.
- (6) It is assumed for the sake of clarity that one person slaughtered the dam and another the young. The law would be the same, however, if both animals were slaughtered by the same person; moreover, it is immaterial whether the dam was slaughtered first and then the young or vice versa.
- (7) Even though there has been a transgression of the prohibition.
- (8) For the infringement of the prohibition of ‘It and its young’.
- (9) The penalty prescribed for slaughtering a consecrated animal fit for a sacrifice outside the Temple court, V. Lev. XVII, 4. For Kareth v. Glos. He who slaughtered the second animal is not liable to this penalty for what he slaughtered, though consecrated, was not fit for a sacrifice at the time, since its dam had been slaughtered previously on the same day.
- (10) The first for infringing, the law against slaughtering consecrated animals outside the Sanctuary; for, although it has, been said that he is liable to the penalty of Kareth, if he was warned before the commission of the act that he would be liable to the punishment of stripes, he would suffer that punishment (so according to the view of R. Akiba in Mak. 13b); and the second for the infringement of the prohibition of ‘It and its young’.
- (11) V. Kid. 57b. Unconsecrated animals slaughtered inside the Sanctuary are thereby

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rendered invalid, but he who slaughtered them has not incurred the penalty of stripes, for the prohibition thereof is not expressly stated in the Torah, but is deduced from the verse in Deut. XII, 21.

(12) V. p. 433, n. 4.

(13) For it is this day unfit for a sacrifice and comes under the class of *מקור זמן*, lit., ‘wanting in age’, ‘out of time’, either too young or for some other reason temporarily disqualified.

(14) v. p. 433, n. 6.

(15) V. p. 433, n. 6.

(16) For the infringement of the prohibition of ‘It and its young’.

(17) Lev. XXII, 27. This verse obviously refers to consecrated animals.

(18) Ibid. 28.

(19) If this law referred only to consecrated animals which is the subject matter of the preceding verse: Scripture should not have repeated the words ‘ox or sheep’ since these are mentioned in the preceding verse. The fact that the words ‘ox or sheep’ are repeated indicates that the law applies generally.

(20) The product of a ewe and a he-goat. If one slaughtered this offspring and its dam one would be culpable.

(21) כּוּי a permitted animal, about which the Rabbis were undecided whether it was to be classed in the category of cattle or of wild beasts. Probably a cross between a goat and some species of gazelle. V. infra 79b and 80a.

Chullin 78b

This¹ verse establishes the rule that wherever ‘sheep’ is stated the hybrid is excluded! — Since the verse states ‘or’,² it includes the hybrid. But is not ‘or’ necessary to indicate disjunction?³ For I might have thought that one is not culpable unless one kills an ox and its young and also a sheep and its young, it⁴ therefore teaches us [that it is not so]! — Disjunction is indicated in the expression ‘its young’.⁵ But it⁴ is still necessary for the following [teaching].

It was taught: Had Scripture stated: ‘An ox and a sheep and its young [ye shall not kill]’. I would have said that one is not culpable unless one kills an ox and a sheep and the young of any one of them; the text therefore says. And whether it be an ox or a

sheep, ye shall not kill it and its young. Now presumably [this teaching] is derived from the expression ‘or’! — No, it is derived from the expression ‘it’ [and its young’]. This is well according to the Rabbis — who regard ‘it’ as superfluous;⁶ but according to Hananiah who does not regard ‘it’ as superfluous, whence would he derive the principle of disjunction? — No verse is necessary to indicate disjunction for he concurs with the view of R. Jonathan.

For it was taught: For any man that curseth his father and his mother [shall surely be put to death];⁷ from this I know only [that he is liable for cursing] his father and his mother;⁸ [if he curses] his father and not his mother, or his mother and not his father, whence do I know [that he is liable]? Because it also says. His father and his mother he hath cursed;⁷ that is, he has cursed his father, he has cursed his mother;⁹ so R. Josiah. R. Jonathan says. It may imply both together or each separately, unless the verse expressly states ‘together’.¹⁰ What is this dispute between Hananiah and the Rabbis? —

It was taught: The law of ‘It and its young’ applies to the female parent only and not to the male.¹¹ Hananiah says: It applies both to the male and female parent. What is the reason of the Rabbis? —

It was taught: I might have said that the law of ‘It and its young’ applies to both male and female parents; there is, however, an argument against this, viz., there is a prohibition here¹² and there is also a prohibition with regard to ‘The dam with the young’;¹³ just as the prohibition of ‘The dam with the young’ applies only to the female parent and not to the male, so the prohibition here applies only to the female parent and not to the male. But [it will be retorted] it is not so; for you may say this¹⁴ of ‘The dam and its young’, since [it has this distinctiveness, in that] the law does not

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place upon the same footing birds that are at one's disposal and birds that are not at one's disposal;¹⁵ can you then say this of 'It and its young', seeing that [it has not this distinctiveness, for] the law places upon the same footing beasts that are at one's disposal and beasts that are not at one's disposal?¹⁶ The verse therefore states 'it',¹⁷ that is, it refers to one [parent] and not to both. Since therefore Scripture discriminates [between the parents]. I am justified in applying the above argument, viz., there is a prohibition here and there is also a prohibition with regard to 'The dam with the young', just as the prohibition of 'The dam with the young' applies only to the female parent and not to the male, so the prohibition here applies only to the female parent and not to the male! And if you desire to say [anything against this, I submit the following]: [The expression] 'its young' relates to that parent to whom the young clings;¹⁸ thus excluding the male parent to whom the young does not cling!

(What is meant by. 'But if you desire to say anything against this'? — If you say that 'it'¹⁹ indicates the male parent. I therefore submit another argument: The expression 'its young' relates to that parent to whom the young clings; thus excluding the male parent to whom the young does not cling.)

(1) The verse in Deut. XIV, 4 (Rashi); or in Ex. XII, 5 (Tosaf.).

(2) In Lev. XXII, 28. Heb. אָו. This word is shown to be superfluous and it therefore serves to include the hybrid.

(3) That the verse means either the ox and its young or the sheep and its young.

(4) Sc. the word or.

(5) The fact that its young and not their young is stated clearly suggests the young and only one of the aforementioned animals, either the ox or the sheep.

(6) V. infra.

(7) Lev. XX, 9.

(8) For the verse states אֵת אֲבִיו וְאֵת אִמּוֹ, and presumably the vav ('and') is conjunctive, implying both parents.

(9) For at the beginning of the verse: 'that curseth' is in immediate proximity to 'his father', and at the end of the verse:

'he hath cursed' is in immediate proximity to 'his mother'; thus showing that he who curses either parent is liable.

(10) I.e., the vav is either disjunctive or conjunctive according to the established law; for when Scripture intends the vav

as a conjunction, the word 'together', יחדו is added; e.g., Thou shalt not plow with an ox and an ass together (Deut. XXII, 10).

(11) I.e., one may slaughter on the same day the male parent and its young, for we do not regard the seed of the male as of consequence, v. infra.

(12) The prohibition of 'It and its young'.

(13) Deut. XXII, 6: If a bird's nest chance to be before thee in the way, in any tree or on the ground, with young ones or eggs, and the dam sitting upon the young, or upon the eggs, thou shalt not take the dam with the young.

(14) I.e., you may make this distinction in the law between the male and female parent.

(15) For the law of 'The dam with the young' applies only to birds that 'chance to be' before one in the way, i.e., free and wild, but not to birds that are at one's disposal, ready at hand, i.e., captive birds; v. infra 138b.

(16) For the law of 'It and its young' undoubtedly applies to all beasts whether met with by chance on the way or confined within one's close.

(17) Lev. XXII, 28. It, being in the singular, clearly applies to one parent only.

(18) Sc. the dam.

(19) Heb. אִתּוֹ, lit., 'him'.

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According to Hananiah, however, [the implication of the verse is this]: It says: 'it', which indicates the male parent, and it also says: 'its young', which relates to that parent to whom the young clings; hence it is clear that the law applies both to the male and female parent.

R. Huna b. Hiyya said in the name of Samuel: The halachah is in accordance with Hananiah's view. Moreover, Samuel is consistent in his opinion. For we have learnt: R. Judah says. The offspring of a mare, even though their sire was an ass, are permitted [to interbreed];² but the

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offspring of a she-ass may not [interbreed] with the offspring of a mare. But Rab Judah had stated in the name of Samuel that this was the view of R. Judah only, who maintained that we do not take into consideration the seed of the male parent,³ the Sages however say. All mules are one kind. Who is meant by the ‘Sages’? It is Hananiah, who maintains that we must take into consideration the seed of the male parent; accordingly the one is the offspring of a mare and an ass-stallion and the other is the offspring of a she-ass and a horse, but they are both one kind.⁴

The question was raised: Was R. Judah certain that we do not take into consideration the seed of the male parent or was he in doubt about it? What practical difference would this make? — On the question of permitting the offspring⁵ to breed with the [species of the] dam. If you say that he [R. Judah] was certain of it, then the offspring is permitted to breed with the [species of the] dam; but if you say that he was in doubt about it, then it is forbidden for the offspring to breed with the [species of the] dam.⁶ What [is to be said about this]? —

Come and hear. R. Judah says. All the offspring of a mare, even though their sire was an ass, are permitted to interbreed. Now what are the circumstances of the case? If you say that the sire of this offspring was an ass-stallion and of that also an ass-stallion; then was it necessary to state this?⁷ You must therefore say that the sire of this offspring was a horse and of that an ass-stallion,⁸ and [R. Judah] declares that they may interbreed, hence is it clear that he [R. Judah] was certain about it!⁹ — It is not so. I still say that the sire of this offspring was an ass-stallion and of that also an ass-stallion, and as to your retort, ‘Was it necessary to state this?’ [I reply that] you might have argued that the horse in the one copulates with the ass in the

other, and the ass in the one copulates with the horse in the other;¹⁰ he therefore teaches us [that it is not so].

Come and hear: R. Judah says: If a mule was on heat it may not be mated with a horse or an ass, but only with one of its own kind. Now if you say that [R. Judah] was certain about it, why may it not be mated with the species of its dam? — Because we know not the species of its dam. But it says ‘Only with one of its own kind’!¹¹ — It means this: It may not be mated with any kind of horse¹² or any kind of ass, because we do not know its true species.¹³ Then let us examine it by the following signs? For Abaye has stated: If its voice is harsh, it is the offspring of a she-ass; if its voice is shrill, it is the offspring of a mare. And R. Papa has stated: If its ears are long and its tail short, it is the offspring of a she-ass; if its ears are short and its tail long, it is the offspring of a mare! — We must suppose here that it was dumb and mutilated.¹⁴ What has been decided then? —

Come and hear: R. Huna the son of R. Joshua said: All agree that the offspring is forbidden to breed with the dam. Hence it is clear that [R. Judah] was in doubt about it. This proves it.

R. Abba said to his servant, ‘When you harness the mules to my carriage see that they are very like each other¹⁵ and then harness them’. This shows that he is of the opinion that we do not take into consideration the seed of the male parent;¹⁶

(1) So MS.M. Cur. edd., the law is הלכותא.

(2) Or ‘be yoked together’. V. Kil. VIII, 4.

(3) I.e., it is the female parent only which determines the species of the offspring, irrespective of the species of the sire; therefore, the offspring of a mare may not interbreed with the offspring of a she-ass. For the prohibition, cf. Lev. XIX. 19.

(4) Since each is the offspring of a horse and an ass, whether the one is a mule and the other a hinny, they may interbreed. The fact that

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Samuel gives this view of Hananiah as that of the Sages proves that he accepts it as the halachah.

(5) Lit., 'fruit', Heb. פרי in MS.M. the word is פרו, 'mule'. The question is whether a mule, the offspring of a mare and an ass-stallion, may breed with a mare.

(6) Since from the aspect of the male parent the offspring is an ass, it may not interbreed with a mare.

(7) Since the offspring are alike, in that each is half horse on the maternal side and half ass on the paternal side, they may certainly interbreed, whether we take into consideration the seed of the male parent or not.

(8) In each case, however, the dam was a mare.

(9) That we do not take into consideration the seed of the male parent; that is to say, it is only the female parent that determines the species of the offspring, and the species of the sire is immaterial.

(10) Since each offspring is half horse and half ass, it might be argued that in copulation the half horse in the one unites with the half ass in the other, and vice versa, hence there is breeding of diverse kinds which would be forbidden.

(11) And if we do not know the species of its dam with what kind can this mule be mated?

(12) Whether thoroughbred or mule.

(13) But if the species of the dam were known this mule could be mated with one of that species.

(14) I.e., it could not utter any sound and its tail and ears were cut off. It is therefore impossible to examine the mule by the abovementioned criteria.

(15) In the matter of ears and tail.

(16) For if we did take into account the seed of the male he would not have been so meticulous about the mules that were to be harnessed since each is part horse and part ass.

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and also that the [aforementioned] signs are [reliable by] Biblical law.¹

Our Rabbis taught: [The law of] 'It and its young' applies to a hybrid and a koy.² R. Eliezer says. To a hybrid, the offspring of a goat and a ewe, the law of 'It and its young' applies; to a koy, the law of 'It and its young' does not apply. R. Hisda said: What is the koy about which R. Eliezer and the

Rabbis differ? It is the offspring of a he-goat and a hind.³ What are the circumstances? If you suggest that a he-goat covered a hind and [the hind] gave birth to a young, and then one slaughtered the dam and its young; but [this cannot be, for] R. Hisda has also stated that all agree that if the dam was a hind and its young [the offspring of] a he-goat, one is not culpable [for slaughtering the dam and its young on the same day], for the Divine Law says: a sheep... and its young,⁴ and not 'a hind and its young'. And if you suggest that a hart covered a she-goat and it gave birth to a young and then one slaughtered the dam and its young; but [this, too' cannot be, for] R. Hisda has further stated that all agree that if the dam was a she-goat and its young [the offspring of] a hart, one is culpable, for the Divine Law says 'a sheep'; and as for the expression 'its young'. [it implies any offspring] whatever it is!⁵ —

Indeed, the circumstances are these: a he-goat covered a hind and [the hind] gave birth to a female young; this female young also gave birth to a young, and then one slaughtered the female young and its young [on the same day]. Now the Rabbis are of the opinion that we take into consideration the seed of the male parent, and that the term 'sheep' includes even that which is a sheep in part only.⁶ R. Eliezer, on the other hand, holds that we do not take into consideration the seed of the male parent, nor do we say that the term 'sheep' includes that which is a sheep in part only.⁷ Why not say that they differ on the issue whether or not we take into consideration the seed of the male parent, as is the dispute between Hananiah and the Rabbis?⁸ — If they were to differ on that issue only. I might have said that in the above case even the Rabbis would agree [that the law of 'It and its young' does not apply], for we do not say that the term 'sheep' includes that which is a sheep in part only; he therefore teaches us [the above dispute].⁹

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Consider then the following case. We have learnt:¹⁰ A person may not slaughter a koy on a festival, and if he did slaughter it he may not cover up its blood.¹¹ Now of what [koy] are we speaking here? If you suggest that a he-goat covered a hind and it gave birth [to the koy], then both according to the Rabbis and R. Eliezer he may slaughter it [on the festival] and cover up its blood, for the law [of covering up the blood] applies to deer and even to that which is deer in part.¹² And if you suggest that a hart covered a she-goat and it gave birth [to the koy], then according to the Rabbis he may slaughter it [on the festival] and cover up its blood,¹³ and according to R. Eliezer he may slaughter it [on the festival] and need not cover the blood!¹⁴ —

Indeed, the fact was that a hart covered a she-goat, but the Rabbis are undecided whether or not we must take into consideration the seed of the male parent.¹⁵ It follows, does it not, that since the Rabbis are undecided on this point. R. Eliezer has no doubts at all about it?¹⁶

Consider then the following case. It was taught: The law of The shoulder and the two cheeks and the maw¹⁷ applies to a koy and to a hybrid. R. Eliezer says. A hybrid, the offspring of a goat and a ewe, is subject to these dues; a koy is not subject to these dues. Now of what [koy] are we speaking here? If you suggest that a he-goat covered a hind and it gave birth [to the koy], then the view of R. Eliezer that it is not subject [to these dues] is clear, for he is of the opinion that we do not say that the term ‘sheep’ includes that which is a sheep in part only.¹⁸ But according to the view of the Rabbis, granting that they hold that the term ‘sheep’ includes even that which is a sheep in part only, it is clear therefore that there is certainly no obligation to give him¹⁹ one half [of the dues]²⁰ and even as regards the other half²¹ he could say to him, ‘Bring

proof that we take into consideration the seed of the male parent and then you shall have it’. And if you suggest that a hart covered a she-goat, then according to the Rabbis it is perfectly clear, for by ‘subject’ they meant [subject] to half the dues. But according to R. Eliezer it ought to be subject to the whole of the dues!²² —

Indeed the case was that a hart covered a she-goat and it gave birth [to the koy], but R. Eliezer is undecided whether or not we must take into consideration the seed of the male parent. But if the Rabbis are undecided about it and R. Eliezer too is undecided, wherein do they differ? —

(1) I.e., they may be relied upon in a case of doubt which involves a Biblical law. This opinion therefore would solve the question raised in B.M. 27a, whether the identification marks in a lost article are legally valid by Biblical or merely by Rabbinic law (Rashi).

(2) The offspring of a goat and a deer; V. supra p. 436, n. 2. It must be remembered that in connection with the law of ‘It and its young’, the Torah expressly states: Whether it be an ox or a sheep, which includes the goat but excludes the deer and all wild animals.

(3) I.e., it is a hybrid and not a species of animal. Throughout this passage the hind denotes the female deer and the hart the male.

(4) Lev. XXII, 28.

(5) Even though its sire was of a different species.

(6) The female young, therefore, by reason of its sire, is partly a sheep, and the law of ‘It and its young’ applies to it.

(7) The female young is a hind, taking exclusively after its dam and so the law of ‘It and its young’ does not apply to it.

(8) Viz., whether the law of ‘It and its young’ applies to the male parent and its young or not; V. supra 78b. According to R. Eliezer it does not apply and according to the Rabbis it does.

(9) Introducing a second issue, namely, whether or not the term ‘sheep’ includes a sheep in part.

(10) Bez. 8a.

(11) V. Lev. XVII, 13. The law of covering up the blood after slaughtering applies to wild animals and fowls only. A koy, therefore, since it is part goat and part deer, may not be slaughtered on a festival for there is no absolute duty in regard to it to cover up its blood.

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(12) For it is undisputed that the seed of the female parent is of vital consideration, and since the dam is a hind the law of covering up the blood will certainly apply to its young, even though its sire might have been a goat. Even according to the Rabbis who maintain that we must take into consideration the seed of the male parent, in this case a goat, there is the obligation to cover up the blood of the offspring, for this law is a positive obligation and will certainly apply to that part of the offspring which represents the deer element in it, and since it applies to part it must apply to the whole too, for the deer and goat elements are indistinguishable in it (v. Tosaf. a.l.).

(13) Since they take into consideration the seed of the male parent this koy has a 'deer' element in it, consequently its blood must be covered up.

(14) Since he ignores the seed of the male parent the offspring in this case is entirely a goat and the law of covering up the blood does not apply to it. Both according to the Rabbis and R. Eliezer there is no doubt about the covering up of its blood, hence it may be slaughtered on a festival.

(15) They therefore take the stricter view in every case where this consideration arises. On the one hand, they say, the law of 'It and its young' will apply to it, and on the other hand, it is forbidden to be slaughtered on a festival, because of the doubt as to the covering up of its blood.

(16) R. Eliezer is convinced in his view that the seed of the male is of no consequence.

(17) Deut. XVIII, 3: And this shall be the priests' due from the people, from them that slaughter any slaughtering, whether it be ox or sheep, that they shall give unto the priest the shoulder, and the two cheeks, and the maw. It is clear that this law does not apply to a wild animal, as a deer.

(18) Moreover, according to R. Eliezer, this koy is entirely a deer for he holds that we ignore the seed of the male parent.

(19) Sc. The priest.

(20) The koy on account of its female parent, which is a hind, is certainly exempt as to half the dues; and by 'subject to dues' the Rabbis at most meant, subject to half the dues.

(21) That half of the dues which represents the male parent, i.e., the goat.

(22) For since, according to R. Eliezer, the seed of the male parent is to be ignored, this koy is entirely a goat, and is therefore subject to the whole of the priests dues.

Chullin 80a

They differ in this: whether or not the term 'sheep' includes that which is a sheep in part only. The Rabbis maintain that the term 'sheep' includes even that which is a sheep in part only, whereas R. Eliezer maintains that the term 'sheep' does not include that which is a sheep in part only. Therefore,¹ said R. Papa, with regard to the law of covering up the blood and also with regard to the [priests'] dues [the koy spoken of] can only be [the offspring of such interbreeding] as where a hart covered a she-goat.² —

For both the Rabbis and R. Eliezer are undecided whether we must take into consideration the seed of the male parent or not; but they differ as to whether the term 'sheep' includes that which is a sheep in part only or not. With regard to the law of 'It and its young' the dispute can arise both where a he-goat covered a hind and where a hart covered a she-goat. The dispute in the case where a he-goat covered a hind is as to [whether there is any] prohibition³ [or not], the Rabbis holding that it may be that we ought to take into consideration the seed of the male parent, [in which case it is a part sheep], and since we say that the term 'sheep' includes even that which is a sheep in part only, it is therefore forbidden;⁴ whilst R. Eliezer maintains that even though we do take into consideration the seed of the male parent, [in which case it is a part sheep], we do not say that the term 'sheep' includes that which is a sheep in part only; [and it is therefore permitted]. In the case where a hart covered a she-goat the dispute is as to [whether] stripes [are inflicted or not]; the Rabbis holding that even though we take into consideration the seed of the male parent, since we say that the term 'sheep' includes even that which is a sheep in part only, we therefore inflict stripes upon him; whilst R. Eliezer maintains: There is only a prohibition but

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stripes cannot be inflicted. ‘There is only a prohibition’, perhaps we do not take into consideration the seed of the male ‘parent and therefore this is a proper sheep; ‘but stripes cannot be inflicted’, for it may be that we ought to take into consideration the seed of the male parent [so that it is only a part sheep], and we do not say that the term ‘sheep’ includes that which is a sheep in part only.

Rab Judah said: A koy is a separate creature but the Rabbis have not decided whether it belongs to the class of wild animals or cattle.

R. Nahman said: A koy is a wild ram. Tannaim also differ about it, for it was taught: A koy is a wild ram. Others say: It is the offspring of a he-goat and a hind.

R. Jose says. A koy is a separate creature but the Rabbis have not decided whether it belongs to the class of wild animals or cattle.

R. Simeon b. Gamaliel says. It is a species of cattle and the house of Dushai used to breed herds and herds of them.

R. Zera said in the name of R. Safra who reported it in the name of R. Hamnuna: Forest goats⁶ are fit for the altar.⁷ He is of the same view as R. Isaac who said, Scripture has enumerated ten species of animals [that may be eaten], and no more.⁸ Now since these [forest goats] are not reckoned among the wild animals mentioned, it follows that they are of the species of goats.⁹

R. Aha b. Jacob demurred, [saying]. Perhaps we should say that ‘the hart and the gazelle [etc.]’¹⁰ are particular terms, and every beast¹⁰ is a general proposition [which includes these particulars] hence we have an enumeration of particulars followed by a general proposition in which

case the scope of the proposition extends beyond the kinds specified. Thus there are many [animals that may be eaten although not enumerated in the Torah]! — If so, what is the purpose of the enumeration of all these particulars?

R. Aha the son of R. Ika demurred, [saying:] Perhaps they [the forest goats] are included within the class Akko.¹¹

R. Aba the son of Raba said to R. Ashi (others say: R. Aha the son of R. Awia said to R. Ashi). Perhaps they are included within the class Teo¹¹ or Zemer.¹¹

R. Hanan said to R. Ashi: Amemar permitted the fat of these [forest goats to be eaten].¹²

Abba the son of R. Minjamin b. Hiyya enquired of R. Huna b. Hiyya. What is the law with regard to [the offering of] these forest goats upon the altar? — He replied. It was only with regard to the wild ox¹³ that R. Jose disagreed with the Rabbis, for we have learnt: The ‘wild ox’ is a species of cattle.

R. Jose says. It is a species of wild animal. [And their arguments are these:] the Rabbis maintain, since the Targum¹⁴ renders [Teo as] ‘the wild ox’, it is certainly a species of cattle, whereas R. Jose maintains, since it is reckoned together with the other species of wild animals it is a species of wild animal; but these [forest goats], according to all views, belong to the species of goats.

R. Aha the son of R. Ika demurred: Perhaps they are included within the class Akko! Rabina said to R. Ashi: Perhaps they are included within the class Teo or Zemer.

R. Hanan¹⁵ said to R. Ashi: Amemar permitted the fat of these [to be eaten].

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THUS, IF ONE PERSON SLAUGHTERED, etc. R. Oshaia said: Our entire Mishnah is not in agreement with R. Simeon.¹⁶ Whence do you gather this? — For it reads: IF BOTH ANIMALS WERE CONSECRATED [AND WERE SLAUGHTERED] OUTSIDE THE SANCTUARY, HE WHO SLAUGHTERED THE FIRST INCURS THE PENALTY OF KARETH, BOTH ANIMALS ARE INVALID, AND EACH INCURS FORTY STRIPES. Now let us consider. We know that according to R. Simeon a slaughtering which does not render [the animal] fit is no slaughtering.¹⁷

(1) Since they are all undecided whether or not the seed of the male parent is taken into consideration and their point of dispute is as to the significance of the term ‘sheep’ to include, that which is sheep in part only.

(2) Accordingly the aforementioned Baraitha which teaches that a koy may not be slaughtered on a festival agrees with the view of the Rabbis. For the obligation to cover up the blood of this koy, the offspring of a hart and a she-goat, arises only by reason of the male element in it, and since this is a matter of doubt one may not slaughter it on a festival. It is indeed possible to explain that the koy spoken of in that Baraitha is the offspring of a he-goat and a hind, so that the view expressed therein would agree with that of R. Eliezer, since he is of the opinion that what is only part deer is not subject to the law of covering up the blood. It is preferable, however, to establish the Baraitha in accordance with the view of the majority. And so, too, the koy that is the subject of dispute between R. Eliezer and the Rabbis with regard to the priests’ dues is also the offspring of a hart and a he-goat; the Rabbis holding that this koy is subject to half the dues by virtue of the female element in it, but as to the other half, the priest can make no claim to it, for it may be that we should take into consideration the seed of the male parent in which case the priest is not entitled at all to that half. R. Eliezer, on the other hand, holds that this koy is entirely exempt from dues, for it may be that we ought to take into consideration the seed of the male parent, in which ‘case it is only a sheep in part by virtue of the female element in it, and according to R. Eliezer a part sheep is not included in the term ‘sheep’. Their dispute cannot be explained satisfactorily in any other manner, for if the koy were the offspring of a

he-goat and a hind, in that case even the Rabbis would declare it wholly exempt from dues, since it has a ‘sheep’ element in it only on account of the male parent, and it may be that we do not take into consideration the seed of the male.

(3) To slaughter the koy and its dam both on the same day.

(4) If a person however, did slaughter both on one day, he would not suffer stripes for it, for the warning which must precede the wrongful act is in this case dubious, since the act might not have been prohibited at all.

(5) I.e., a distinct species of animal and not a hybrid, the offspring of a deer and a goat, as assumed above.

(6) Rashi: goats of the Lebanon.

(7) For a sacrifice, for they belong to the class of cattle and not wild animals. Only cattle were allowed as offerings upon the altar but not wild animals.

(8) Cf. Deut. XIV. 4, 5: These are the beasts which ye may eat: the ox, the sheep and the goat, the hart and the gazelle and the roebuck, and the wild goat (אֵקוּ) and the pygarg and the wild ox (תָּאוֹ) and the chamois (זִמְרִי). These verses enumerate all the cattle and wild beasts that may be eaten.

(9) And are therefore fit for sacrifices.

(10) Ibid. 5, 6.

(11) V. p. 446, n. 4.

(12) For he regarded them as a species of wild animal.

(13) This is the traditional identification of תָּאוֹ.

(14) V. Aramaic version of Onkelos ibid. 5.

(15) So Bah. Cur. edd.: R. Nahman.

(16) Whose view is soon given.

(17) Lit., ‘its name is not slaughtering’. Any act of slaughtering which does not for any reason whatsoever effect the ritual fitness of the animal to be eaten is not considered in the eye of the law a slaughtering. Any such act would not be a transgression of the prohibition of ‘It and its young’, for Scripture speaks of ‘slaughtering’ in this connection.

Chullin 80b

Accordingly as the first [animal] was merely killed¹ the second is acceptable [as an offering] within, and he [who slaughtered it] should also incur the penalty of Kareth.

Moreover, it reads: IF BOTH ANIMALS WERE UNCONSECRATED [AND WERE SLAUGHTERED] INSIDE THE

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SANCTUARY, BOTH ANIMALS ARE INVALID, AND [HE WHO SLAUGHTERED] THE SECOND INCURS FORTY STRIPES. Let us consider. We know that according to R. Simeon a slaughtering which does not render [the animal] fit is no slaughtering. Accordingly the first [animal] was merely killed; why then should [he who slaughtered] the second have incurred forty stripes?

Further, it reads: IF BOTH ANIMALS WERE CONSECRATED [AND WERE SLAUGHTERED] INSIDE THE SANCTUARY, THE FIRST IS VALID AND HE [WHO SLAUGHTERED IT IS] NOT CULPABLE, BUT HE WHO SLAUGHTERED THE SECOND INCURS FORTY STRIPES AND IT IS INVALID. Let us consider. We know that according to R. Simeon, a slaughtering which does not render [the animal] fit is no slaughtering. Now the slaughtering of a consecrated animal is [by itself] a slaughtering which does not render [the animal] fit, for so long as the blood has not been sprinkled the flesh is not permitted to be eaten. Why is it then that [he who slaughtered] the second has incurred forty stripes? and why is it invalid?² Indeed you may conclude that it is not in agreement with R. Simeon. Is it not obvious it is so? —

It was only necessary [to have said it] on account of the clause dealing with the slaughtering of consecrated animals. For you might have submitted that the slaughtering of a consecrated animal is [by itself] a slaughtering which renders fit, for if one were to stab the animal and sprinkle its blood, the flesh would not thereby be permitted to be eaten, whereas if one were to slaughter it, the flesh would thereby be permitted to be eaten, consequently it is a slaughtering which renders the animal fit. He therefore teaches us [that it is not so]. Should he³ not have incurred stripes also on

account of the prohibition of ‘out of time’?⁴ For it was taught: Whence do we know that [the offering of] a bullock or a sheep that has any disqualifying defect is a transgression of the prohibition of ‘It shall not be accepted’? From the verse: Either a bullock or a lamb that hath anything too long or too short... it shall not be accepted,⁵ implying, that [the offering of] a bullock or a sheep that has a disqualifying defect is a transgression of the prohibition of ‘It shall not be accepted’.⁶ — He [the Tanna in our Mishnah] only reckons the prohibition of ‘It and its young’, but not other prohibitions. Surely it is not so! For is not the slaughtering of a consecrated animal outside the Sanctuary another prohibition nevertheless he reckons it?

For it says. IF BOTH ANIMALS WERE CONSECRATED [AND WERE SLAUGHTERED] OUTSIDE THE SANCTUARY, [HE WHO SLAUGHTERED] THE FIRST INCURS THE PENALTY OF KARETH, AND EACH INCURS FORTY STRIPES. The second one, I grant you, on account of the prohibition of ‘It and its young’; but why does the first one incur forty stripes if not on account of the prohibition of slaughtering consecrated animals outside the Sanctuary? — Wherever there is no prohibition of ‘It and its young’ he then reckons other prohibitions, but wherever there is a prohibition of ‘It and its young’ he does not reckon other prohibitions. R. Zera answered: Leave alone the prohibition of ‘Out of time’, for Scripture

(1) Since the slaughtering of a consecrated animal outside the Sanctuary, although involving the penalty of Kareth, is not regarded as a slaughtering but a killing, its young may be slaughtered on the same day; consequently the second consecrated animal was fit for a sacrifice, and he who slaughtered it outside the Sanctuary should indeed have incurred Kareth.

(2) As the slaughtering of the first animal was no slaughtering, the second is not under the disability of מחוסר זמן, ‘too young’, and it is valid for sacrifice,

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and he who slaughters it most certainly does not incur stripes.

(3) The one who slaughtered the second consecrated animal in the Sanctuary.

(4) Since one animal has been slaughtered the second is 'out of time' and unfit for a sacrifice on that day, and he who slaughters as a sacrifice that which is unfit for a sacrifice incurs the penalty of stripes. V. Tem. 6b.

(5) Lev. XXII, 23.

(6) For which the penalty of stripes is incurred.

Chullin 81a

has stated it in the form of a positive command. How is this? For the verse says: From the eighth day and henceforth it may be accepted,¹ that is from the eighth day only, but not before; it is therefore a negative precept derived from a positive command which has only the force of a positive command.² But is not this verse required for R. Aporiki's exposition? For R. Aporiki pointed out a contradiction between verses. The verse says: It shall be seven days under the dam,¹ accordingly on the night [following the seventh day] it is valid; and then it continues: From the eighth day and henceforth it may be accepted,¹ that is only from the eighth day and henceforth but not on the night [following the seventh day]. How is this [to be reconciled]? On the night [following the seventh day] it is fit for consecration, but on the [eighth] day it is acceptable [as an offering]! — There is another verse to the same effect, viz., Likewise shalt thou do with thine oxen and thy sheep; [seven days it shall be with its dam; on the eighth day thou shalt give it Me].³

R. Hamnuna said: R. Simeon used to say that the law of 'It and its young' does not apply to consecrated animals. Why? For since R. Simeon has stated that a slaughtering which does not render [the animal] fit is no slaughtering, the slaughtering of consecrated animals is [by itself] a slaughtering which does not render [the animal] fit.⁴ Raba raised the following

objection: If two persons slaughtered a dam and its young [on the same day], both being consecrated animals, outside the Sanctuary, [he who slaughtered] the second, says R. Simeon, has transgressed a negative command. For R. Simeon used to say: For [slaughtering outside the Sanctuary] any [consecrated] animal which is fit to be brought [as a sacrifice] at a later time, there is a negative command but not the penalty of Kareth.

The Sages, however, say: Where there is no penalty of Kareth there is neither [the transgression of] a negative command. Now upon this was raised the following difficulty: [You say,] Where both were consecrated animals and they were slaughtered outside, [he who slaughtered] the second has transgressed a negative command [and nothing more]? But surely, the first animal is merely regarded as 'killed' and the second would therefore be acceptable [as a sacrifice] within; consequently he [who slaughtered it] should also incur the penalty of Kareth!⁶ Whereupon Raba (others say: Kadi)⁷ answered: There is an omission here, and this is how it should read: If both animals were consecrated add [were slaughtered] outside [the Sanctuary]: according to the Rabbis, [he who slaughtered] the first incurs the penalty of Kareth, and the second [animal] is invalid but he [who slaughtered it] is not culpable;⁸ and according to R. Simeon, both incur the penalty of Kareth.⁹ If both animals were consecrated and [were slaughtered], the first outside and the second inside [the Sanctuary], — according to the Rabbis, [he who slaughtered] the first has incurred the penalty of Kareth, and the second [animal] is invalid and he [who slaughtered it] is not culpable;¹⁰ according to R. Simeon, the second animal is valid.¹¹ If the first [was slaughtered] inside and the second outside [the Sanctuary]: according to the Rabbis the first animal is valid and he [who

slaughtered it] is not culpable, and the second is invalid and he [who slaughtered it] is likewise not culpable;¹² according to R. Simeon, he who slaughtered the second has transgressed a negative command.¹³ Now if you are to assume that [according to R. Simeon] the law of ‘It and its young’ does not apply to consecrated animals, then why [is it stated that] he who slaughtered the second has transgressed a negative command and no more? He should also have incurred the penalty of Kareth! —

Rather, said Raba. This is what R. Hammuna meant to say. The punishment of stripes for the [transgression of the] law of ‘It and its young’ does not apply to consecrated animals.¹⁴ Why? For in as much as the flesh is not permitted to be eaten so long as the blood has not been sprinkled, [the warning that is given to the slaughterer] while he is slaughtering is a dubious warning, and a dubious warning is no warning.¹⁵

Raba is consistent in this view of his. For Raba said: If the dam was an unconsecrated animal and the young a peace-offering, and a man slaughtered first the unconsecrated animal and later [on the same day] the peace-offering, he is not culpable.¹⁶ If he first slaughtered the peace-offering and then the unconsecrated animal, he is culpable.¹⁷ Raba also said: If the dam was an Unconsecrated animal and the young a burnt-offering, it goes without saying that if a man first slaughtered the unconsecrated animal and later [on the same day] the burnt-offering, he is not culpable;

(1) Lev. XXII, 27.

(2) The prohibition of ‘out of time’, e.g., where the animal is not eight days old or where its dam was slaughtered on this same day, is modified in the Torah by the remedy stated, namely, keep it until it is eight days old, or slaughter it on the following day; hence the usual penalty for the transgression of a prohibition does not apply here (Rashi); v. infra 141a. Tosaf. interprets

thus: the Torah has expressly singled out the disqualification of ‘out of time’ from all the other disqualifications stated in Scripture for which the usual penalty of stripes is in force, and has declared that the transgression of this prohibition is accounted as the none fulfilment of a positive precept.

(3) Ex. XXII, 29

(4) V. supra p. 448.

(5) At present, however, it is ‘out of time’ or temporarily unfit, e.g., by reason of the slaughtering of the dam this same day. The negative command is indicated in Deut. XII. 8. V. Zeb. 114a.

(6) For according to R. Simeon the slaughtering of the dam in this case, in as much as it does not render the flesh thereof permitted to be eaten, is no slaughtering; consequently the young is fit for sacrifice and he who slaughters it outside the Sanctuary incurs the penalty of Kareth.

(7) Aliter: ‘as the case may be’; i.e., introducing respectively other persons.

(8) He has not incurred Kareth since it could not have been offered this day in the Sanctuary.

(9) Since the slaughtering of the first animal was no slaughtering the second was fit to be offered this day in the Sanctuary, accordingly the penalty of Kareth is incurred even in respect of the second animal.

(10) He is not liable for slaughtering it outside the Sanctuary since it was not fit to be offered within on the same day. It must be observed that the Tanna of this Baraitha does not take into consideration the transgression of the law of ‘It and its young’.

(11) For the slaughtering of the first animal was no slaughtering and the second animal was thus permitted to be slaughtered this day in the Sanctuary.

(12) V. p. 451, n. 4.

(13) Kareth, however, is not incurred, for since the slaughtering of the first was a valid and proper slaughtering the second was not fit to be offered this day within the Sanctuary.

(14) The reason being that the slaughtering of the first animal, having been performed according to all its rites, renders the second animal ‘out of time’, so that the slaughtering of the latter is no slaughtering and the punishment of stripes not incurred thereby (Rashi).

(15) Rashi suggests the deletion from the text of the last passage (from ‘Why’ to ‘warning’) on the ground that the argument is misleading and erroneous. For the reason why stripes are not incurred is not because of the dubious warning but simply because the slaughtering is no slaughtering (v. prec. n.). V. however Tosaf. supra 80b, s.v. שחיתתה.

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(16) For slaughtering ‘it and its young’, as the warning at the time of the commission of the wrongful act, i.e., when slaughtering the peace-offering, is a dubious warning, for if the blood of this sacrifice will not later be sprinkled upon the altar, the slaughtering is no slaughtering and no wrongful act will have been committed. This statement is obviously only in accordance with R. Simeon's view.

(17) The warning in this case before the slaughtering of the unconsecrated animal is a certain warning, for by the act of slaughtering alone the law is transgressed.

Chullin 81b

but even if he first slaughtered the burnt-offering and later [on the same day] the unconsecrated animal, he also is not culpable, because the first slaughtering was not a slaughtering such as renders the animal fit for food.¹ R. Jacob, however, said in the name of R. Johanan. The consumption [of sacrifices] upon the altar is deemed ‘eating’. Why? Because it is written: And if any of the flesh of the sacrifice of his peace-offerings be at all eaten;² the verse speaks of two ‘eatings’, the eating by man and the ‘eating’ by the altar.

MISHNAH. IF A PERSON SLAUGHTERED [AN ANIMAL] AND IT WAS FOUND TO BE TREFAH, OR IF HE SLAUGHTERED [IT AS AN OFFERING] TO IDOLS. OR IF HE SLAUGHTERED THE RED COW,³ OR AN OX WHICH WAS CONDEMNED TO BE STONED,⁴ OR A HEIFER WHOSE NECK WAS TO BE BROKEN,⁵ R. SIMEON SAYS. HE DOES NOT THEREBY TRANSGRESS [THE LAW OF ‘IT AND ITS YOUNG’];⁶ BUT THE SAGES SAY, HE DOES. IF A PERSON SLAUGHTERED [AN ANIMAL] AND IT BECAME NEBELAH UNDER HIS HAND, OR IF HE STABBED IT,⁷ OR TORE AWAY [THE ORGANS OF THE THROAT]. HE DOES NOT THEREBY TRANSGRESS THE LAW OF IT AND ITS YOUNG.⁸

GEMARA. R. Simeon b. Lakish said: They said so⁹ only where the person slaughtered

the first animal to idols and the second for his table [needs],¹⁰ but if he slaughtered the first animal for his table [needs] and the second to idols he is [certainly] not culpable [on the ground of ‘It and its young’] for he suffers the heavier penalty.¹¹ Whereupon R. Johanan said to him: Why, even school children know that! But [I say that] sometimes even where he slaughtered the first animal for his table [needs] and the second to idols he is culpable [on the ground of ‘It and its young’], if, for example, he was warned of the prohibition of ‘It and its young but not of idolatry.’¹²

R. Simeon b. Lakish, however, maintains, since if he had been warned [of idolatry] he would not be culpable [on account of ‘It and its young’],¹³ then even if he had not been warned of idolatry he is likewise not culpable [on account of ‘It and its young’]. They¹⁴ are indeed consistent in their views. For when R. Dimi came [from Palestine] he reported as follows:¹⁵ He who committed inadvertently¹⁶ an act which, if he had committed it wilfully, would have been punishable with death or with stripes, and [the act committed is punishable also with] something else,¹⁷

R. Johanan says, he is liable,¹⁸ but R. Simeon b. Lakish says, he is not liable. ‘R. Johanan says, he is liable’, for he had not been warned [of the major penalty];¹⁹ ‘R. Simeon b. Lakish says, he is not liable’, for since if he had been warned [of the major penalty] he would not be liable, so, too, if he had not been warned of it he is also not liable. Now both [disputes] are required.²⁰ For if only this [dispute] were reported I might have said that only here does R. Simeon b. Lakish assert his view,²¹ but there I should have said that he is in agreement with R. Johanan. And if the other dispute only were reported I might have said that only there does R. Johanan assert his view, but here I should have said that he is in agreement with R. Simeon b.

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Lakish. Both disputes therefore had to be reported. [Do you say that according to R. Simeon the slaughtering of] the Red Cow is a slaughtering which does not render it fit [for food]?

Surely it has been taught: R. Simeon says. The Red Cow contracts food uncleanness.²² since it had a period of fitness [to be used for food].

(1) For a burnt-offering must be entirely burnt upon the altar, consequently according to R. Simeon the slaughtering of a burnt-offering is no slaughtering for it does not render the flesh permitted to be eaten.

(2) Lev. VII, 18. Lit., the verse reads: And if eaten there shall be eaten of the flesh, etc. The repetition of the word 'eaten' indicates the two modes of consumption of a sacrifice, one by man and the other by the altar. Hence the slaughtering of a burnt-offering is a slaughtering, inasmuch as it renders the flesh fit to be eaten', i.e., burnt, by the altar.

(3) Lit., 'the cow of purification'. V. Num. XIX.

(4) For goring a human being. V. Ex. XXI, 28.

(5) V. Deut. XXI, 4.

(6) The slaughtering in any of the above cases is no slaughtering since the animal is not thereby rendered permitted to be eaten, consequently he does not transgress the law of 'It and its young'.

(7) At the throat.

(8) This is admitted by the Sages for in these cases there was either no slaughtering at all or the slaughtering was defective.

(9) I.e., the statement of the Sages that he who slaughters an animal to idols can thereby transgress the law of It and its young.

(10) In which case he suffers stripes for transgressing the law of It and its young and is also put to death for sacrificing unto idols; for these two penalties are incurred by him by different acts, death for slaughtering the first animal, and stripes for the second.

(11) Since he incurs both penalties by the one act, viz., the slaughtering of the second animal to idols, he would only suffer the heavier penalty, namely, death.

(12) In this case he would not suffer the death penalty since he had not been warned of the prohibition of idolatry; he therefore suffers stripes by virtue of the law of It and its young.

(13) For then he would suffer the major penalty, namely, death.

(14) R. Johanan and R. Simeon b. Lakish.

(15) V. Keth. 34b.

(16) I.e., he had not been warned beforehand of the wrongful act he was about to commit.

(17) E.g., the payment of money.

(18) To make the money payment.

(19) And so there is no death penalty, and therefore he pays.

(20) Both the dispute here which involves the consideration of the death penalty (by virtue of slaughtering to idols) and stripes (by virtue of the law of 'It and its young'), and the dispute in Keth. l.c., where the death penalty or stripes and a money payment are considered.

(21) That stripes are not inflicted. For since there arises out of the act of slaughtering a consideration of the death penalty, the penalty of stripes, being a minor penalty and of the same character as the major penalty in that they are both corporal punishments, is set aside absolutely, even though in the circumstances for want of the requisite warning the death penalty cannot be inflicted. In the other case however where the penalties involved are of two distinct characters, the one being corporal, i.e., death or stripes, and the other a monetary payment, even R. Simeon b. Lakish would agree that if the major penalty of death or stripes did not apply for want of the necessary warning, the minor penalty of payment would apply.

(22) I.e., its flesh will become unclean by contact with a carcass, for it is regarded as a permissible foodstuff. Rashi raises the interesting question. Why is there any consideration here about the flesh of the Red Cow contracting uncleanness? Surely it conveys uncleanness without having first come into contact with a carcass, cf. Num. XIX, 7, 8, 10. He suggests therefore the following circumstances: A morsel of the flesh of the Red Cow was covered over on all sides by less than an egg's bulk of dough, but together the flesh and the dough make up an egg's bulk, which is the minimum quantity for a foodstuff to contract or to convey uncleanness (v. however Tosaf. B.K. 77a, s.v. פרה). If then it is held that the flesh of the Red Cow is deemed a foodstuff, then the entire bulk will be rendered unclean by contact, say, with a carcass, and will convey uncleanness to other foodstuffs. If, on the other hand, it is not deemed a foodstuff this bulk cannot suffer uncleanness, and whatever foodstuffs come into contact with it will likewise not be rendered unclean, since they did not make any direct contact with the flesh of the Red Cow which is covered up on all sides with dough; v. Ker. 21b. V. however, Tosaf. supra 81b, s.v. פרה.

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Chullin 82a

And R. Simeon b. Lakish said: R. Simeon Used to say that the Red Cow may be redeemed¹ even on its woodpile!² — R. Shamman b. Abba therefore suggested in the name of R. Johanan. ‘The Red Cow’ is not [part] of our Mishnah. [Do you also say that the slaughtering of] the heifer whose neck was to be broken is a slaughtering which does not render it fit for food? Surely we have learnt: If the murderer was found before the heifer's neck was broken, it is set free to pasture among the herd!³ — R. Simeon b. Lakish therefore said in the name of R. Jannai. ‘The heifer whose neck was to be broken’ is not [part] of our Mishnah. But could R. Jannai have said so? Did not R. Jannai say. ‘I have heard a time limit for it,⁴ but have forgotten it; but our colleagues maintain: Its descent to the rugged valley renders it forbidden?’⁵ Now if this is so, it can be answered that there⁶ it was before it was taken down to the rugged valley and here⁷ after it was taken down! — R. Phinehas the son of R. Ammi replied. We report the statements⁸ in the name of R. Simeon b. Lakish.⁹ R. Ashi said. When we were at R. Papi's this difficulty was raised. Did R. Simeon b. Lakish really say so?¹⁰ But it has been reported: From what time are a leper's birds forbidden?¹¹ R. Johanan said: From the moment of the slaughtering.¹² R. Simeon b. Lakish said: From the moment they are taken.¹³ And we explained that the reason for the view of R. Simeon b. Lakish was that he derived it by analogy from the word ‘taking’, used here¹⁴ and also in connection with the heifer whose neck was to be broken!¹⁵ — Rather [say thus]: R. Hiyya b. Abba said in the name of R. Johanan. ‘The heifer whose neck was to be broken’ is not [part] of our Mishnah.¹⁶

MISHNAH. IF TWO PERSONS BOUGHT A COW AND ITS YOUNG, HE WHO BOUGHT FIRST SHALL SLAUGHTER FIRST; BUT IF

THE SECOND FORESTALLED HIM HE HOLDS HIS ADVANTAGE.

GEMARA. R. Joseph said: What we have learnt [in our Mishnah] is with regard to the rights [of each].¹⁷ A Tanna taught: If the second forestalled him he is sharp and gains an advantage; sharp in that he cannot now transgress the law, and gains an advantage in that he eats meat [to-day].¹⁸

MISHNAH. IF A PERSON SLAUGHTERED A COW AND THEN TWO OF ITS CALVES, HE INCURS EIGHTY STRIPES.¹⁹ IF HE SLAUGHTERED ITS TWO CALVES AND THEN THE COW. HE INCURS FORTY STRIPES.²⁰ IF HE SLAUGHTERED IT AND THEN ITS CALF AND THEN THE CALF'S OFFSPRING, HE INCURS EIGHTY STRIPES.²¹ IF HE SLAUGHTERED IT AND THEN ITS CALF'S OFFSPRING AND THEN THE CALF, HE INCURS FORTY STRIPES.²² SYMMACHOS, IN THE NAME OF R. MEIR, SAYS, HE INCURS EIGHTY STRIPES.

GEMARA. Why is this so?²³ Does not the Divine Law say. ‘It and its young’, but not ‘its young and it’? — You cannot hold this, for it was taught: [It is written.] ‘It and its young’; from this I only know it and its young, whence would I know that [the slaughtering of] the young and [then] its dam [is also prohibited]? From the fact that the verse says: Ye shall not slaughter,²⁴ two persons are indicated; thus, if one slaughtered the cow, another its dam, and a third its young, the last two are culpable.

(1) I.e., even after it had been slaughtered upon the specially erected woodpile and is ready for burning (cf. Num. XIX, 5), it may be redeemed if e.g. a finer animal can be obtained. It would then be permitted to be eaten; hence it is always deemed fit for food, for R. Simeon is of the opinion that whatsoever is capable of being redeemed is counted as if it were redeemed.

(2) V. Tosef. Par. VI. The slaughtering of the Red Cow is therefore deemed a slaughtering which renders it fit for food.

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(3) And when slaughtered is permitted to be eaten. V. Sot. 470.

(4) As to what time in its rites does it become forbidden.

(5) V. Deut. XXI, 4. Before its descent, however, it is permitted.

(6) The Mishnah in Sotah 47a where it is permitted to pasture among the herd.

(7) Our Mishnah where it is held that the slaughtering thereof does not render it fit for food.

(8) That 'the heifer whose neck was to be broken' does not form part of our Mishnah.

(9) But he did not say it in the name of R. Jannai; hence the difficulty is removed.

(10) That 'the heifer' was not to be included in our Mishnah since the slaughtering thereof renders it fit for food.

(11) The birds prescribed for the purification rites of a leper, v. Lev. XIV, 4, one of which was to be slaughtered and the other to be set free. It is established that these birds are forbidden for every use; V. Kid. 56b.

(12) The slaughtered bird then becomes forbidden for all time. The other that is set free also becomes forbidden from that moment until the time that it is set free (cf. Lev. XIV. 7)' so Tosaf. Kid. 57a, s.v. משעת.

(13) I.e., set aside for the purpose.

(14) Lev. XIV, 4: וליקח.

(15) Deut. XXI, 3. וליקח. The analogy is, just as the heifer, as soon as it was taken for the purpose, is rendered forbidden for all uses, so it is, too, with the birds of the leper. It is clear therefore that R. Simeon b. Lakish is of the opinion that the slaughtering of the heifer will not render it permitted for food.

(16) It was R. Johanan who made the statement originally and not R. Simeon b. Lakish.

(17) But from the religious point of view it is immaterial who slaughters first or which animal is slaughtered first.

(18) Whereas the other may not slaughter his animal until the next day.

(19) For the prohibition of 'It and its young' has been infringed twice, for the slaughtering of each calf is an infringement of the law.

(20) It is only by the slaughtering of the cow that the law is infringed, and that is only one forbidden act.

(21) The prohibition has in this case been infringed twice.

(22) With the slaughtering of the cow and its calf's offspring no law has as yet been infringed, but when the calf itself is slaughtered there is an infringement from two aspects, for it is the young of the cow and also the dam of its

offspring. The Rabbis however maintain that for this one act, for which there was but one warning, he incurs the penalty of stripes once only. For the view of Symmachos v. Gemara.

(23) That the law is infringed even where the young was slaughtered first and then the dam.

(24) Lev. XXII, 28. The plural of the verb indicates that two persons are culpable, one for slaughtering the dam and the other for slaughtering the young. Now this is of significance only where three animals were slaughtered and where the young was slaughtered first (V. Rashi). The Torah thereupon rules that both he who slaughtered its dam and he who slaughtered its offspring have transgressed the prohibition.

Chullin 82b

But is not this verse required for its own purpose? — For that, it might have said: 'Thou shalt not slaughter'; why. 'Ye shall not slaughter'? But this too is required for its own purpose, is it not? For if the Divine Law said: 'Thou shalt not slaughter'. I might have thought that only one person [if he slaughtered both, is culpable], but not two.¹ The Divine Law therefore says. Ye shall not slaughter, even two may not slaughter. — If so, the Law might have said: 'They shall not be slaughtered';² why. Ye shall not slaughter? To teach you two things.³

IF HE SLAUGHTERED IT AND THEN ITS CALF'S OFFSPRING, etc. Abaye enquired of R. Joseph: What is the reason of Symmachos? [Is it that] he holds that if a man during a spell of forgetfulness ate two olives' bulk of forbidden fat he is liable to two sin-offerings?⁴ And by right this view [of Symmachos] should have been recorded elsewhere,⁵ but it is recorded here⁶ to show you to what length the Rabbis will go, for the Rabbis exempt him [from an additional penalty] even in a case of separate prohibitions?⁷ Or is it that he holds that if a man during a spell of forgetfulness ate two olives' bulk of forbidden fat he is only liable to one sin-offering, but here⁶ the reason is

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that there are two separate prohibitions?⁸—

He replied: Yes. He holds that if a man ate two olives' bulk of forbidden fat during a spell of forgetfulness he is liable to two sin-offerings. Whence [do you gather this]? — From the following: It was taught: If a person sowed diverse kinds, diverse kinds, he incurs stripes.⁹ Now what is meant by 'he incurs stripes'?

Should you say it means, he incurs the penalty of stripes once, but this is obvious; moreover, why does it repeat 'diverse kinds, diverse kinds'? It must therefore mean, he incurs stripes twice. And what would be the circumstances of the case?

Should you say [he sowed diverse kinds twice] one after the other, and there were two warnings, but we have already learnt this elsewhere: If a nazir¹⁰ drinks wine the whole day long, he incurs only one penalty; if he is warned, 'Do not drink', 'Do not drink', and he drinks, he is liable for each [warning].¹¹ Clearly, then, [he sowed diverse kinds twice but] simultaneously¹² and there was only one warning.¹³ Now who is the author of this statement?

Should you say it is the Rabbis who differ with Symmachos, but surely, if in that case [in our Mishnah] where there are separate prohibitions the Rabbis exempt [the wrongdoer from an additional penalty], how much more so in this case. Hence it is, no doubt, Symmachos!¹⁴ — No. I maintain it is the Rabbis,¹⁵ but they incidentally teach us something else, that there are two sorts of 'diverse kinds'. They thus reject the view of R. Josiah, who said: [A man is not guilty] until he sows wheat, barley and grape kernels with one throw of the hand; for they teach us that if a man sowed wheat and grape kernels or barley and grape kernels he is also guilty.¹⁶

Come and hear: If a person ate an olive's bulk [of the sciatic nerve] of this [thigh] and another olive's bulk of the other [thigh].¹⁷ he has incurred eighty stripes. R. Judah says: He has only incurred forty stripes.¹⁸ Now what are the circumstances of the case? If you say [that he ate them] one after the other and there were two warnings, then what is R. Judah's reason [for saying that he has incurred forty stripes]? Is not the warning [with regard to each] dubious?¹⁹ And we have learnt that according to R. Judah a dubious warning is no warning. For it was taught: If he struck one and then struck the other,²⁰ or if he cursed one and then cursed the other, or if he struck then, both simultaneously,²¹ or if he cursed them both simultaneously, he is liable. R. Judah says, If simultaneously, he is liable;²² if one after the other, he is not liable.²³ Obviously then the case is [that he ate them]²⁴ together and there was only one warning. Now whose view is expressed by the first Tanna?

Should you say that of the Rabbis who differ with Symmachos, but Surely if there [in our Mishnah] where there are separate prohibitions the Rabbis exempt [the wrongdoer from an additional penalty], how much more so in this case.²⁵ Hence it is, no doubt, that of Symmachos!²⁶— No. I maintain [that he ate them] one after the other [and that there were two warnings], and [that the view expressed by the first Tanna is that of] the Rabbis. [The statement however expressed above by] the Tanna [in the name of R. Judah] agrees with the view of another Tanna who declares, also in the name of R. Judah, that a dubious warning is a warning. For it was taught: And he shall let nothing of it remain until the morning; and that which remaineth of it until the morning ye shall burn with fire.²⁷

(1) I.e., if one slaughtered the dam and another its young the law has not been infringed.

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(2) לֹא יִשְׁחָטוּ; neither by one person nor two persons.

(3) First that the prohibition applies where the animals were slaughtered by two persons, and secondly that whichever was slaughtered first, with the slaughtering of the second the law is infringed.

(4) Similarly, had he been warned beforehand of the prohibition of forbidden fat, so that he acted deliberately, he would incur the penalty of stripes twice. Accordingly, Symmachos would hold that even in the first clause of our Mishnah where a man slaughtered two calves (a permitted act) and then its dam, he would incur the penalty of stripes twice. And even though a distinction might be drawn between the above cases cited and the last clause of our Mishnah where Symmachos' opinion is actually recorded, viz., in the latter case the one act of slaughtering involves the transgression of two distinct prohibitions, namely 'It and its young'. 'It and its dam', each entailing the penalty of stripes, whereas in the above cases cited the act that is repeated involves the transgression of one prohibition only, namely, the prohibition of forbidden fat or in the first clause of our Mishnah the prohibition of 'It and its dam' — this distinction Symmachos does not regard as vital.

(5) In those cases where there is a transgression of one prohibition only, as in the case of the forbidden fat *supra*, or in the case of the first clause of our Mishnah.

(6) *Sc.* in the final clause of the Mishnah.

(7) *Lit.*, 'separate bodies'. I.e., there are two separate animals and in respect of each a distinct prohibition is transgressed.

(8) And therefore here he incurs the penalty of stripes twice.

(9) *V. Lev. XIX, 19.* Apparently he sowed diverse kinds of seeds on two occasions.

(10) One who has taken a nazirite vow to abstain from wine, to avoid contact with a corpse and to allow the hair to grow long; *v. Num. VI.*

(11) *Naz. 420.* We thus see there is a separate liability for the same act, however much repeated, provided there was a warning each time.

(12) I.e., sowing diverse kinds with his right hand and also with his left hand.

(13) Or even successively if there was only one warning (*Tosaf.*).

(14) We learn from this the view of Symmachos that if a person ate two olives' bulk of forbidden fat in one spell of forgetfulness he is liable to two sin-offerings.

(15) And there were two warnings. Although the case is obvious it was stated for a special purpose.

(16) I.e., that wheat and grape kernels alone constitute 'diverse kinds' and so also barley and grape kernels, *contra R. Josiah.*

(17) *V. infra 92a and 96a.* Each olive's bulk of the sciatic nerve was taken from the same animal, but one from the right thigh and the other from the left.

(18) He is of the opinion that the prohibition applies to one thigh.

(19) For *R. Judah* is in doubt as to which thigh the prohibition applies; hence the warning with regard to the eating of each of them is dubious, for each one may be the one that is permitted, consequently he should be exempt entirely from stripes.

(20) If a woman did not wait three months after separation from her husband by divorce, immediately married again, and after seven months gave birth to a son, there is always a doubt as to the paternity of the child. It may be a nine-months' child by the first husband or a seven-months' child by the second. This child, when grown up, struck one of his mother's husbands and then struck the other. The warning at the time of striking each one is a doubtful one, for when considering each one individually there is a doubt as to whether he is his father or not; it is nevertheless regarded as a proper warning and the son would be liable to the death penalty for striking or cursing his father (*cf. Ex. XXI, 15, 17.*)

(21) Striking one with his right hand and the other with his left.

(22) Here the warning at the time of striking is a certain warning, for he is certainly striking one who is his father.

(23) For the warning at each striking is a dubious one and *R. Judah* is of the opinion that such is no warning.

(24) I.e., the sciatic nerve of each thigh. In this case the warning is certain for one is the prohibited nerve.

(25) That he should not be liable to eighty stripes.

(26) Thus establishing the opinion of Symmachos as interpreted by *R. Joseph.*

(27) *Ex. XII, 10.* This law refers to the Passover offering.

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Scripture here came and provided a positive precept as a remedy for the [disregarded] prohibition to indicate that

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the prohibition is not punishable by stripes: so R. Judah.² R. Jacob says. This is not the reason,³ but because it is a prohibition which involves no action [in the contravention thereof], and any prohibition which involves no action [in the contravention thereof] is not punishable by stripes.⁴

Come and hear: If a person ate two sciatic nerves from the two [right] thighs of two animals, he has incurred eighty stripes. R. Judah says: He has only incurred forty stripes. Now what are the circumstances of the case? If you say [that he ate them] one after the other and that there were two warnings, then what is the reason of R. Judah who says that he has incurred forty stripes and no more? Obviously then [he ate them] together and there was only one warning. Now whose view is expressed by the first Tanna? If you say that of the Rabbis who differ with Symmachos, but surely if there [in our Mishnah] where there are separate prohibitions the Rabbis exempt [the wrongdoer from an additional penalty], how much more so in this case. Hence it is, no doubt, that of Symmachos!—

No. I maintain [that he ate them] one after the other; but when you ask, ‘Then what is R. Judah’s reason?’⁵ [I reply that] in this case one was not as much as an olive’s bulk.⁶ For it has been taught: If a person ate [the whole of] it but it was not as much as an olive’s bulk, he is liable. R. Judah says, [He is not liable] unless it was as much as an olive’s bulk.⁷

MISHNAH. AT FOUR PERIODS IN THE YEAR HE WHO SELLS A BEAST TO ANOTHER MUST INFORM HIM, I SOLD TO-DAY ITS DAM TO BE SLAUGHTERED’, OR. ‘I SOLD TO-DAY ITS YOUNG TO BE SLAUGHTERED’,⁸ NAMELY, ON THE EVE OF THE LAST DAY⁹ OF THE FEAST [OF TABERNACLES], ON THE EVE OF THE FIRST DAY OF PASSOVER, ON THE EVE

OF PENTECOST, AND ON THE EVE OF THE NEW YEAR; ACCORDING TO R. JOSE THE GALILEAN, ALSO ON THE EVE OF THE DAY OF ATONEMENT, IN GALILEE.¹⁰ R. JUDAH SAYS, THIS IS SO, ONLY WHEN THERE WAS NO INTERVAL,¹¹ BUT IF THERE WAS AN INTERVAL. HE NEED NOT INFORM HIM. YET R. JUDAH AGREES THAT IF HE SOLD THE DAM TO THE BRIDEGROOM AND THE YOUNG TO THE BRIDE, HE MUST INFORM THEM OF IT, FOR IT IS CERTAIN THAT THEY WILL EACH SLAUGHTER [THEIR BEAST] ON THE SAME DAY. AT THESE FOUR PERIODS A BUTCHER CAN BE COMPELLED TO SLAUGHTER A BEAST AGAINST HIS WILL; EVEN IF THE OX WAS WORTH A THOUSAND DENARS¹² AND THE PURCHASER HAS ONLY [PAID] A DENAR,¹³ THE BUTCHER IS COMPELLED TO SLAUGHTER IT. THEREFORE IF THE ANIMAL DIED, THE LOSS FALLS UPON THE PURCHASER.¹⁴ AT OTHER TIMES OF THE YEAR IT IS NOT SO,¹⁵ THEREFORE IF THE ANIMAL DIED, THE LOSS FALLS UPON THE SELLER.

GEMARA. A Tanna taught: If he did not inform him, he [the Purchaser] may go and slaughter it without any hesitation whatsoever.

R. JUDAH SAYS, THIS IS SO... [IF HE SOLD THE DAM TO THE BRIDEGROOM], etc. Why does he particularly state THE DAM TO THE BRIDEGROOM and THE YOUNG TO THE BRIDE? — He incidentally tells us that it is the proper thing for the bridegroom’s family to make¹⁶ [greater festivities] than the bride’s family.

AT THESE FOUR PERIODS, etc. But he [the purchaser] has not drawn it into his possession?¹⁷ — R. Huna answered: We must assume that he had done so. If so, why [does it say] in the last clause, AT OTHER TIMES OF THE YEAR IT IS NOT SO;

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THEREFORE IF THE ANIMAL DIED THE LOSS FALLS UPON THE SELLER? But he has already drawn [the animal] into his possession?¹⁸ —

R. Samuel son of R. Isaac answered: In fact he had not drawn it into his possession, but here the case was that the seller had transferred [a portion to the purchaser] through a third party. Now at these four periods it is an advantage for him [to have meat],¹⁹ and it is an established rule²⁰ that one may act to another's advantage in his absence; whereas at other times of the year it is a disadvantage for him²¹ and one may not act to another's disadvantage save in his presence. **R. Eliezer answered in the name of R. Johanan** that at these four periods the Rabbis adopted the Biblical law. For **R. Johanan** has said: By Biblical law, [the payment of] money confers title. Why then was it decreed that only meshikah²² confers title? As a precautionary measure, lest he [the vendor] say to him [the purchaser]. 'Your wheat was burnt in the loft'.²³

MISHNAH. THE 'ONE DAY'²⁴ MENTIONED IN CONNECTION WITH THE LAW OF 'IT AND ITS YOUNG' MEANS THE DAY AND THE NIGHT PRECEDING IT.²⁵ THIS WAS EXPOUNDED BY **R. SIMEON B. ZOMA:** THE EXPRESSION 'ONE DAY' IS MENTIONED IN CONNECTION WITH THE CREATION²⁶ AND ALSO IN CONNECTION WITH THE LAW OF 'IT AND ITS YOUNG'. AS THE 'ONE DAY' MENTIONED IN CONNECTION WITH THE CREATION MEANS THE DAY AND THE NIGHT PRECEDING IT, SO TOO THE 'ONE DAY' MENTIONED IN CONNECTION WITH THE LAW OF 'IT AND ITS YOUNG' MEANS THE DAY AND THE NIGHT PRECEDING IT.

GEMARA. Our Rabbis taught: This was expounded by **R. Simeon b. Zoma:** Since the whole passage deals only with the laws concerning consecrated animals,²⁷ and with regard to consecrated matters [a day

means] the day and the night following it,²⁸ I might have thought that here also it is the same, it is therefore written here 'one day' and also 'one day' in connection with the Creation, as the 'one day' mentioned in connection with the Creation means the day and the night preceding it, so, too, the 'one day' mentioned in connection with the law of 'It and its young' means the day and the night preceding it.

(1) Lit., 'after'.

(2) But were it not for the remedial act provided for by Scripture the infringement of this prohibition would entail stripes, even though the warning in this case is a dubious one, for whenever warned the offender could reply. 'It is still night and I have yet time to eat it'.

(3) Lit., 'not of the same denomination'. That is not the reason why the transgression of this prohibition is not punishable by stripes.

(4) V. Mak. 4b, 16a, and elsewhere.

(5) That he only incurs forty stripes.

(6) The sciatic nerve of one animal was as much as an olive's bulk but not that of the other. (See Rashi.) According to **R. Judah**, therefore, he only incurs forty stripes. According to the Rabbis, however, if a man ate the entire sciatic nerve, even though in all it was not as much as an olive's bulk, being a distinct entity, he is liable. The Rabbis therefore hold that in the above case he incurs eighty stripes.

(7) Tosef. Hul. VII; Tosef. Mak. III.

(8) It is presumed that on these special days animals would be slaughtered on the day that they are bought, so as to have meat prepared for the Festival that is on the following day. This information is necessary in order to avoid the slaughtering of the dam and its young on the same day.

(9) The last day of the Feast of Tabernacles was regarded as a festival by itself and was observed with special celebrations and feasting. On the eve of the commencement of the Feast of Tabernacles, Israelites are usually preoccupied with the erection of 'booths' and would not find time for purchasing and slaughtering animals.

(10) Where it was the custom to indulge in much feasting, including meat dishes, before the Fast.

(11) Of a day between the sale of one animal and the other; i.e., both were sold on the same day.

(12) A coin. V. Glos.

(13) The purchaser had already paid a denar to buy a denar's worth of meat.

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(14) Lit., 'it has died to the purchaser'. He cannot demand the return of his denar or claim meat to that value.

(15) For the mere payment of money does not, according to Rabbinic enactment, effect an irrevocable sale.

(16) Lit., 'to trouble'. Accordingly the larger animal, the dam, is sold to the bridegroom's family.

(17) Why should the purchaser bear any of the loss since he has not become the legal owner of his portion? V. n. 7.

(18) So that the purchaser has acquired legal ownership of his portion; consequently he must bear any loss.

(19) In honour of the Festival.

(20) Kid. 23a and elsewhere.

(21) To spend money on meat.

(22) משיכה, lit., 'drawing' into one's possession, thereby obtaining ownership.

(23) Were the purchaser to be regarded as the owner of the goods upon the payment of the purchase money even though the goods had not left the vendor's possession, the latter would not trouble to save them if they caught fire. The Rabbis therefore decreed that the ownership should not pass until there had been a meshikah by the purchaser, for then the purchaser would usually carry away the goods with him.

(24) Lev. XXII, 28.

(25) If therefore a man slaughtered the dam at night, he may not slaughter its young the whole of the following day. On the other hand, if he slaughtered the dam during the day, he may as soon as the night sets in slaughter the young.

(26) Gen. I, 5; where it reads: And there was evening and there was morning, one day.

(27) For in the preceding verse (Lev. XXII, 27) it reads: And thenceforth it may be accepted for an offering made by fire unto the Lord.

(28) For in connection with the eating of sacrificial meat it is written (ibid. VII, 15). It shall be eaten on the day of his offering; he shall not leave any of it until the morning. Thus it may be eaten the whole of the night following the day.

Chullin 83b

Rabbi says: One day means a special day, on which an announcement [with regard to 'It and its young'] must be made. Hence [the Rabbis] have said: At four periods of the year he who sells a beast to another must inform him [of the sale of its dam or of its young].

CHAPTER VI

MISHNAH. THE [LAW OF] COVERING UP THE BLOOD¹ IS IN FORCE BOTH WITHIN THE [HOLY] LAND AND OUTSIDE IT, BOTH DURING THE EXISTENCE OF THE TEMPLE AND AFTER IT, IN RESPECT OF UNCONSECRATED [ANIMALS OR BIRDS] BUT NOT CONSECRATED [BIRDS].² IT APPLIES [ONLY] TO WILD ANIMALS AND BIRDS, WHETHER THEY ARE AT ONE'S DISPOSAL OR NOT.³ IT APPLIES ALSO TO A KOY, FOR IT IS AN ANIMAL ABOUT WHICH THERE IS A DOUBT.⁴ IT MAY [THEREFORE] NOT BE SLAUGHTERED ON A FESTIVAL; AND IF IT WAS SLAUGHTERED [THEREON] ONE MAY NOT COVER UP ITS BLOOD.⁵

GEMARA. Why does it not apply to consecrated [birds]? Is it because of R. Zera's teaching? For R. Zera said: He who slaughters [a bird or a wild animal] must place dust underneath [the blood] and dust above it, for it is written: He shall pour out the blood thereof, and cover it with dust [be-'afar];¹ it does not say 'afar' but 'be-'afar';⁶ this is to indicate that he who slaughters must place dust underneath [the blood] and dust above it. And here [in the case of consecrated birds] this is not possible; for how should he do it? If he were to place [dust upon the altar] and decide to leave it there,⁷ he is thereby adding to the structure [of the altar], and it is written: All this, (said David, do I give thee) in writing, as the Lord hath made me wise by His hand upon me!⁸ And if he does not decide to leave it there, then it is an interposition!⁹ But granted that it is not possible [to place dust] underneath [the blood], surely it is possible [to place dust] above it, why then should he not cover it up? Has it not been taught: R. Jonathan b. Joseph says: If a man slaughtered a wild animal and then he slaughtered cattle, he is exempt from covering up the blood; if he

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slaughtered cattle and then a wild animal he must cover up the blood?¹⁰ —

[The reason is] because of R. Zera's principle. For R. Zera stated: Wherever proper mingling is possible the mingling is not indispensable, but wherever proper mingling is not possible the mingling is indispensable.¹¹ And why should he not scrape away the blood [from off the altar] and cover it up? Have we not learnt: The blood which spurted out and that which is upon the knife must also be covered up?¹² It is clear therefore that he must scrape it away and cover it up; here too he should scrape it away [from off the altar] and cover it up? —

If it was [a bird] consecrated for sacrifice¹³ it would indeed be so, but here [in our Mishnah] we are speaking of a bird consecrated for the Temple treasury.¹⁴

(1) V. Lev. XVII, 13.

(2) I.e., the sin- or burnt-offerings of birds.

(3) I.e., whether they are wild or domesticated. This is in contradistinction from the law of 'Letting the mother bird go' (Deut. XXII, 7). V. infra 138b.

(4) Whether it is a kind of cattle or a kind of wild animal. V. supra p. 436, n. 2.

(5) Because of its doubt one may not desecrate the festival by covering up its blood if it had been slaughtered.

(6) V. supra p. 163, n. 1. Heb. בעפר

(7) Lit., 'renounce it', so that it becomes part of the altar.

(8) I Chron. XXVIII, 19.

(9) Interposing between the blood of the bird sacrifice and the altar, and this would disqualify the service.

(10) Although in this case there is no dust beneath the blood of the wild animal, for it lies above the blood of the cattle, it must nevertheless be covered up on top. Likewise the blood of a bird sacrifice upon the altar should have to be covered up on top.

(11) V. Men. 103b. It has been taught that one may not bring a meal offering consisting of sixty-one 'esronim (plural of 'issaron, the tenth part of an ephah) in one vessel for it cannot be mingled thoroughly with the prescribed log of oil. Now although it is established that the meal-

offering is valid even though the flour and oil had not been mixed, it must, declared R. Zera, be in the condition in which it could be mixed if so desired, but if it cannot be mixed the meal-offering, is invalid. This principle of R. Zera is applied here: the requirement of placing dust underneath the blood can be dispensed with so long as it is possible to do so if desired, but in the case of a consecrated bird, where it is not permissible to place dust upon the altar underneath the blood, this requirement becomes indispensable.

(12) Infra 87b.

(13) Lit., consecrated for the altar'. E.g., a sin-offering of a bird, which may be eaten by priests after the sacrificial rites had been performed with it. In this case the blood of the sacrifice, after it has been drained out on the altar, must be scraped away and covered up.

(14) Lit., 'for the repair of the House', i.e., for the general purposes of the Temple. As the slaughtering of this bird does not render it fit to be eaten, for it is forbidden for all purposes, the slaughtering is no slaughtering (v. supra 80a bot., the opinion of R. Simeon), consequently the law of covering up the blood does not apply.

Chullin 84a

And why should he not redeem it¹ and then cover up [its blood]? — Because [in order to redeem a consecrated living thing] it must be stood up and appraised [by the priest].² According to whom is this teaching? If according to R. Meir, who said that all³ [consecrated living things] are subject to the law of standing up whilst being appraised, but he holds, does he not, that a slaughtering which does not render fit [for food] is a proper slaughtering?⁴ And if according to R. Simeon, who said that a slaughtering which does not render fit for food is no slaughtering, but he holds, does he not, that not all⁵ are subject to the law of standing up whilst being appraised? —

R. Joseph answered: The Tanna of our Mishnah is Rabbi who incorporates the views of both these Tannaim: with regard to a slaughtering which does not render fit [for food] he adopts the view of R. Simeon, and with regard to the law of standing up whilst being appraised he adopts the view

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of R. Meir. Alternatively, you may say, the entire Mishnah is in conformity with the views of R. Simeon, but it is different here, for the verse reads: And he shall pour out... and cover it,⁶ implying that the law [of 'covering up'] applies only to that case which requires pouring out and covering up, but not to this case which requires pouring out, redeeming and covering up. And now that you have adopted this argument, you might even say that our Mishnah refers also to birds consecrated for sacrifice,⁷ for the law [of 'covering up'] applies only to those that require pouring out and covering up, but not to those that require pouring out, scraping away [from off the altar] and covering up.

Mar son of R. Ashi said, [The reason is because] Scripture says. Any wild animal or bird,⁹ and just as it cannot refer to a consecrated wild animal¹⁰ so it cannot refer to a consecrated bird. But [I might say] just as the law refers to wild animals none of which can be consecrated,¹¹ so it only refers to those birds which cannot be consecrated, hence I would exclude turtle doves and young pigeons since they can be consecrated!¹² — This cannot be, for it is likened to the wild animal, and just as in the case of wild animals you make no distinctions, so in the case of birds you ought not to make any distinctions.¹³

Jacob the Min¹⁴ said to Raba: It is established that the term 'cattle' includes wild animals with regard to the characteristics [of cleanness];¹⁵ should I not say then that the term 'wild animal' includes cattle with regard to the law of covering up [the blood]? — He replied. To [confute] such as you the verse says: Thou shalt pour it out upon the earth as water,¹⁶ and as water does not require to be covered up, so [the blood of] cattle does not require to be covered up. If so, one should be allowed to immerse [unclean things] in it!¹⁷

—

Scripture says. Nevertheless a fountain or a cistern, any gathering of water shall be clean;¹⁸ only these [render clean], but any other [liquid] does not. Perhaps this [verse] only excludes other liquids which are not described as water, but blood, since it is described as water, should be allowed [for purposes of immersion]! — There are two limiting qualifications, viz., 'a fountain' of water and 'a cistern' of water.¹⁹ Perhaps both [these limitations] serve to exclude other liquids, one excluding liquids in a running state and the other liquids when collected! — There are three limiting qualifications, viz., 'a fountain' of water, 'a cistern' of water, and 'any gathering of water'.²⁰

Our Rabbis taught: [It is written,] who taketh in hunting.²¹ I only know from this [that the law applies to] that which is taken in hunting, whence would I know that it also applies to such as are always taken hunting,²² e.g., geese and fowl? The text therefore adds a hunting; the law thus applies to all cases. Why then does Scripture say. 'Who taketh in hunting'? The Torah teaches a rule of conduct, that a person should not eat meat except after such preparation as this.²³

Our Rabbis taught: When the Lord thy God shall enlarge thy border, as He hath promised thee, and thou shalt say: I will eat flesh.²⁴ The Torah here teaches a rule of conduct, that a person should not eat meat unless he has a special appetite for it. I might think that this means that a person should buy [meat] in the market and eat it, the text therefore states: Then thou shalt kill of thy herd and of thy flock.²⁵ I might then think that this means that he should kill all his herd and eat and all his flock and eat, the text therefore states: 'Of thy herd', and not all thy herd; 'of thy flock' and not all thy flock. Hence R. Eleazar b. 'Azariah said: A man who has a maneh²⁶ may buy

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for his stew a litra²⁷ of vegetables; if he has ten maneh he may buy for his stew a litra of fish; if he has fifty maneh he may buy for his stew a litra of meat; if he has a hundred maneh he may have a pot set on for him every day. And [how often for] the others?²⁸ From Sabbath eve to Sabbath eve.

Said Rab: We must defer to the opinion of the Elder.²⁹ R. Johanan said: Abba³⁰ comes from a healthy family, but as for us,³¹ whosoever amongst us has a penny in his purse should hasten with it to the shop-keeper. R. Nahman said: As for us,³² we must even borrow to eat. The lambs are for thy clothing:³³ of the fleece of your own lambs should be your clothing. ‘And the goats the price of the field’:³³ a person should always sell his field and buy goats rather than sell his goats and buy a field. ‘And there will be goats’ milk enough’:³⁴ it is enough for a person to sustain himself with the milk of the goats and lambs in his home. ‘For thy food, for the food of thy household’:³⁴ your own sustenance comes first, before the sustenance of your household. ‘And life for thy maidens’:³⁴ Mar Zutra the son of R. Nahman said: Discipline your maidens³⁵ in the way of life;³⁶ hence the Torah teaches a rule of conduct that a parent should not accustom his son to flesh and wine.

R. Johanan said,

- (1) So that it becomes permitted to be eaten.
- (2) V. Lev. XXVII, 11, 12. The living thing when being redeemed must be able to stand up while it is being valued by the priest, but here the bird is already dead.
- (3) I.e., animals that have been consecrated for sacrifice but have become unfit by reason of a physical blemish as well as those consecrated for the Temple treasury.
- (4) Accordingly the blood must be covered up, even though it is not fit for food by virtue of its not having been redeemed.
- (5) But only those consecrated for sacrifice.
- (6) Lev. XVII, 13.
- (7) So that our Mishnah exempts all consecrated birds from the law of covering up the blood.

(8) Why consecrated birds are exempt from the law of ‘covering up’.

(9) Lev. XVII, 13.

(10) For no wild animal of whatever kind or species is fit for sacrifice.

(11) Lit., ‘none of its species can be consecrated’.

(12) I.e., that the law of covering up the blood should not apply to turtle doves and young pigeons even though they are unconsecrated.

(13) All kinds must be alike; nevertheless it is established that the law refers only to those that are unconsecrated.

(14) V. Glos.

(15) By which we distinguish the cattle and the wild animals that are permitted to be eaten; v. supra 71a.

(16) Deut. XII, 24.

(17) In blood, since it is likened to water.

(18) Lev. XI, 36.

(19) The word ‘water’ is to be taken with each of the preceding nouns, and it is to be regarded as if it were expressly stated after each, thus serving to exclude all liquids, even blood.

(20) Two limitations serve to exclude all liquids whether in a running state or collected in a vessel; the third limitation excludes blood.

(21) Lev. XVII, 13. The verse literally reads: Who taketh in hunting a hunting of wild animal or bird.

(22) I.e., which are domesticated and within one's house.

(23) I.e., after toilsome preparation, and only as a rare luxury, for otherwise one would soon be reduced to poverty.

(24) Deut. XII, 20.

(25) Ibid. 21.

(26) A coin equal to one hundred zuz. V. Glos.

(27) A measure of capacity; v. Glos.

(28) I.e., the above mentioned persons of lesser means.

(29) Sc. R. Eleazar b. ‘Azariah. He is termed ‘the Elder’ because on his appointment as head of the Academy he suddenly turned grey-haired, cf. Ber. 282.

(30) Sc. Rab.

(31) Who are not so healthy and strong as those of former generations.

(32) Our generation which is still weaker than that of R. Johanan.

(33) Prov. XXVII, 26.

(34) Ibid. 27.

(35) I.e., the household.

(36) In thrift and moderation, so that they be content with the simple needs of life.

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Chullin 84b

Whoso wishes to become rich should engage in [the breeding of] small cattle.¹ R. Hisda said: Why the expression. The young [‘ashteroth] of thy flock?² Because they enrich [me’asheroth] their owners.

R. Johanan also said: Rather [drink] a cupful of witchcraft than a cupful of lukewarm water; that is so only if it is in a metal vessel, but in an earthenware vessel it does no harm. Moreover, even in a metal vessel we say [it is harmful] only if no spice roots were thrown into it, but if some spice roots were thrown into it it does no harm. Moreover, even if no spice roots were thrown into it we say [it is harmful] only if the water had not been boiled, but once it had boiled it can do no harm.

R. Johanan also said: If a person is left a fortune³ by his parents and wishes to dissipate it, let him wear linen garments, use glassware, and engage workmen and not be with them. ‘Let him wear linen garments, especially of Roman linen;⁴ ‘use glassware’, especially white glass;⁵ ‘and engage workmen and not be with them’, [especially to work with] oxen, which can cause much damage.⁶

R. ‘Awira used to give the following exposition (sometimes quoting it in the name of R. Ammi and sometimes in the name of R. Assi): What is the meaning of the verse: Well is it with the man that dealeth graciously, that ordereth his affairs rightfully?⁷ A man should always eat and drink less than his means allow, clothe himself in accordance with means, and honour his wife and children more than his means allow, for they are dependent upon him and he is dependent upon ‘Him who spake and the world came into being’.

R. ‘Ena lectured at the entrance of the Exilarch's house, viz., If a person

slaughtered [a bird] on the Sabbath for an invalid, he must cover up its blood.⁸ Whereupon Rabbah said: He is talking nonsense; remove from him his Amora.⁹ For it has been taught: R. Jose says. A koy may not be slaughtered on a festival, and if it was slaughtered its blood may not be covered up, by reason of the following a fortiori argument: If circumcision which in a case of certainty overrides the Sabbath¹⁰ yet in a case of doubt does not even override the festival,¹¹ the covering up of the blood which even in a case of certainty does not override the Sabbath will surely not override the festival in a case of doubt!¹² They said to him: But the sounding of the Shofar in the provinces could prove otherwise,¹³ for even though in a case of certainty it does not override the Sabbath yet it does override the festival in a case of doubt.¹⁴

R. Eleazar ha-Kappar Beribbi¹⁵ raised this objection against the argument [of R. Jose]: You may say so of circumcision since it is not allowed on the night of a festival;¹⁶ will you then say the same of the covering up of the blood which is allowed on the night of a festival? (R. Abba said: This is one of the instances about which R. Hiyya had said: ‘I have no objection to raise against it’, but R. Eleazar ha-Kappar Beribbi did find an objection.) Now it actually was stated above, ‘The covering up of the blood which even in a case of certainty does not override the Sabbath’. To what does the ruling that the covering up of the blood even in a case of certainty does not override the Sabbath refer? No doubt, to the case where one slaughtered on the Sabbath for an invalid!¹⁷ But perhaps [it refers to the case] where one transgressed and slaughtered!¹⁸—

It must be under similar conditions as circumcision: as circumcision does not involve the transgression of a precept¹⁹ so the case of the covering up of the blood

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must not have involved the transgression of a precept.²⁰ 'They said to him: But the sounding of the Shofar in the provinces could prove otherwise, for even though in a case of certainty it does not override the Sabbath yet it does override the festival in a case of doubt'. What is this case of doubt? Is it the doubt whether the day is a Holy day or a weekday? But surely, if it [the sounding of the Shofar] overrides a certain Holy day, is there any question about a doubtful Holy day?²¹

(1) V. Tosaf. s.v. הריצה.

(2) Deut. VII, 13. There is here a play upon the words: עשהרות and מעשרות R. Hisda's interpretation of this expression suggests the reason for this opinion of R. Johanan.

(3) MS.M. adds: Gotten by usury.

(4) Which are very expensive (Rashi); or, which are of inferior quality (R. Gershom).

(5) Which is both expensive and fragile.

(6) Both to the oxen and the crops.

(7) Ps. CXII, 5.

(8) For since it is permitted to slaughter on the Sabbath for a person who is dangerously ill, it is suggested that everything in connection with the slaughtering is permitted, even the covering up of the blood.

(9) Aliter: 'let his tongue be pulled out. That he shall no more lecture. אשתומא 'confusion', 'an amazing statement';

cf. Dan. IV, 16. For Amora v. Glos. Another reading, quoted by Rashi and R. Gershom and supported by MS.M., is: אי דשמא קאמר. 'If he says so in his own name remove, etc.'

(10) If the eighth day is a Sabbath, the child is circumcised on the Sabbath, for the rite of circumcision overrides the laws of Sabbath. V. Shab. XIX, 5.

(11) If a child was born at twilight there is a doubt as to the correct day for circumcision, and the child is circumcised on the ninth day; should this day happen to be a festival the circumcision is postponed to the tenth day. V. Shab. ibid.

(12) Sc., a koy.

(13) It is established law that if Rosh Hashanah happened to fall on Sabbath the Shofar was blown in the Temple (or, in Jerusalem — Maim.) but not in any other place in the land of Israel. V. R.H. 29b.

(14) For although only males and not females are bound to sound the Shofar it is nevertheless held that a tumtum, i.e., a person of doubtful

sex, must sound the Shofar; thus it is seen that a case of doubt overrides the festival restriction.

(15) V. supra p. 52, n. 4.

(16) For the rite of circumcision may not be performed at night, cf. Lev. XII, 3.

(17) Where the Sabbath had already been set aside for the slaughtering which was permitted for the sake of the invalid, nevertheless it is not set aside for covering up the blood. Thus R. 'Ena stands refuted.

(18) I.e., where the slaughtering was performed on the Sabbath for the sake of a healthy person. In that case only is it forbidden to cover up the blood, but where the slaughtering was permitted it would also be permitted to cover up the blood.

(19) Lit., '(is an act) of free choice'.

(20) I.e., the slaughtering was a permissible act, for it was done for an invalid.

(21) Accordingly this is no case of doubt at all, for whether the day be a Holy Day or a weekday one may sound the Shofar thereon. V. Jer. Bez. I, 3.

Chullin 85a

Rather the case of doubt is whether the person [that is sounding the Shofar] is a man or a woman.¹ R. Jose however [does not regard this as a refutation for he] is of the opinion that even a woman² may sound [the Shofar on the Festival]. For it was taught: The sons of Israel lay on [their hands upon the head of the sacrifice]³ but the daughters of Israel do not lay on their hands.

R. Jose and R. Simeon say, Daughters of Israel lay on their hands of free choice.⁴ Rabina said: Even the argument of the Rabbis can be refuted thus: You may say so of the sounding of the Shofar,⁵ since in the Temple in a case of certainty it overrides the Sabbath,⁶ will you say likewise of the covering up of the blood which in no Circumstances [overrides the Sabbath]?

'R. Eleazar ha-Kappar Beribbi raised this objection against the argument [of R. Jose]. You may say so of circumcision since it is not allowed on the night of a festival.' Is it only on the night of a festival that it is not allowed but on other nights it is allowed?⁷

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— Render thus: You may say so of circumcision since it is not allowed by night as by day;⁸ will you say likewise of the covering up of the blood which is allowed by night as by day? R. Abba said: This is one of the instances about which R. Hiyya had said: ‘I have no objection to raise against it’, but R. Eleazar ha-Kappar Beribbi did find an objection.

MISHNAH. IF A PERSON SLAUGHTERED [A WILD ANIMAL OR A BIRD] AND IT WAS FOUND TO BE TREFAH. OR IF HE SLAUGHTERED IT UNTO IDOLS, OR IF HE SLAUGHTERED THAT WHICH WAS UNCONSECRATED INSIDE THE SANCTUARY OR THAT WHICH WAS CONSECRATED OUTSIDE, OR IF HE SLAUGHTERED A WILD ANIMAL OR A BIRD THAT WAS CONDEMNED TO BE STONED⁹ — R. MEIR SAYS THAT HE IS BOUND [TO COVER UP THE BLOOD]. BUT THE SAGES SAY THAT HE IS EXEMPT.¹⁰ IF HE SLAUGHTERED [A WILD ANIMAL OR A BIRD] AND IT BECAME NEBELAH UNDER HIS HAND OR IF HE STABBED⁸ T¹¹ OR TORE AWAY [THE ORGANS OF ITS THROAT], HE IS EXEMPT FROM COVERING UP [THE BLOOD].

GEMARA. R. Hiyya b. Abba said in the name of R. Johanan. Rabbi approved of R. Meir's view¹² in connection with the law of ‘It and its young’ and stated it in the Mishnah¹³ as the view of ‘the Sages’, and he approved of R. Simeon's view in connection with the law of covering up the blood and stated it in our Mishnah as the view of ‘the Sages’. What is the reason for R. Meir's view with regard to the law of ‘It and its young’? —

R. Joshua b. Levi answered: He derives it by an inference made from the term ‘slaughtering’, used both here¹⁴ and in connection with the slaughtering of consecrated animals outside [the Sanctuary];¹⁴ as in the latter case a

slaughtering which does not render [the animal] fit for food¹⁵ is deemed a slaughtering, so here [in connection with It and its young] a slaughtering which does not render [the animal] fit for food is deemed a slaughtering. And what is the reason for R. Simeon's view? —

R. Mani b. Pattish answered: He derives it by analogy from the verse: And slay the beasts and prepare the meat,¹⁶ as there the slaughtering rendered [the animals] fit for food,¹⁷ so here the slaughtering must render [the animal] fit for food. Why does not R. Meir infer it by analogy from ‘And slay the beasts’? — One may infer ‘slaughtering’ from ‘slaughtering’, but one may not infer ‘slaughtering’ from ‘slaying’. But what does this [variation] matter? Was it not taught in the school of R. Ishmael that in the verse: And the priest shall come again.¹⁸ And the priest shall come in,¹⁸ the expression ‘coming again’ and ‘coming in’ have the same import [for purposes of deduction]?¹⁹ — This [variation] is [of no consequence] only where there is no alternative analogy based on identical expressions, but where there is an alternative analogy based on identical expressions we must then make the inference from the identical expressions. And why does not R. Simeon infer it by analogy from the law of consecrated animals slaughtered outside the Sanctuary? — One may infer by analogy unconsecrated animals from unconsecrated animals, but not unconsecrated from consecrated. And [is this not an objection against] R. Meir? —

[No, for] does not the law of ‘It and its young’ apply also to consecrated animals? It was on account of this [reply] that R. Hiyya [b. Abba] said that Rabbi approved of R. Meir's view in connection with the law of ‘It and its young’ and stated it in the Mishnah as the view of ‘the Sages’. What is the reason for R. Meir's view with regard to the law of covering up the blood? —

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R. Simeon b. Lakish answered: He derives it by an inference made from the term 'pour out'²⁰ used both here and in connection with consecrated animals slaughtered outside the Sanctuary; as in the latter case a slaughtering which does not render [the animal] fit for food is deemed a slaughtering, so here [in connection with covering up the blood] a slaughtering which does not render fit for food is deemed a slaughtering. And [is not this against] R. Simeon? — [No, for] it is written: That may be eaten.²¹

And R. Meir?²² — It serves to exclude unclean birds [from the law of covering up the blood]. And R. Simeon?²² — Why is it that an unclean bird is excluded? Because it may not be eaten; then a trefah too may not be eaten.²³ It was on account of this [reply] that R. Hiyya [b. Abba] said that Rabbi approved of R. Simeon's view in connection with the law of covering up the blood and stated it in our Mishnah as the view of 'the Sages'.

R. Abba said,

- (1) I.e., a tumtum; he may nevertheless sound the Shofar on the Festival. V. supra p. 474, n. 3.
- (2) To whom the precept of sounding the Shofar does not apply at all.
- (3) V. Lev. I, 2, 4.
- (4) V. Hag. 16b. They may do so if they so desire, and it would not be deemed as 'doing work' with a consecrated beast. Likewise a woman may sound the Shofar on the New Year even though she is not obliged to do so.
- (5) That a person of doubtful sex may sound the Shofar on the Festival thus overriding the restrictions of the Festival.
- (6) V. supra p. 47, n. 2.
- (7) It is written (Lev. XII, 3), 'And in the eighth day', that is, during the day but not at night.
- (8) As the rite may not be performed at all times it is reasonable that a case of doubt shall not override a festival.
- (9) Either because it had killed a human being or because an unnatural crime had been committed upon it; cf. Lev. XX.15. 16.

(10) In each of these cases the slaughtering does not render the animal or bird fit and permitted to be eaten, hence it is no slaughtering (adopting R. Simeon's view), and the law of covering up the blood does not apply.

(11) At the throat.

(12) That a slaughtering which does not render fit for food is deemed a slaughtering.

(13) V. Mishnah supra 81b.

(14) V. Lev. XXII, 28: Ye shall not slaughter it and its young, and XVII, 3: That slaughtereth in the camp.

(15) For a consecrated beast slaughtered outside the Sanctuary may not be eaten.

(16) Gen. XLIII, 16.

(17) For the meat was eaten by Joseph and his brethren.

(18) Lev. XIV, 39 and 44. The reference is to the treatment of leprosy in a house.

(19) For the deductions inferred from these expressions v. Sifra on these verses and Rashi 'Erub. 51a s.v. גזב.

(20) V. Lev. XVII, 13: He shall pour out the blood thereof and cover it with dust; and also v. 4: He hath poured out blood, with reference to a consecrated animal slaughtered outside the Sanctuary.

(21) Ibid. v. 13. This implies that the law of covering up the blood applies only to those that may be eaten.

(22) How does he explain away the foregoing argument?

(23) And so it should be exempt from covering up the blood, a ruling which contradicts R. Meir.

Chullin 85b

Not for all things did R. Meir say that a slaughtering which does not render [the animal] fit for food is deemed a slaughtering. Indeed R. Meir would agree that such a slaughtering does not render [the animal] permitted to be eaten. Similarly, not for all things did R. Simeon say that a slaughtering which does not render [the animal] fit for food is no slaughtering. Indeed R. Simeon would agree that such a slaughtering renders [the animal] clean so that it be not nebelah.

The Master stated: 'Not for all things did R. Meir say that a slaughtering which does not render [the animal] fit for food is

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deemed a slaughtering. Indeed R. Meir would agree that such a slaughtering does not render [the animal] permitted to be eaten'. Is not this obvious? Would a trefah [animal] be permitted [to be eaten] by its slaughtering? —

It was only necessary to be stated concerning the case where one slaughtered a trefah animal and found in its womb a living nine months' foetus. Now I might have argued, since R. Meir maintains that a slaughtering which does not render [the animal] fit for food is deemed a slaughtering, that the slaughtering of its dam should serve for it too, and it should not require slaughtering; he therefore teaches us [that it is not so]. How could you have thought so? Does not R. Meir hold that a living animal extracted [out of its slaughtered dam's womb] requires slaughtering?¹ —

This² was necessary to be stated since Rabbi agrees with R. Meir [in one matter] and with the Rabbis [in another]. He agrees with R. Meir that a slaughtering which does not render [the animal] fit for food is deemed a slaughtering. And he agrees with the Rabbis that the slaughtering of its dam renders it permitted. Now since the Rabbis hold that the slaughtering of its dam renders it permitted, then [in this case, too, where the dam was a trefah I would say that] the slaughtering of the dam should serve for it too and it should not require slaughtering; he therefore teaches us [that it is not so]. 'Not for all things did R. Simeon say that a slaughtering which does not render [the animal] fit for food is no slaughtering. Indeed R. Simeon would agree that such a slaughtering renders the animal clean so that it be not nebelah'. Is not this obvious? For Rab Judah reported in the name of Rab, (others say. It was so taught in a Baraitha.) It is written: And if there dieth of the beasts, [he that toucheth the carcass thereof shall be unclean],⁴ that

is to say, some beasts convey uncleanness and some do not; and which are they [that do not convey uncleanness]? They are trefah animals which have been slaughtered!⁵ —

It was only necessary to be stated concerning the case where one slaughtered an unconsecrated animal which was a trefah in the Temple Court. For it was taught: If one slaughtered a trefah animal, or if one slaughtered an animal and it was found to be trefah, both being unconsecrated, in the Temple Court, R. Simeon permits to derive benefit therefrom,⁶ but the Sages forbid it.⁷ Now I might have argued, since R. Simeon holds that one is permitted to derive benefit therefrom, that there was no slaughtering at all, consequently it is not even rendered clean that it be not nebelah; he therefore teaches us [that it is not so].

R. Papa said to Abaye. Is R. Simeon of the opinion that unconsecrated [animals slaughtered] in the Temple Court are [forbidden] Biblically?⁸ — He replied: Yes, he is. For we have learnt:⁹ R. Simeon says: Unconsecrated [animals which were slaughtered] in the Temple Court must be burned by fire; so, too, a wild animal that was slaughtered in the Temple Court.¹⁰ Now, if you say that they are forbidden Biblically, we therefore forbid wild animals on account of cattle;¹¹ but if you say that they are forbidden Rabbinically, it is indeed difficult. For was not the reason for [the Rabbis forbidding cattle] that one might not fall into the error of eating consecrated food outside the Sanctuary? This in itself is a precautionary measure; shall we come and superimpose a precautionary measure upon a precautionary measure?¹²

The flax of R. Hiyya was infested with worms, and he came to Rabbi [for advice]. Rabbi said to him, 'Take a bird and slaughter it over the tub of water,¹³ so that

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the worms will smell the blood and depart'. But how was he permitted to do so?¹⁴ Surely it has been taught: If a man slaughtered, even though he requires the blood for use, he must nevertheless cover it up. What then should he do [so that he may use the blood]? He should either stab it or tear away the organs!¹⁵ —

When R. Dimi came [from Palestine] he reported that he [Rabbi] said to him [R. Hiyya], 'Go and make it trefah [and then slaughter it]'.

When Rabin came [from Palestine] he reported that he said to him, 'Go and stab it [at the throat]'. Why does not he who says that he told him 'Go and make it trefah', accept the other view that he told him 'Go and stab it'? If you say because he [Rabbi] is of the opinion that by Biblical law a bird does not require to be slaughtered, and therefore stabbing is all the slaughtering that is required,¹⁶ but [this cannot be, for] it has been taught: Rabbi says. The verse: And thou shalt slaughter... as I have commanded thee,¹⁷ teaches us that Moses was instructed concerning the gullet and the windpipe, that the greater part of one of these organs in the case of birds and of both organs in the case of cattle [is required]? —

(1) And if this is so where its dam was permitted to be eaten by the slaughtering, a fortiori where the dam was a trefah.

(2) Sc. the dictum of R. Abba.

(3) Sc. the animal which had been extracted alive out of the slaughtered dam's womb.

(4) Lev. XI, 39.

(5) V. supra 74a.

(6) Since the animal is trefah and the slaughtering thereof does not render it permitted to be eaten there was no 'slaughtering' in the Temple Court; hence one may derive a benefit from the carcass.

(7) Kid. 582.

(8) This appears to be R. Simeon's view from the foregoing argument. For if he were to hold that an unconsecrated animal slaughtered in the Sanctuary may be eaten according to Biblical

law, but was forbidden by Rabbinic enactment because of the apprehension that people, seeing one eat the flesh of such an animal outside the Sanctuary, might be misled in believing that one may eat consecrated meat outside the Sanctuary — then there is no valid reason to differentiate (v. supra) between the slaughtering that renders the animal fit for food and the one that does not (i.e., the slaughtering of a trefah animal), since even in the latter case there is the apprehension that people will believe that one may derive benefit from a consecrated beast that was unfit (i.e., blemished or trefah).

(9) Tem. 33b.

(10) Although it is clear to all that the wild animal slaughtered in the Sanctuary is unconsecrated for there can be no consecrated wild animals.

(11) A statement made in anticipation of the alternative view which follows, for strictly both kinds are forbidden by the same Biblical text.

(12) To forbid wild animals on account of cattle. Surely not. One must therefore conclude that the prohibition is Biblical.

(13) Wherein the flax was soaking.

(14) To slaughter a bird and not cover up its blood.

(15) v. supra 27b.

(16) Consequently the law of 'covering up' applies to stabbing.

(17) Deut. XII, 21.

Chullin 86a

This is a case of 'it goes without saying'. It goes without saying that [the advice]. 'Go and stab it' [is good] for in that case there is no slaughtering at all.¹ But against [the advice]. 'Go and make it trefah', one might argue and say that a slaughtering which does not render fit for food is nevertheless deemed a slaughtering, consequently its blood must be covered up; he therefore teaches us as R. Hiyya b. Abba [reported above].² And why does not he who says that Rabbi told him, 'Go and stab it', accept the other view that he told him, 'Go and make it trefah'? Should you say because he [Rabbi] is of the opinion that a slaughtering which does not render fit for food is deemed a slaughtering. [this cannot be, for] R. Hiyya b. Abba reported in the name of R. Johanan that Rabbi approved of R.

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Simeon's view in connection with the law of covering up the blood and therefore stated it in our Mishnah as the view of 'the Sages'³ —

This is a case of 'it goes without saying'. Thus, it goes without saying [that the advice] 'Go and make it trefah' [is good], for a slaughtering which does not render the animal fit for food is no slaughtering. But against [the advice] 'Go and stab it' one might argue and say that by Biblical law a bird does not require to be slaughtered, and stabbing is all the slaughtering that is required, consequently the blood must be covered up; he therefore teaches us [that this cannot be so because of the verse] 'As I have commanded thee'.⁴ How came it that his flax was infested with worms? Did not Rabin b. Abba (others say R. Abin b. Shabba) declare that from the time that the people of the Exiles came up [to Palestine]⁶ there ceased to be [in Palestine] shooting stars, earthquakes, storms and thunders, their wines never turned sour and their flax was never blighted; and the Rabbis set their eyes upon R. Hiyya and his sons?⁷ —

Their merits benefitted the whole world but not themselves. Even as Rab Judah said in the name of Rab: Every day a Heavenly Voice goes forth and proclaims, 'The whole world is provided with food only on account of my son Hanina,⁸ while my son Hanina is satisfied with one kab⁹ of carob fruit from one Sabbath eve to the other'.

MISHNAH. IF A DEAF-MUTE, AN IMBECILE OR A MINOR SLAUGHTERED WHILE OTHERS WATCHED THEM, ONE¹⁰ MUST COVER UP THE BLOOD; BUT IF THEY WERE ALONE. ONE NEED NOT COVER IT UP.¹¹ SIMILARLY WITH THE LAW OF 'IT AND ITS YOUNG': IF THESE SLAUGHTERED WHILE OTHERS WATCHED THEM, IT IS FORBIDDEN TO SLAUGHTER AFTER THEM [THE

YOUNG];¹² BUT IF THEY WERE ALONE. R. MEIR PERMITS TO SLAUGHTER AFTER THEM [THE YOUNG]. BUT THE RABBIS FORBID IT; THEY AGREE, HOWEVER. THAT IF A PERSON DID SLAUGHTER [AFTER THEM], HE HAS NOT INCURRED FORTY STRIPES.¹³

GEMARA. As to the Rabbis why is it that in the first clause they do not dissent and in the second clause they do?¹⁴ — Because in the first clause, if they were to say that the blood must be covered up, people might think that the slaughtering was a valid one and would even eat of what they slaughtered. Then in the second clause too, since the Rabbis say that it is forbidden to slaughter [the young] after them, people might think that the slaughtering was a valid one and would even eat of what they slaughtered! —

In the second clause people would say that he does not need any meat.¹⁵ Then in the first clause, too, people might say [that he is covering up the blood] only to keep his yard clean? — Could this be said if he slaughtered on a dunghill? or could this be said if he came to ask for a ruling?¹⁶ —

But according to your own argument, even in the case of the second clause, what would you say if he came to ask for a ruling?¹⁷ Rather we must say that the Rabbis differ with the whole teaching [of the Mishnah], but they merely waited until R. Meir had completely stated his case and then they expressed their dissent. Now as to the view of the Rabbis, it is clear that they apply [in a case of doubt] the stricter rule; but what is the reason for R. Meir's ruling? —

R. Jacob stated in the name of R. Johanan that, according to R. Meir, one would be culpable for [eating] nebelah [if one were to eat] of their slaughtering.¹⁸ Why is it? R. Ammi answered: Because in the majority of cases what they do is bungled. R. Papa said

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to R. Huna the son of R. Joshua (others say: R. Huna the son of R. Joshua said to R. Papa). Why in the majority of cases? The same would be the result if [this were so] only in a minority of cases, for since R. Meir takes into account the minority, by adding the minority to the presumption¹⁹ the majority is shaken? For we have learnt: If a child was found by the side of dough with a piece of dough in his hand, R. Meir declares it clean but the Rabbis declare it unclean, because it is a child's nature to meddle.²⁰ And we asked. What is R. Meir's reason? [And the answer was given,] He is of the opinion that most children meddle but a minority do not; now this dough is presumed to be clean,²¹

(1) And its blood most certainly does not require to be covered up.

(2) That Rabbi is of the opinion that a slaughtering which does not render the animal fit for food is no slaughtering.

(3) V. supra 85a.

(4) From which Rabbi derived the rule that birds require to be slaughtered; hence he holds that the obligation is Biblical.

(5) Babylon.

(6) The reference is not to the return under Ezra as is clear from the context.

(7) I.e., the cessation of these plagues was due to the merit of R. Hiyya and his sons; v. Suk. 20a. How then could it have happened to R. Hiyya himself that his flax was infested with worms?

(8) I.e., R. Hanina b. Dosa renowned for his piety and austere living, v. Ta'an. 24b and 25a.

(9) A measure of capacity, v. Glos.

(10) I.e., any one of those who watched them slaughter.

(11) For the slaughtering by these unfit persons is no slaughtering and therefore the blood need not be covered up.

(12) On the same day; or the dam if the young was slaughtered first.

(13) Since there is a doubt whether the slaughtering by the deaf-mute, etc. was a slaughtering or not.

(14) According to the Rabbis one ought to cover up the blood, even though these unfit persons were alone when they slaughtered, because of the doubt as to their slaughtering, just as they rule in the final clause.

(15) And that is why he abstains from slaughtering but not because he is forbidden so to do.

(16) For if Beth din were to rule that he must cover up the blood then clearly he would believe that the slaughtering of the deaf-mute, etc. was valid.

(17) Here too, if forbidden by Beth din to slaughter the young after them, he will certainly regard the slaughtering of the first animal valid.

(18) And one would suffer stripes on account of it, because it is not a matter of doubt but a certainty that their slaughtering is bad so that the animal is nebelah.

(19) V. supra 9a: a living animal is presumed to be forbidden until it is definitely ascertained that it has been validly slaughtered. Here, therefore, even if it were held that the majority of children do not bungle what they undertake to do, there is however a minority of some who do, and this, coupled with the presumed prohibition of the animal, would carry more weight than the majority, and their slaughtering would be invalid. The question therefore is: why was it necessary to hold that the majority of children bungle what they do?

(20) Toh. III, 8; Nid. 18b; Kid. 80a. According to Rashi the interpretation is this: it is quite certain that this child has touched the dough, for he holds some in his hand, and since it is the habit of most children to meddle and play about among refuse and unclean things, this child in all probability was unclean and so rendered the rest of the dough unclean. Tosaf. interpret thus: it is quite certain that this child was unclean for he is always being fondled by women and by menstruant women too, and since it is the habit of most children to meddle with dough, this child in all probability touched the dough and so rendered it unclean. The less probable view, by taking the minority into consideration, would be to say that this child did not himself touch the dough but a piece was given to him by some person.

(21) As long as we do not know for certain that it has been rendered unclean.

Chullin 86b

therefore by adding the minority to the presumption the majority is shaken! — If they said in a case of doubt concerning uncleanness that it is clean,¹ will they also say in a case of doubt concerning a prohibition that it is permitted?² Rabbi decided a case according to the view of R.

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Meir, and Rabbi also decided a case according to the view of the Rabbis. Now which was the later decision?³—

Come and hear [it from the following incident]. R. Abba the son of R. Hiyya b. Abba and R. Zera were standing in the open square in Caesarea at the entrance of the Beth-Hamidrash. R. Ammi came out and found them standing there and said, 'Have I not told you that during sessions at the House of Study you shall not stand outside? There may be someone within who is in difficulty about a matter and there might be a disturbance'.⁴ Thereupon R. Zera went in [to the House of Study] but R. Abba did not. Now inside they were sitting and considering the question. Which was the later decision? R. Zera said to them, '[What a pity] you did not let me ask that old man⁵ about this. He might have heard something about this from his father [R. Hiyya b. Abba] and his father from R. Johanan, for R. Hiyya b. Abba used to revise his study in the presence of R. Johanan every thirty days'. What has been decided about the matter?—

Come and hear it from the message which R. Eleazar had sent to the Exile,⁶ 'Rabbi decided in accordance with R. Meir'. Now had he not decided according to the Rabbis too? It must be, therefore, that this⁷ was the later decision. This proves it.

MISHNAH. IF A PERSON SLAUGHTERED A HUNDRED WILD ANIMALS IN ONE PLACE, ONE COVERING SUFFICES FOR ALL; IF [HE SLAUGHTERED] A HUNDRED BIRDS IN ONE PLACE, ONE COVERING SUFFICES FOR ALL; IF [HE SLAUGHTERED] A WILD ANIMAL AND A BIRD IN ONE PLACE, ONE COVERING SUFFICES FOR BOTH. R. JUDAH SAYS. IF HE SLAUGHTERED A WILD ANIMAL HE SHOULD COVER UP ITS BLOOD AND THEN SLAUGHTER THE BIRD [AND COVER IT UP ALSO].

GEMARA. Our Rabbis taught: [The expression] wild animals includes all wild animals, whether many or few; [the expression] birds includes all birds, whether many or few. Hence they said: If a person slaughtered a hundred wild animals in one place, one covering suffices for all; if [he slaughtered] a hundred birds in one place, one covering suffices for all, if [he slaughtered] a wild animal and a bird in one place one covering suffices for both. R. Judah says: If he slaughtered a wild animal he must [first] cover up its blood and then slaughter the bird, for it is written: Any wild animal or bird.⁹ They replied. But it also says. For as to the life of all flesh, the blood thereof is all one with the life thereof.¹⁰ What did they mean by this reply? This is what the Rabbis meant: Is not the particle 'or' required to show disjunction?¹¹ And R. Judah? — He derives the principle of disjunction from the expression the blood thereof.¹² And the Rabbis? — They say that the expression 'the blood thereof' means [the blood] of many,¹³ as it is written: For as to the life of all flesh, the blood thereof is all one with the life thereof.

R. Hanina said: R. Judah agrees that with regard to the Benediction he has only to say one Benediction.¹⁴ Rabina asked R. Aha the son of Raba (others say: R. Aha the son of Raba asked R. Ashi). In what way is this different from the incident concerning Rab's disciples? For R. Berona and R. Hananel, the disciples of Rab, were sitting at a meal and R. Yeba the elder was waiting on them. They said to him, 'Let us say the Grace [after meals]', and immediately after they said to him, 'Pass [the cup of wine] that we may drink'. Thereupon R. Yeba said to them, 'Thus said Rab: As soon as a man says "Let us say the Grace", it is forbidden to drink wine.'¹⁵ In this case, too, since he must first attend to the covering up

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of the blood he is bound to say another Benediction!¹⁶ —

- (1) Relying on the minority taken in conjunction with the presumption.
- (2) Where the doubt involves a prohibition R. Meir would not permit it by the argument of a minority in support of a presumption. In point of fact, however, there is here a majority principle that supports the presumption, since the majority of children bungle what they do.
- (3) His later decision would be the more reliable, since it may be assumed that he recognized his error after the first decision and now ruled differently.
- (4) But had you been inside you would have been able to clear up the matter.
- (5) Sc. R. Abba the son of R. Hiyya b. Abba.
- (6) Babylonia.
- (7) The ruling in accordance with R. Meir's view that it is permitted to slaughter an animal after that its dam or its young had been slaughtered by a deaf-mute or a minor.
- (8) Lev. XVII, 13.
- (9) Ibid. The particle 'or' indicates that the law of 'covering up' applies to each one separately even though both were slaughtered at one time.
- (10) Ibid. 24.
- (11) For without 'or' it might have been said that the law of 'covering up' does not apply unless a wild animal and a bird were slaughtered.
- (12) I.e., the blood of each must be covered up.
- (13) For in the context, 'the blood thereof' refers to the blood of all flesh.
- (14) I.e., the Benediction which is said over slaughtering. Although in this case the slaughtering has been interrupted by the covering of the blood he should not repeat the Benediction.
- (15) Without first saying a Benediction over it, for it is obvious that he has abandoned all thought of drinking more wine by his desire to say the Grace after meals.
- (16) For he has diverted his mind from the slaughtering and is occupied with covering the blood.

Chullin 87a

There is no comparison [between the two]. For there it is impossible to drink and say Grace simultaneously,¹ but here it is possible to slaughter with one hand and to cover up the blood with the other.²

MISHNAH. IF A PERSON SLAUGHTERED AND DID NOT COVER UP THE BLOOD. AND ANOTHER PERSON SAW IT, THE OTHER MUST COVER IT UP. IF HE COVERED IT UP AND IT BECAME UNCOVERED, HE NEED NOT COVER IT UP AGAIN. IF THE WIND COVERED IT UP,³ HE MUST COVER IT UP AGAIN.

GEMARA. Our Rabbis taught: [It is written,] He shall pour out... and cover it:⁴ that is, he who poured out the blood shall cover it up. If he slaughtered and did not cover it and another person saw it, whence do we know that the other person must cover it up? It therefore says: Therefore I said unto the children of Israel,⁵ this is a warning to all the children of Israel. Another [Baraitha] taught: He shall pour out... and cover it: that is, with that with which he poured it out he shall cover it.⁶ He must not cover it with his foot, so that precepts be not treated with contempt by him.

Another [Baraitha] taught: 'He shall pour out... and cover it': that is, he who poured it out shall cover it up. It once happened that a person slaughtered but another anticipated him and covered up the blood, and R. Gamaliel condemned the latter to pay ten gold coins.⁷

The question was raised: Was this the reward for [being deprived of the performance of] the commandment or for [being deprived of] the Benediction? But where would there be any practical difference [between these two views]? In the case of the Grace after meals.⁸ If you say that it was the reward for [being deprived of the performance of] the commandment, then here there is also but one [commandment]; but if you say that it was the reward for [being deprived of] the Benediction, then here the reward should be forty gold coins. What is the answer then? —

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Come and hear from the following incident. A certain min⁹ once said to Rabbi, 'He who formed the mountains did not create the wind, and he who created the wind did not form the mountains, for it is written: For, lo, He that formeth the mountains and createth the wind'.¹⁰ He replied. 'You fool, turn to the end of the verse: The Lord, [the God] of hosts, is His name'. Said the other: 'Give me three days' time and I will bring back an answer to you'. Rabbi spent those three days in fasting; thereafter, as he was about to partake of food he was told. 'There is a inn waiting at the door'. Rabbi exclaimed, 'Yea they put poison into my food.'¹¹ Said he [the min]. 'My Master, I bring you good tidings; your opponent could find no answer and so threw himself down from the roof and died'. He said: 'Would you dine with me?' He replied. 'Yes'. After they had eaten and drunk, he [Rabbi] said to him, 'Will you drink the cup of wine over which the Benedictions of the Grace [after meals] have been said, or would you rather have forty gold coins?' He replied: 'I would rather drink the cup of wine'. Thereupon there came forth a Heavenly Voice and said: The cup of wine over [which] the Benedictions [of Grace have been said] is worth forty gold coins. R. Isaac said: The family [of that min] is still to be found amongst the notables of Rome and is named 'The family of Bar Luianus.

IF HE COVERED IT UP AND IT BECAME UNCOVERED [HE NEED NOT COVER IT UP AGAIN]. R. Aha the son of Raba said to R. Ashi: In what way is this different from the obligation to return lost property? For the Master has said, 'Thou shalt return'¹² implies even a hundred times!¹³ — He replied. In that case there is no limiting qualification, but here there is written a limiting qualification, [namely]: And he shall cover it.¹⁴

IF THE WIND COVERED IT UP [HE MUST COVER IT UP AGAIN]. Rabbah b. Bar Hana said in the name of R. Johanan: This is the rule only if it had become uncovered, but if it had not become uncovered he need not cover it up. But what should it matter even if it had become uncovered? Has not the precept suffered a disability?¹⁵ — R. Papa answered: This proves that the law of disability does not apply to precepts.¹⁶ And why is it different from the following which was taught: If a person slaughtered and the blood was absorbed in the earth he must nevertheless cover it up?¹⁷ — In that case there were traces of it visible.¹⁸

MISHNAH. IF THE BLOOD BECAME MIXED WITH WATER AND IT STILL HAS THE COLOUR OF BLOOD, IT MUST BE COVERED UP. IF IT BECAME MIXED WITH WINE, [THE WINE] IS TO BE REGARDED AS THOUGH IT WAS WATER.¹⁹ IF IT BECAME MIXED WITH THE BLOOD OF CATTLE²⁰

- (1) Therefore the expressed desire to say the Grace intimates that the meal is definitely at an end, so that if anything more is brought to the table there must be made over it a special Benediction.
- (2) And he need not have diverted his mind from the slaughtering at all for both can be done simultaneously.
- (3) And it became uncovered. V. Gemara.
- (4) Lev. XVII, 13.
- (5) Ibid. 14.
- (6) I.e., with the hand.
- (7) For depriving the slaughterer of the reward that would have been his had he covered the blood.
- (8) Which consists of four Benedictions.
- (9) So MS.M. (v. Glos.). Cur. ed: a Sadducee.
- (10) Amos IV, 13.
- (11) Ps. LXIX, 22. Rabbi thought that it was that same min who had argued with him three days previously. Var. lec. add: 'At last it was found that it was not the same but another min'.
- (12) Deut. XXII, 1.
- (13) v. B.M. 31a.
- (14) 'It' implies once only.
- (15) By having been once discharged. For had it not become uncovered there would be no

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further obligation to cover it up, hence by the first covering up the precept has been fulfilled and so discharged.

(16) V. Suk. 33a.

(17) In other words, the blood was covered up by the earth as by the wind in our Mishnah, yet the Baraitha teaches that he must cover it up.

(18) But where the blood had entirely been absorbed in the ground and no traces were visible there is no obligation to cover it up.

(19) And if there was in the mixture that quantity of wine which, had it been water, would not have changed the appearance of the blood, it must then be covered up.

(20) Which does not require to be covered up.

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OR WITH THE BLOOD OF A WILD ANIMAL,¹ IT IS TO BE REGARDED AS THOUGH IT WAS WATER. R. JUDAH SAYS, BLOOD CANNOT NEUTRALIZE BLOOD.² THE BLOOD WHICH SPURTED OUT AND THAT WHICH IS UPON THE KNIFE MUST ALSO BE COVERED UP. R. JUDAH SAYS, WHEN IS THIS THE CASE? WHEN THERE IS NO OTHER BLOOD BUT THAT; BUT WHEN THERE IS OTHER BLOOD BESIDES THIS, IT NEED NOT BE COVERED UP.

GEMARA. We have learnt elsewhere:³ If the blood [of a sacrifice] became mixed with water and it still has the colour of blood, it is valid.⁴ If it became mixed with wine, it must be regarded as though it was water. If it became mixed with the blood of [unconsecrated] cattle or of a wild animal, it must be regarded as though it was water.

R. Judah says: Blood cannot neutralize blood. R. Hiyya said in the name of R. Johanan: This ruling⁵ applies only to the case where the water fell into the blood,⁶ but where the blood fell into the water each drop became neutralized [as it fell into the water].⁷ R. Papa said: But it is not so with regard to the law of 'covering up', for the law of disability does not apply to precepts.⁸

Rab Judah said in the name of Samuel: As long as it⁹ is of a reddish colour it makes

atonement,¹⁰ it renders susceptible to uncleanness,¹¹ and it must be covered up. What does he teach us? We have learnt it with regard to its validity for atonement and we have also learnt it with regard to the obligation of covering up! — The statement that it renders susceptible to uncleanness, was necessary. But even that statement [is unnecessary], for if it is blood it renders susceptible to uncleanness, and if it is water it renders susceptible to uncleanness! — It was only necessary to be stated for the case where it [the blood] was mixed with rain water.¹² But even in the case of rain water since it was collected [in a vessel] and poured [into the blood] it was surely intended for the purpose! — It was necessary only in the case where they were mixed without human effort.¹³

R. Assi of Neharbel¹⁴ says. It refers to the thin blood.¹⁵ R. Jeremiah of Difti said: He¹⁶ incurs the penalty of Kareth, but only if there was an olive's bulk.¹⁷ In a Baraitha it was taught: It¹⁸ renders unclean [men and vessels that are] in the tent, but only if there was a quarter [log].¹⁹ We have learnt elsewhere:²⁰ All liquids²¹ that issue from a corpse are clean excepting blood. As long as it¹⁸ has a reddish colour it will render unclean [men and vessels that are] in the tent. [Do you say then that] the liquids that issue from a corpse are clean? But I can point out a contradiction, for we have learnt:²² The liquids that issue from a tebul yom²³ are like the liquids which he touches:

(1) Either the blood of a wild animal which had been obtained by the opening of a vein (Rashi) or the blood of a forbidden wild animal (Maim.).

(2) Even if there was only the minutest quantity of the blood of a wild animal mixed with the blood of cattle, the former is not neutralized nor loses its identity in the mixture, but the whole mixture must be covered up; for R. Judah is of the opinion that in a mixture of like kinds one element can never neutralize the other, no matter in what proportion they are to each other.

(3) Zeb. 87b.

(4) For sprinkling upon the altar.

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(5) That in a mixture of blood and water, if the appearance of the whole is like blood it is valid.

(6) For then each drop of water as it falls into the blood becomes neutralized and is lost; and only when so much water falls into the blood so that the whole mixture assumes the appearance of water is it rendered invalid.

(7) And even if there fell into the water so large a quantity of blood as to give to the whole the appearance of blood, it is unfit for its purpose; for as each drop fell into the water it became neutralized and immediately lost its validity for the purposes of ritual sprinkling, and it cannot regain it even though the whole mixture has the colour of blood.

(8) The obligation of 'covering up' was only suspended but not discharged, consequently if the whole has the appearance of blood the obligation attaches to it.

(9) Blood which was mixed with water.

(10) When sprinkled upon the altar,

(11) I.e., if it fell upon foodstuffs; cf. Lev. XI, 38.

(12) Lit., 'the tamad (the mixture of water and lees) was made with rain water', a phrase from the argument in B.B. 97a.

Rain water cannot render foodstuffs susceptible to uncleanness except where it was intended for some purpose or use, a reservation which does not apply to blood.

(13) Sc. the blood and the rain water. In this case, therefore, as the rain water by itself cannot render susceptible to uncleanness, only if the mixture has the colour of blood will it render susceptible to uncleanness.

(14) Nehar Bil, east of Bagdad.

(15) צללהת When blood congeals there settles at the base a clear watery liquid. This liquid will only render susceptible to uncleanness if it has the colour of blood.

(16) Who eats of this thin blood.

(17) Of normal blood in addition to this clear blood. So Rashi and Tosaf. The statement however is strangely expressed for the net result is that for drinking this thin watery blood by itself one does not incur the penalty of Kareth. V. Torath Hayyim a.l.; also Responsa of Hatham Sofer, Yoreh Deah 70.

(18) Sc. this thin watery blood if it issued from a corpse.

(19) Cf. n. 4.

(20) This is no Mishnah although it is introduced by the usual Mishnaic expression in. It is found in Tosef. Ohol. IV, and Tosaf. Maksh. III.

(21) E.g., tears and the milk from a woman's breast.

(22) T.Y. II, 1.

(23) A person who has immersed himself in a mikweh in the daytime but technically does not become clean until after sunset. He is regarded as unclean in the second degree.

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neither the one nor the other conveys uncleanness. As for all others that are unclean, whether they suffer light or grave uncleanness, the liquids that issue from them are like the liquids they touch: both are unclean in the first degree, excepting the liquid which is a primary source of uncleanness.¹ Now what is meant by 'light or grave uncleanness'? Presumably 'light uncleanness' means that of a [dead] reptile² or of a man that has a flux, and 'grave uncleanness' that of a corpse!³ — No; 'light uncleanness' is that of a reptile, and 'grave uncleanness' is that of a man that has a flux.⁴ And why is it that [the liquids⁵ that issue from] a man that has a flux the Rabbis decreed [to be unclean] but [the liquids that issue from] a corpse the Rabbis did not decree [to be unclean]? — [The liquids that issue from] a man that has a flux, since people do not keep away from him,⁶ the Rabbis decreed [to be unclean], but [the liquids that issue from] a corpse, since people keep away from it, the Rabbis did not decree [to be unclean].

THE BLOOD THAT SPURTED OUT AND THAT WHICH IS UPON THE KNIFE, etc. Our Rabbis taught: The expression. And he shall cover it,⁷ teaches that the blood which spurted out and that which is upon the knife must be covered up. R. Judah said: When is this the case? When there is no other blood but that, but when there is other blood besides this, it need not be covered up. Another Baraitha taught: The expression. 'And he shall cover it', teaches that the whole of the blood must be covered up; hence, they said, the blood which spurted out and that which remains about the sides [of the throat] must also be covered up. R. Simeon b. Gamaliel said:

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This is so only if he did not cover up the life blood, but if he covered up the life blood, this need not be covered. Wherein do they differ? — The Rabbis maintain that ‘the blood thereof’⁷ means the whole of its blood; R. Judah maintains that ‘the blood thereof’ implies even part of its blood; and R. Simeon b. Gamaliel maintains that ‘the blood thereof’ means the vitals blood.

MISHNAH. WITH WHAT MAY ONE COVER UP [THE BLOOD] AND WITH WHAT MAY ONE NOT COVER IT UP? ONE MAY COVER IT UP WITH FINE DUNG, WITH FINE SAND, WITH LIME, WITH A POTSDHERD OR A BRICK OR AN EARTHENWARE STOPPER [OF A CASK] THAT HAVE BEEN GROUND INTO POWDER. BUT ONE MAY NOT COVER IT UP WITH COARSE DUNG OR COARSE SAND, NOR WITH A BRICK OR AN EARTHENWARE STOPPER [OF A CASK] THAT HAVE NOT BEEN GROUND INTO POWDER; NOR MAY ONE TURN A VESSEL OVER IT.⁹ R. SIMEON B. GAMALIEL LAID DOWN THE RULE: ONE MAY COVER IT WITH ANYTHING IN WHICH PLANTS WOULD GROW; BUT ONE MAY NOT COVER IT WITH ANYTHING IN WHICH PLANTS WOULD NOT GROW.

GEMARA. What is meant by FINE SAND? — Rabbah b. Bar Hanah said in the name of R. Johanan. Such as the potter does not need to crush. Some there are who apply this statement to the second clause, viz., BUT ONE MAY NOT COVER IT UP WITH COARSE DUNG OR COARSE SAND. What is meant by COARSE SAND? — Rabbah b. Bar Hanah said in the name of R. Johanan. Such as the potter needs to crush. What is the difference between these two versions? — Where it is not absolutely necessary [to crush it],¹⁰ as it crumbles [with the hand]. Our Rabbis taught: ‘And he shall cover it’. I would have thought that he may cover it with stones or turn a vessel over it, the verse therefore adds ‘with dust’. Then I only know dust, whence would I

know to include fine dung, fine sand, crushed stones, crushed potsherds, fine scraps of flax,

- (1) E.g. the semen of all men as well as the spittle, urine, and the discharge of a man that has a running issue.
- (2) E.g., the urine found in a dead reptile.
- (3) A corpse is regarded as the gravest form of uncleanness because it is the generator of a primary source of uncleanness, אבי אבות הטומאה — ‘the father of a primary source of uncleanness’. Now this Mishnah teaches that the liquid that issues from a corpse is unclean and conveys uncleanness, thus contrary to the previous teaching.
- (4) But the liquids (excepting blood) that issue from a corpse are clean.
- (5) I.e. those that are not primary sources of uncleanness e.g., tears, blood from a wound, woman's milk.
- (6) For he is a living person and people may not know that he is suffering from a discharge.
- (7) Lev. XVII, 13.
- (8) Lit., ‘special’, ‘distinct’.
- (9) In the Mishnah ed. Lowe there is added here: Nor cover it with stones.
- (10) Lit., ‘it needs and does not need (to be crushed)’. According to the first version since it does not require to be crushed because it crumbles with the hand, it may be used for covering; according to the second version since it must be crushed even if only with the hand it may not be used for covering.

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fine sawdust, lime, or a potsherd or a brick or an earthenware stopper [of a cask] that have been ground into powder? The text therefore says: ‘And he shall cover it’. Then I might also include even coarse dung, coarse sand, crushed metal vessels,¹ or a brick or stopper that have not been ground into powder, or flour, bran or coarse bran. The text therefore says, ‘with dust’. And why do you prefer to include the one and exclude the other? Since the verse includes some and excludes others, I include those that are a kind of dust² and exclude those that are not a kind of dust. Perhaps I should argue thus, ‘And he shall cover it’ is a general proposition, ‘dust’ is a specified

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particular, we thus have a general proposition followed by a specified particular, in which case the scope of the proposition is limited by the particular specified, that is, dust only but nothing else! — R. Mari replied. Here it is a general proposition complemented by a specified particular,³ and a general proposition complemented by a specified particular is not to be interpreted by the same rule as a general proposition followed by a specified particular.

R. Nahman son of R. Hisda expounded. One may only cover up [the blood] with that which if sown would produce growth.⁴ Raba remarked: This is an absurdity! Said R. Nahman b. Isaac to Raba: Wherein lies its absurdity? I told it him, and I derived it from the following Baraitha: If a person was travelling through a desert and can find no dust wherewith to cover up [the blood], he may grind a golden denar to powder and cover it up therewith.⁵ If a person was travelling on a ship and has no dust wherewith to cover up [the blood], he may burn his garment and cover up with the ashes thereof. Now this is clear concerning the burning of a garment and covering up therewith, for we find that ashes are referred to as dust;⁶ but whence do we know this of a golden denar? — R. Zera answered: It is written: It hath dust of gold.⁷

Our Rabbis taught: One may cover up [the blood] only with dust: so Beth Shammai. But Beth Hillel say. We find ashes referred to as dust, for it is written: And for the unclean they shall take of the dust of the burning [of the purification from sin].⁸ Beth Shammai, however, say. It [sc., ashes] might be referred to as 'the dust of the burning' but it is never referred to as 'dust' simply. A Tanna taught: To these they added coal dust,⁹ stibium, stone dust.¹⁰ Some add, even orpiment.

Raba said: As a reward for our father Abraham having said: I am but dust and ashes,¹¹ his descendants were worthy to receive two commandments: the ashes of the [Red] Cow, and the dust [used in the ceremony] of a woman suspected of adultery.¹² Why does he not reckon also the dust used for the covering up of the blood? — Because that is only the perfection of the commandment but it is of no advantage [to the performer].¹³

Raba also said: As a reward for our father Abraham having said,

(1) For these can in no wise be included within the term 'dust'.

(2) For in all the former examples plants can grow, accordingly they are included in the term dust.

(3) Lit., , 'which needs the specified particular'. The general proposition of the verse is in itself insufficient, for it would even include a covering such as the turning of a vessel over the blood. Hence the specification was required to complement and thereby elucidate the implication of the general proposition by indicating that only such dust was intended for covering as mixes with blood and absorbs it. For another instance of the application of this principle of exegesis v. Bek. 19a.

(4) This would exclude hard and dry earth which cannot produce any growth.

(5) The fact that he must resort to such an expedient proves that the hard stony ground of the desert may not be used for covering.

(6) Cf. Num. XIX, 17. The two Heb. terms אפר 'ashes' and עפר dust' are similar in sound and might very well be interchanged as in the verse referred to.

(7) Job. XXVIII, 6.

(8) V. p. 495, n. 5.

(9) I.e., slag; or perhaps soot.

(10) Lit., 'the scraps from chiselling'.

(11) Gen. XVIII, 27.

(12) Cf. Num. V, 17.

(13) For the slaughtered animal is permitted even though the blood had not been covered up. In each of the other commandments there is a blessing and benefit bestowed: the dust used in the ceremony of a woman suspected of adultery serves to remove all suspicion and to restore peace and confidence between husband and wife, and the ashes of the Red Cow serve to cleanse the unclean (cf. Num. XIX).

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I will not take a thread or a shoe-strap,¹ his descendants were worthy to receive two commandments: the thread of blue,² and the strap of the tefillin.³ Now as for the strap of the tefillin, [the blessing bestowed on its account] is clear, for it is written: And all the peoples of the earth shall see that the name of the Lord is called upon thee; and they shall be afraid of thee,⁴ and it has been taught: R. Eliezer the Great says: This refers to the tefillin worn upon the head.⁵ But what [is the blessing bestowed on account] of the thread of blue?—

It has been taught:⁶ R. Meir says. Why is blue singled out from all the varieties of colours? Because blue resembles the colour of the sea, and the sea resembles the colour of the sky, and the sky resembles the colour of a sapphire, and a sapphire resembles the colour of the Throne of Glory, as it is said: And they saw the God of Israel and there was under His feet as it were a paved work of sapphire stone;⁷ and it is also written: The likeness of a throne as the appearance of a sapphire stone.⁸

R. Abba said: Grave indeed is theft that has been consumed, for even the perfect righteous cannot make amends for it, as it is said: Save only that which the young men have eaten.⁹

R. Johanan said in the name of R. Eleazar son of R. Simeon. Wherever you find the words of R. Eleazar the son of R. Jose the Galilean in an Aggadah make your ear like a funnel.¹⁰ [For he said: It is written,] It was not because you were greater than any people that the Lord set His love upon you and chose you.¹¹ The Holy One, blessed be He, said to Israel, I love you because even when I bestow greatness upon you, you humble yourselves before me. I bestowed

greatness upon Abraham, yet he said to Me, I am but dust and ashes;¹² Upon Moses and Aaron, yet they said: And we are nothing;¹³ upon David, yet he said: But I am a worm and no man.¹⁴ But with the heathens it is not so. I bestowed greatness upon Nimrod, and he said: Come, let us build us a city;¹⁵ upon Pharaoh, and he said: Who is the Lord?¹⁶ Upon Sennacherib, and he said: Who are they among all the gods of the countries?¹⁷ upon Nebuchadnezzar, and he said: I will ascend above the heights of the clouds;¹⁸ upon Hiram king of Tyre, and he said: I sit in the seat of God, in the heart of the seas.¹⁹

Raba, others say R. Johanan, said: More significant is that which is said of Moses and Aaron than that which is said of Abraham. Of Abraham it is said: I am but dust and ashes, whereas of Moses and Aaron it is said: And we are nothing.²⁰ Raba, others say R. Johanan, also said: The world exists only on account of [the merit of] Moses and Aaron; for it is written here: And we are nothing, and it is written there [of the world]: He hangeth the earth upon nothing.²¹

R. Ila'a said: The world exists only on account of [the merit of] him who restrains himself in strife, for it is written: He hangeth the earth upon belimah.²² R. Abbahu said: On account of [the merit of] him who abases himself,²³ for it is written: And underneath are the everlasting arms.²⁴ R. Isaac said: What is the meaning of the verse: Indeed in silence speak righteousness; judge uprightly the sons of men?²⁵ What should be a man's pursuit²⁶ in this world? He should be silent. Perhaps he should be so with regard to the words of the Torah? It says therefore, 'Speak righteousness'. Perhaps then he is to become arrogant? It says therefore, 'Judge uprightly²⁷ the sons of men. R. Ze'ira, others say Rabbah b. Jeremiah, said: One may cover up [the blood] with the dust²⁸ of

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a 'condemned city'.²⁹ Why is this? Is it not forbidden for all uses?³⁰ — Ze'iri answered: It can only refer to the earth³¹ of its soil; for the verse. And thou shalt gather all the spoil of it into the midst of the broad place thereof and shalt burn with fire,³² applies only to that which requires to be gathered and burned; but that which requires to be dug up and then gathered and burned is excluded.³³

Raba said: The [performance of] precepts is not accounted as a personal benefit.³⁴ Rabina was sitting and reciting the above statement [of Raba]; whereupon R. Rehumi raised this objection against Rabina. [It was taught:]³⁵ A man may not blow [on the New Year] a shofar which has been used for idolatrous purposes. Now presumably if he did blow it he will not have fulfilled his obligation! — No. If he did blow it he has fulfilled his obligation. A man may not take [on the Festival] a lulab³⁶ which has been used for idolatrous purposes. Presumably if he did take it he will not have fulfilled his obligation! — No. If he did take it he has fulfilled his obligation. But it has been taught: If he sounded it he has not fulfilled his obligation; if he took it he has not fulfilled his obligation! —

R. Ashi answered: There is no comparison at all. There³⁷

- (1) Gen. XIV, 23.
- (2) On the fringes of the garments; cf. Num. XV, 38.
- (3) Commonly translated phylacteries, v. Glos.
- (4) Deut. XXVIII, 20.
- (5) Men. 35b. Hence the tefillin inspire awe upon all people.
- (6) Men. 43b.
- (7) Ex. XXIV, 10.
- (8) Ezek. I, 26. And whenever God sits upon His Throne of Glory He immediately thinks of the blue thread of the fringes worn by Israel, and bestows upon them blessings.
- (9) Gen. XIV, 24. Abraham could not restore or make good that which had been wrongfully eaten by the young men.

- (10) To receive the teaching; like the funnel or hopper at the top of the mill to receive the grain.
- (11) Deut. VII, 7.
- (12) Gen. XVIII, 27.
- (13) Ex. XVI, 8. So according to Rabbinic interpretation. E.V. 'and what are we'.
- (14) Ps. XXII, 7.
- (15) Gen. XI, 4.
- (16) Ex. V, 2.
- (17) II Kings XVIII, 35.
- (18) Isa. XIV, 14.
- (19) Ezek. XXVIII, 2.
- (20) Their humility was greater than that of Abraham.
- (21) Job XXVI, 7; Heb. בלימה; interpreted as two words: בלי 'without' מה 'anything'. The world exists because of those who regard themselves as nothing, like Moses and Aaron who said of themselves, ונחנו מה. And we are nothing.
- (22) 'Restraint'. בלימה is connected with the root בלם, 'to close up, to restrain'.
- (23) Makes himself as if he were non-existent.
- (24) Deut. XXXIII, 27. Those who are underneath (the humble and the lowly) are the arms (support) of the world.
- (25) Ps, LVIII, 2.
- (26) האמת 'indeed', is homiletically associated with אומנות 'occupation, pursuit'.
- (27) מישור 'uprightly' is associated with מישור 'evenness', i.e., not exalted nor haughty.
- (28) It is assumed that the ashes of this city which had (according to the Law) been destroyed by fire is meant.
- (29) A city whose citizens were enticed to serve idols. V. Deut. XIII, 23ff.
- (30) For it is written: And there shall cleave nought of the devoted thing to thine hand, *ibid.* 18.
- (31) Lit., 'to the dust of its dust'. But not to the ashes of the holocaust.
- (32) Deut. XIII, 17.
- (33) And is permitted for use.
- (34) Hence the use of a forbidden thing for the purpose of the fulfilment of a precept cannot be deemed an enjoyment or use of that thing. Accordingly one may cover up the blood with the ashes of a condemned city.
- (35) R.H. 28a.
- (36) The palm branch which together with the citron, myrtle branches and willow branches had to be 'taken' on the First of Tabernacles. Cf. Lev. XXIII, 40.
- (37) In the case of the lulab and the shofar, if they are not as large as the minimum size fixed, the former four handbreadths and the latter, a little more than a handgrasp, they are invalid.